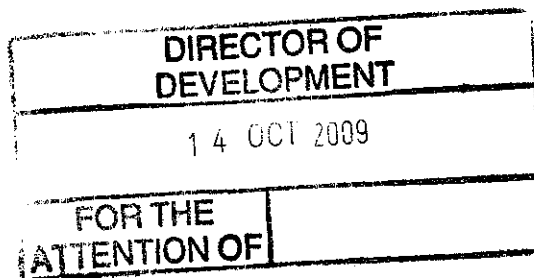


Ribble Valley Borough Council
Development Control
Council Offices Church Walk
Clitheroe
Lancashire
BB7 2RA

Our ref: CE/2009/103015/01-L01
Your ref: 3/2009/0791
Date: 14 October 2009



Dear Sir/Madam

**PROPOSED MIXED USE DEVELOPMENT COMPRISING VOCATIONAL
LEARNING CENTRE, CHILDREN'S NURSERY, COMMERCIAL ELEMENT, 10
LIVE/WORK UNITS AND 70 RESIDENTIAL UNITS
LAND AT BARROW BROOK, BARROW, CLITHEROE**

Thank you for referring the above application which was received on 24 September 2009.

We OBJECT to the proposed development as submitted on the following grounds:-

Planning Policy Statement 9 (PPS9) requires that planning decisions should prevent harm to biodiversity interests and should seek to enhance biodiversity where possible. Article 10 of the Habitats Directive and paragraph 12 of PPS9 stress the importance of natural networks of linked habitat corridors to allow the movement of species between suitable habitats, and promote the expansion of biodiversity. River corridors are particularly effective in this way.

Based on the site layout plan, drawing number 1506-300 the proposed development appears to encroach onto the watercourse and may subsequently have an adverse impact on the river corridor due to its close proximity to the watercourse. This includes the rear gardens of units 32-37, and a block of flats (units 44-52) and associated parking.

The previous application 3/2007/1144 allowed for a greater distance between the proposed buildings and the watercourse. To overcome our objection the developer should submit a revised layout which allows for a buffer zone between the top of bank of the watercourse and any buildings or car parking or private garden space. As such we require further detail of this buffer strip to ensure that the development does not encroach onto the river corridor. We would recommend a buffer strip of at least 4 metres in width.

Environment Agency
PO Box 519, Bamber Bridge, Preston, PR5 8GD
Customer services line: 08708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk
Cont/d.

If your Council is minded to approve this application despite the Agency's objection, we would recommend that the following comments are taken into account:-

The application as submitted was accompanied by the following flood risk assessment:

- Flood Risk Assessment for Land at Whalley Road, Barrow Brook Business Park, Clitheroe; MET Consulting Engineers, referenced 4804

We have reviewed the flood risk assessment and whilst the report discusses the different techniques available for surface water attenuation it does not specify the techniques that will be used and how these will attenuate surface water run off to existing rates. Surface water run-off from this site should be restricted to existing rates in order that the proposed development does not contribute to an increased risk of flooding. To this end we request your Council to condition any subsequent Planning Permission as follows:

CONDITION No development approved by this permission shall be commenced until a scheme for the provision and implementation, of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

REASON To reduce the increased risk of flooding.

The proposed site is adjacent to a previous landfill site and is known to be contaminated however, no contamination assessments have been submitted with the application. We therefore recommend the following condition:

CONDITION Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:-

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) 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.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

REASON To prevent the pollution of controlled waters from potential contamination on site.

We would still recommend that a minimum easement of 4 metres between the watercourse and any buildings is retained, both for ecological purposes and for future access to the watercourse for maintenance and/or repair. The vegetation within this 4 metre buffer should consist of the existing habitats on the site and not contain introduced non-native landscaping. Taking this into account, we also recommend the following condition:-

CONDITION No development shall take place until a scheme for the boundary treatment adjacent to the watercourse has been approved by the Local Planning Authority and completed in accordance with the approved plans.

REASON To preserve the integrity of the habitat corridor provided by the watercourse.

AGENCY INFORMATIVES

Any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, require the prior formal Consent of the Environment Agency under Section 23 of the Land Drainage Act 1991. Culverting other than for storage purposes is unlikely to receive Consent, without full mitigation for loss of flood storage and habitats.

Surface water run-off from this site should be restricted to existing rates in order that the proposed development does not contribute to an increased risk of flooding.

Details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to the Development and Flood Risk Team for consideration.

Please contact Nikki Bamber on 01772 714246 to discuss discharge rates into Barrow Brook.

SUPPLEMENTARY INFORMATIVES

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- i) Duty of Care Regulations 1991
- ii) Hazardous Waste (England and Wales) Regulations 2005
- iii) Waste Management Licensing Regulations 1994 (as amended)
- iv) Pollution Prevention and Control Regulations (England and Wales) 2000
- v) Landfill (England and Wales) Regulations 2002

Developers should ensure that all contaminated materials are adequately

characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The recovery, treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires a Waste Management Licence or Pollution Prevention and Control permit.

Treatment of contaminated soil by mobile plant requires a mobile treatment licence. Soil may be re-used on-site as part of a soil recovery operation by registering a waste management licence exemption with the Environment Agency or by obtaining a Waste Management Licence.

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.

It is recommended that developers should refer to the Environment Agency's:

- remediation position statements outlining its regulatory position on remediation processes
- guidance on the Definition of Waste: developing greenfield and brownfield sites for assisting those involved with construction work in deciding whether or not they are handling waste.
- website at www.environment-agency.gov.uk for further guidance.

The site contains a number of mature trees, these should be retained and incorporated into the development wherever possible. If any works are required to the trees on this site then works should be avoided during the bird breeding season (March to August inclusive). Mature trees should also be surveyed for any evidence of use by bats by a licensed bat surveyor prior to any felling or pruning works. If bats are found then the local Natural England office should be contacted for advice regarding appropriate mitigation measures.

The Phase 1 Habitat Survey identified that parts of the site may also be suitable for ground nesting birds. Appropriate action must be taken to ensure that there is no harm caused to any such birds found on site prior to works commencing.

A copy of this letter has also been sent to the applicant/agent.

Yours faithfully

Gemma Jackson
Planning Liaison Officer

Direct dial 01772 714269

Direct fax 01772 697032

Direct e-mail gemma.jackson@environment-agency.gov.uk

Cont/d.