

High Peak Borough Council -
Development Control
MARKET PLACE, GLOSSOP, SK13 8AF

Reference: PA-0006125/01
Customer reference: HPK/2026/0228
18 August 2026

Full Planning Permission for the repurposing of part of the existing Spring Gardens Shopping Centre, including partial demolition, and new development to create a series of development blocks to deliver residential units (Use Class C3) and commercial floorspace (to include flexibility for Use Classes E -commercial, F1 - learning and non-residential institutions, and Sui Generis - drinking establishments, cinema), new public realm and landscaping to include public squares and residential courtyards, new car parking and associated works.

Spring Gardens Centre, 33 Station Road, Buxton, SK17 6DF

Dear Planning Officer,

Thank you for contacting us.

This is our response to your consultation HPK/2026/0228.

The applicant approached the Environment Agency for pre-application advice in 2025. We provided written advice and feedback and attended a lengthy meeting with the applicant on 7th October. During this meeting and in our written feedback we have clearly outlined the in principle design issues the scheme has, these will be articulated in detail below. We highlighted in the 7th October meeting that if submitted for planning permission the scheme in it's present form would receive an in principle objection from the Environment Agency. Since providing this feedback to the applicant, to the point of submission in June 2026, the Environment Agency has received no further correspondence from the applicant. The submitted scheme is substantially unchanged from that which was shared with us in October 2025.

In making this response we have reviewed the documents submitted in support of this planning application. This response will cover all the areas relevant to the Environment Agency's remit, starting with the most relevant matter – the culverted River Wye which runs through the site.

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Environment Agency Position - Culverting

The development boundary encompasses a large section of the river Wye. Large sections of the river are presently culverted beneath the shopping centre.

The Environment Agency is opposed to culverting of any watercourse because of the adverse ecological, flood risk, geomorphological, human safety and aesthetic impacts. Detrimental effects of culverting watercourses can include:

- increased likelihood of flooding due to their limited capacity and propensity for blockage, both of which can result in obstructions to flow, and loss of floodwater storage,
- exacerbating the nature of flooding by increasing flow velocities and speed of onset,
- loss of and adverse effects on morphology, fisheries and wildlife habitat including substrate,
- if present, adverse effects on protected species,
- the creation of barriers to fish passage through increased water velocities, behavioural deterrent, shallow depths, darkness, oxygen depletion and eroded culvert entrances,
- increased geomorphological risk including changes to channel stability, river bank and bed erosion and increased deposition around the culverted sections,
- greater difficulties in providing for drainage connections,
- increased liabilities and costs due to the need to maintain, repair and replace culverts or to manage upstream and downstream risks,
- increased health and safety hazards, notably for workers clearing blockages and for children in urban areas,
- locally reduced groundwater recharge,
- increased difficulty in detecting the origins of pollution and in monitoring water quality,
- reduced resilience for communities and wildlife to the effects of extreme weather events, climate change and acute pollution

Watercourses are important linear features of the landscape and should be maintained as continuous corridors to maximise their benefits to society. De-culverting benefits include:

- providing habitat for wildlife and improving its connectivity,
- providing additional flood storage capacity and slowing flows,
- ameliorating the urban heat island effect,
- providing areas for recreational use,
- improving amenity, health and educational opportunities,
- increasing property prices and their desirability,

- reducing maintenance costs and improving safety.

We are glad to see that plans include the de-culverting of a section of the Wye and incorporating the river into a new public square. We strongly encourage this approach. However, given the extent of culverting already present within the proposal boundary the proposed de-culverting plans should be expanded.

The river Wye intersecting the site should be viewed as an opportunity rather than a constraint in the redevelopment of this site. It is a “hidden asset”. There are extensive social, economic and environmental benefits which could be recovered if the river is a priority within the plans for the whole site. The destination created would be likely to increase dwell time in the town centre contributing to the goals of revitalising Buxton. De-culverting of the river Wye within the site should be pursued in every section where it is possible.

A building atop the river Wye at the end of Wye Street and backing onto the high street has been excluded from the red-line boundary. It is unclear to us why this building has been excluded from the development boundary. We recommend the owner of this land is contacted to explore the possibility of incorporating de-culverting to this stretch of the Wye, or at least to ensure current proposals on this land are futureproofed to enable, not restrict, future river restoration.

The proposals as currently presented are not acceptable and would draw objection from the Environment Agency if submitted as a planning application. The following sections detail areas that do not appear to have been thoroughly considered in relation to the current proposals.

National Planning Policy

The recently updated National Planning Policy Framework states in “Section F8: Sustainable drainage systems and watercourses” part 3:

“Development proposals should not enclose existing watercourses where this is not already the case, unless there are compelling reasons to do so; and should where possible remove existing culverts and renaturalise existing river channels, unless to do so would increase flood risk, result in other environmental harm or cause harm to heritage assets.”

This recently adopted national policy is anti-culverting, and promotes removing existing culverts wherever possible.

Local Planning Policy

The [High Peak Borough Council Level 1 Strategic Flood Risk Assessment](#) (SFRA) states the following:

8.1.6 “... Where possible, developers should identify and work with partners to explore all avenues for improving the wider river corridor environment. Developers

should open up existing culverts and should not construct new culverts on site except for short lengths to allow essential infrastructure crossings.”

10.1.4 “... A presumption against culverting of open watercourses except where essential to allow highways and/or other infrastructure to cross, in line with CIRIA’s Culvert design and operation guide (C689) and to restrict development over culverts.”

The High Peak Local Plan (Adopted April 2016) contains clear guidance on how to approach culverts with proposals. “Flood Risk Management” section 5.97 states the following (underlining added for emphasis):

“5.97 Where possible, watercourses should not be culverted, as this can impede water flows and worsen flooding. Culverting also impacts on the ecological health of the watercourse. The Water Framework Directive (WFD) commits all EU member states to achieve “good ecological and chemical status” for all waters in the EU by 2015. The WFD also requires that there is no deterioration in the current status of any waterbodies in the EU. Proposals for culverting a watercourse may trigger a WFD assessment. Crossings of water courses should be made where possible by a bank top to bank top bridge system in preference to culverts.”

Physical modification, which includes culverting, is the top pressure affecting England’s water environment preventing the achievement of Water Framework Directive objectives.

Policy EQ 11 states the following:

“Development proposals should consider opportunities to contribute towards the objectives of the relevant Catchment Flood Management Plan. Wherever possible, development should promote the reduction of flood risk by seeking to reinstate the natural floodplain, the de-culverting of watercourses and the limiting of surface water runoff to Greenfield rates via the use of sustainable drainage techniques.

Where a watercourse is present on a development site, it should be retained or restored into a natural state and enhanced where possible. The culverting of any watercourse will not normally be permitted, and development should wherever possible remove any existing culverts and increase on-site flood storage. Development should be laid out to enable maintenance of the watercourse.”

Local planning policy is anti-culverting, and like the recently updated NPPF it clearly promotes removing existing culverts wherever possible. The extent of existing culverted river within the site presents an enormous opportunity to de-culvert, and re-naturalise large sections of the river in line with the aspirations of local and national planning policy. It is our view therefore, that the proposals as they stand do not accord with national or local planning policy.

Flood Risk Activity Permit (FRAP)

The proposed activities within 8 metres of the banks of the river Wye (including the culverted sections) would require FRAP(s) in accordance with The Environmental Permitting (England and Wales) Regulations 2016, from the Environment Agency. FRAPs are required in addition to planning permission. The Environment Agency's approach and comments are consistent across both regimes – where developments are not likely to be granted a FRAP we will not support the planning proposals, and vice versa.

We are unlikely to support planning applications for proposals to build over existing main river culverts because of health and safety considerations, increased maintenance costs and complexities, and because future options to restore the watercourse are practically precluded.

As such we object to all the proposed new buildings and structures over the river Wye. A FRAP for such works is very unlikely to be forthcoming. We would require an unobstructed 8m easement off the River Wye, measured from either the top of bank or the toe of the defence in order to protect access to the watercourse, an approach supported by the High Peak SFRA (2024):

10.1.4 – "...There should be no built development within 8m from the top of a watercourse or main river for the preservation of the watercourse corridor, wildlife habitat, flood flow conveyance and future watercourse maintenance or improvement."

Environment Agency pre-app advice on FRAPs is available, in addition to this planning advice. Our FRAP pre-app is not charged for, we highly recommend you seek our advice in relation to FRAPs, use the following email address:

EastMids_FRAP@environment-agency.gov.uk

Risks of culverts – Hogshaw Brook, Buxton

Retaining culverts carries risks that could be avoided by de-culverting. The Hogshaw Brook is another EA maintained main river in Buxton. Sections of this watercourse flow through aging culverts. A recent section 19 report details property flooding on lightwood road in 2019, insufficient conveyance capacity led to flood waters leaving the river channel, entering the highway and people's property. The report details that similar flooding in the same location has recurred in 1975 and 1998. Page 38 of the High Peak SFRA (2024) corroborates these events.

In addition to the impacts to property, during the 2019 flooding the culvert wall was scoured by the flood flows and required emergency repair works to prevent it failing. Carrying out works on culverted watercourses is inherently more complicated than on accessible open watercourses, added to that there were numerous riparian owners, most of whom were unaware of their obligations to maintain the culvert. In the end repair works were carried out and jointly funded by the EA and Derbyshire

County Council, as it was not deemed reasonable or feasible for the riparian owners to undertake these urgent works themselves.

The Hogshaw brook culverts contributed to the flooding of property, were critically damaged by flooding, and required emergency intervention from authorities without which would have left people and property vulnerable to further flooding. We share this to illustrate the common challenges that culverting presents, in a location nearby and relevant to the redevelopment site.

Should the proposed scheme gain planning permission the applicant would be required to accept sole ownership and responsibility for the future maintenance and public safety liability of all the remaining culverted sections within the red-line boundary.

Biodiversity Net Gain (BNG)

This planning submission is subject to the mandatory requirements of BNG. BNG would apply to the whole length of the watercourse within the site, including the culverted sections and associated riparian zone – 10m from the top of the bank. A 10% gain in Watercourse units will need to be provided distinctly from the area-based and linear categories.

De-culverting more extensively provides the opportunity to generate very significant net gain in the watercourse element of BNG. While bringing benefits to biodiversity extensive de-culverting could provide a significant surplus of watercourse units. These could be utilised in the support of other planning applications or sold on the market to offset the costs of the development.

Culverting Conclusions

Upstream and downstream, the heritage constraints of the crescent and A53 respectively create significant challenges to opening up the river Wye. The scale and location of this redevelopment provides a unique opportunity to de-culvert the river Wye and unlock the benefits of this hidden asset for Buxton.

We welcome the inclusion of some de-culverting in your plans. De-culverting measures within the site should be expanded as widely as is feasible for the site. Such measures would allow the development to accord with the aspirations and requirements of national and local planning policy, would enable flood risk regulations to be satisfied, avoid the likely impacts of aging culverts experienced elsewhere in the town, provide opportunity to offset project costs through BNG, all while avoiding the detrimental effects of culverting and making the most of the benefits. It is our view that placing the river at the heart of the development would create extensive social, economic and environmental benefits, and should be fully considered.

As such, we **object** to these proposals, as submitted. as it involves building over/works within 8 metres of the river Wye. 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.

This position is supported by the High Peak SFRA (2024):

10.1.4 – "...There should be no built development within 8m from the top of a watercourse or main river for the preservation of the watercourse corridor, wildlife habitat, flood flow conveyance and future watercourse maintenance or improvement."

Environment Agency Position – Flood Risk

The principal flood risk concern with this development is the approach taken to the culverted watercourse, discussed above. There are other flood risk matters which should also be considered:

Newly developed or newly built developments should demonstrate finished floor levels are raised above the 1% AEP plus 30% climate change flood event, the risk of blockage and breach should also be considered and the highest flood height should be the level mitigated too, with the inclusion of 300mm freeboard. Proposing development as commercial uses does not mean it is acceptable to have it at flood risk. Where buildings are existing, been renovated or tying into existing buildings, thorough justification should be provided as to why raised floor levels cannot not be achieved.

Any proposed changes in ground levels or new building footprints within the 1% AEP plus 30% climate change (design) flood extent would require floodplain compensation in the form of level-for-level, volume-for-volume. Raising the finished floor level within an existing building does not result in taking space out of the floodplain and would not require floodplain compensation.

We raise concern with proposing to use the under-croft parking area as a space for floodplain compensation. This would be a location that occupants would expect to leave their property without it being at risk of flooding. In the event of a flood and the storage area been in use, occupants could choose to rescue their property which would put people at risk. This risk would also impact the insurance premiums of those parking their cars in the under-coft.

While the Flood Map for Planning shows the site is predominantly in Flood Zone 2, many of the previously raised points remain and should be fully addressed as part of the Flood Risk Assessment. The applicant also detailed that a modelling exercise would be part of the site development, for this to be used to support the application it would have to go through our model review process before comments could be provided. The Environment Agency's river Wye modelling project is coming to an

end and the new model will mostly be available to applicants to request towards the end of August/ beginning of September

Therefore, in the absence of an adequate 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 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess whether the development will increase flood risk elsewhere. In particular, the FRA fails to:

- consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event
- consider how a range of flooding events (including extreme events such as blockage and breach) will affect people and property
- consider how people will be kept safe from the identified flood hazards
- take the impacts of climate change into account, a 30% climate change is applicable
- Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development resilient to the flood levels for the 1%AEP plus 30% climate change and breach and blockage. Consequently, the development proposes inadequate:
 - Flood storage compensation
 - Raised finished floor levels
 - Resistance and resilience measures
 - Safe access and escape routes
 - easements from the watercourse
 - deculverting approach

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 if a revised FRA is submitted and we will respond within 21 days of re-consultation.

Environment Agency Position – Biodiversity & Geomorphology

This development will take place on a culverted section of the River Wye and will require a flood risk activity permit (FRAP) under the Environmental Permitting

(England and Wales) Regulations 2016. On the basis of the available information we are unlikely to grant a permit for the proposed development because:

- the proposal will secure the existing culvert and its ongoing ecological impact.
- we do not believe that it is appropriate for this location, having regard to the continued impacts on nature conservation/fisheries/ecology/physical habitats and/or requirements of The Water Environment Regulations.

We therefore **object** to the proposed development and recommend that planning permission is refused.

Reason(s)

In determining the FRAP application for this development we will assess compliance with the requirements of the River Basin Management Plan (RBMP) and the impacts on the biodiversity of the water and wetland environment. The Humber RBMP requires the protection and improvement of the water environment to prevent deterioration and promote recovery of water bodies as required by The WFD Regs. We'll also assess its compliance with the Humber RBMP. The RBMP states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies. We therefore seek the removal of existing culverts wherever possible.

Culverts usually remove or alter river and bank side habitat and may interrupt a wildlife corridor, acting as a barrier to the movement of wildlife including fish. We therefore seek the removal of existing culverts wherever possible to meet the requirements of RBMP and ultimately The Water Environment Regulations. We assess impacts to the natural environment in line with the Water Resources Act 1991, the Land Drainage Act 1991, the Environment Act 1995, the Wildlife and Countryside Act 1981 (as amended), the Natural Environment and Rural Communities Act 2006, WFD Regs and The Habitat Regulations 2017. Paragraph 41 of The Habitat Regulations specifically recognises rivers and their banks as essential for the migration, dispersal and genetic exchange of wild species, and the existing culvert disrupts this linear habitat.

The layout of the proposed development may prevent the reversal of a substantial loss of watercourse habitat due to the existing culvert. There is a significant risk that the development may:

- significantly impact on nature conservation interests including fish and other wildlife,
- reduce the watercourse's resilience to climate change, and associated future deteriorations as a result,

and therefore cannot proceed except under the provisions of Regulation 19 of the Water Environment Regulations and on the basis of the available information a FRAP is unlikely to be granted.

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. Local Plan policy: 'Policy EQ5' also states that development should be 'Working with partners to protect and enhance watercourses.' Whilst the development provides minimum improvements to the watercourse to be compliant with BNG, there is a large missed opportunity to improve the water environment further, and such development removes the opportunity to provide enhancement in the future.

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. As stated previously, whilst there is some enhancement occurring, it is at the minimum required to meet BNG, and the development impedes potential future restoration.

Overcoming our objection

It may be possible to overcome our objection if the development is reconfigured to allow the de-culverting of the River Wye and to provide a 10-metre-wide ecological buffer along the watercourse, in line with Humber RBMP.

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

Environment Agency Position – Groundwater & Contaminated Land

Thank you for consulting us on the planning application for this site. We have reviewed the planning application as well as the following supporting documents to evaluate risks to Controlled Waters at the proposed development site:

1. Phase 2 Geo-Environmental Investigation, Risk Assessment and Outline Remediation Strategy – prepared by LK Consult Ltd (LKC). Report Ref: LKC251087. Dated 26/02/2026.
2. Flood Risk Assessment – prepared by Booth King Partnership Limited. Report Ref: 15289-BKP-ZZ-XX-RP-C-0001. Dated 26/02/2026.
3. Drainage Strategy – prepared by Booth King Partnership Limited. Report Ref: 15289-BKP-ZZ-XX-RP-C-0002. Dated 26/02/2026.

4. Design and Access Statement – prepared by Stephenson Hamilton Risley Studio. Report Ref: No reference number. Dated 23/02/2026.

The Phase 2 site investigation identifies historic on-site and off-site uses, such as gas works, timber yards, railway lines, engineering sheds, tanks, laundry, and a quarry, which may have caused contamination. These pose risks to controlled waters that could be mobilised during construction. These risks require appropriate mitigation measures that are protective of Controlled Waters.

The Phase 2 Site Investigation confirmed the presence of Made Ground beneath the asphalt car park, extending from approximately 0.40 m to 5.10 m below ground level (bgl). Hydrocarbon odours were identified within the former gasworks area, and the Made Ground, encountered between 2.60 m and 3.90 m bgl, was found to overlie alluvial clay, silt, and gravel deposits. Grey mudstones of the Bowland Shale Formation were encountered between 1.80 m and 5.00 m bgl, while grey limestone of the Monsal Dale Limestone Formation was identified at depths between 5.55 m and 11.60 m bgl. Groundwater was recorded between 1.00 m and 3.00 m bgl across the site.

The investigation identified a localised but significant contamination hotspot associated with the former gasworks, including tar-like residues at approximately 5.0 m bgl. Soil and groundwater samples contained elevated concentrations of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), total petroleum hydrocarbons (TPH), polycyclic aromatic hydrocarbons (PAHs), and dichloroethane. Elevated concentrations of heavy metals, including lead, zinc, cadmium, and copper, together with PAHs, were also detected in shallow perched groundwater. The findings indicate a potential contaminant migration pathway towards the River Wye via groundwater flow.

The applicant proposes the use of deep foundations to support the proposed high-load structures. However, given the presence of significant contamination and impacted groundwater, consideration should be given to the potential for foundation works to create preferential pathways for contaminant migration and the implications for the long-term protection of controlled waters.

The application recommends further site investigation across the site, including additional boreholes and trial pits, together with further contamination testing. Investigation of the River Wye is also recommended, including appropriate sampling and analysis, to determine its contamination status.

The site is underlain by superficial alluvial deposits, with the Bowland Shale Formation beneath. It is located on both a Secondary A superficial aquifer and a Secondary A bedrock aquifer. The site also lies within Source Protection Zone 1 (SPZ1) and a Drinking Water Surface Water Safeguard Zone. The River Wye flows

approximately underneath the proposed development site, presenting a potential sensitive receptor that should be considered as part of the investigation and risk assessment.

Given the sensitivity of the site conditions and the potential risks to controlled waters, we agree with the recommendation from the Phase 2 site investigation. We therefore require further investigation to address the site's uncertainties and ensure that risk to controlled waters is appropriately mitigated.

The application's supporting documents demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information is however 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 LPA. This is required prior to commencement of the development. In light of the above, the proposed development will be acceptable, if a planning condition is included requiring the submission of a detailed land contamination management strategy. This should be carried out by a competent person in line with paragraph 196 of the NPPF.

Without the following conditions we would object to the proposed development in line with paragraph 187 of the NPPF because it cannot be guaranteed that the development will contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate or will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition - Land Contamination

Prior to each phase of development approved by this planning permission no development 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 LPA. This strategy will include the following components:

1. Up to date Preliminary Risk Assessment (PRA) and conceptual model following the results of an exploratory investigation.
2. A detailed site investigation scheme, based on the results from (1) to provide information for a detailed risk assessment to all receptors that may be affected, including those off-site.
3. A tiered risk assessment using the results of the site investigation referred to in (2).
4. An options appraisal including sustainability and treatability studies of the remediation measures required and how they are to be undertaken.
5. A remediation strategy and verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the

remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, mitigation, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the LPA. The scheme shall be implemented as approved.

Reason(s)

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 187 of the NPPF.

To ensure the development will contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate in line with paragraph 187 of the NPPF.

Condition - Verification Report

Prior to any part of the permitted development being 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 LPA. 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

To ensure that the site does not pose any further risk to the land and 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 187 of the NPPF.

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 LPA) shall be carried out until further investigation and a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the LPA. The remediation strategy shall be implemented as approved.

Reason

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 187 of the NPPF.

Condition - SuDS Infiltration of surface water into ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the LPA. 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

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 187 of the NPPF.

Condition - Piling and Penetrative Ground Improvement

The piling or other foundation designs using penetrative method hereby permitted by the Local Planning Authority may not commence until such time as a scheme has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall be based on the information submitted as part of the application and, where necessary, supported by:

- Foundation Works Risk Assessment
- A conceptual site model
- Specification of the type, number and depth of proposed piles/ foundations/ dimensions of shaft/tunnel/ design of heating and cooling system
- A detailed groundwater monitoring programme including a schedule for submission of interim and final monitoring reports
- A contingency action plan including the list of potential mitigation measures that will be implemented, should unexpected changes in groundwater quality be noted as a result of decommissioning piling or other foundation design works.
- Timing/phasing arrangements.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements contained in the scheme, or any details as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason

To ensure that the proposed development, does not harm groundwater resources in line with paragraph 187 of the National Planning Policy Framework and Position Statement G10 of [The Environment Agency's approach to groundwater protection](#).

Advice to Applicant

We recommend that developers should:

1. Follow the risk management framework provided in our Land Contamination Risk Management (LCRM) guidance, when dealing with land affected by

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

2. Refer to our recently updated guidance published by CL:AIRE on [Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention](#). The report presents guidance on assessing risks associated with and preventing pollution from piling and penetrative ground improvement methods, with a specific focus on their use on land affected by contamination.
3. 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>
4. Refer to the Groundwater Protection Guidance which can be found on our website at the following address: <https://www.gov.uk/government/collections/groundwater-protection>
5. 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>
6. Refer to the contaminated land pages on GOV.UK for more information. <https://www.gov.uk/government/collections/land-contamination-technical-guidance>
7. We would like to refer the applicant to our groundwater position statements in The Environment Agency's approach to groundwater protection, available from gov.uk. [Groundwater protection position statements - GOV.UK](#). This publication sets out our position for a wide range of activities and developments, including:
 - Waste management
 - Land contamination
 - Drainage e.g. soakaways

Advice to LPA / Applicant - Waste on site

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the environmental 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 [waste management](#) page on GOV.UK.

We will consider any queries in relation to the use of Definition of Waste: Development Industry Code of Practice (DoWCoP) (which is to be updated) through our environmental permitting enhanced pre-application advice service, considering site conditions, the materials that are proposed to be used, and the potential for

harm to the environment and to human health. We can also provide advice as to whether an environmental permit is required.

Advice to LPA / Applicant - Waste 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.

If you have any questions regarding our response, please contact planning.trentside@environment-agency.gov.uk.

Yours sincerely,

East Midlands Sustainable Places Team,
National Contact Centre: 03708 506 506
planning.trentside@environment-agency.gov.uk
Trentside Office, Scarrington Road, Nottingham, NG2 5FA