

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

Our ref: CE/2011/104893/01-L01
Your ref: 3/2011/0537
Date: 28 July 2011

Dear Sir/Madam

**ERECTION OF NEW INVESTMENT CASTING FOUNDRY AT REAR OF
OPERATIONAL SITE, INCLUDING PARKING AND SERVICES AREA
(RESUBMISSION)
CALDER VALE PARK, SIMONSTONE LANE, SIMONSTONE**

Thank you for referring the above application which was received on 18 July 2011.

We have no objection in principle to the proposed development subject to the inclusion of conditions which meet the following requirements:-

Flood Risk

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.

CONDITION No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works 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 by ensuring the provision of a satisfactory means of surface water disposal.

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 River Calder adjoining the site is a designated Main River and is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the

top of any bank/retaining wall of the watercourse without prior written Consent of the Environment Agency. Full details of such works, together with details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to us for consideration.

The Environment Agency has a right of entry to the River Calder by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must contact Colin Worswick at 01772 714259 to discuss our access requirements.

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 access purposes is unlikely to receive Consent, without full mitigation for loss of flood storage and habitats.

Land Contamination

The application is accompanied by a copy of the following geo-environmental appraisal:

- Fort Vale Engineering Ltd, Simonstone Lane, Burnley - Phase 1 Geo-Environmental Appraisal by AECOM (Job No 60161156; Rev 1; September 2010)

We have reviewed the AECOM report in terms of the risk to controlled waters and would like to make the following comments:-

Section 4.7 describes the hydrogeology at the site. Please note that the aquifer designations have been updated so that they are consistent with the Water Framework Directive. We have checked the designations which are as follows:

- Glacial Till - non-productive;
- Alluvium - Secondary A;
- Lower Coal Measures - Secondary A.

Table 6 describes the outcomes of the Qualitative Risk Assessment. We note for sources S1, S2, S3 and S4 that although Pathway 7 has been identified (leaching of contaminants from soil to groundwater and off-site migration of groundwater) that neither Receptor 6 (surface waters) or Receptor 7 (groundwater) are identified.

It would be useful to see a map identifying the location of the former structures at the site, i.e. earth mound, chimney, lagoons, etc.

In December 2010, we were forwarded proposals for a site investigation being undertaken at the site. We commented on these proposals, without site of the Desk Study. We assume this works have been completed, but have not received a copy of the report.

Given the above, we recommend that the condition recommended in our previous response dated 27 July 2010 is revised as follows:

CONDITION No development approved by this planning permission shall be commenced until:

- 1) A site investigation scheme, based on the Phase 1 Geo-Environmental Appraisal to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The site investigation results and the detailed risk assessment (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 (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the local planning authority: unless otherwise agreed in writing by the local planning authority.

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 the developer has submitted, and obtained written approval from the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON

a) To enable:

- A risk assessment to be undertaken,
- Refinement of the conceptual model, and
- The development of a Method Statement and Remediation Strategy.

b) & c) To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.

Aquatic Habitat

The application is accompanied by the following Phase 1 Habitat survey:

- Calder Vale Park, Simonstone Lane - Extended Phase 1 Habitat Survey by AECOM (Job No 60161156 Reference Re01 August 2010)

Target note 5 within the report shows an area of marshy grassland which will be lost as a result of the development. To compensate for this loss an area of marshy or wet

grassland should be created elsewhere on site. As there had previously been standing water on site in the form of lagoons, consideration should also be given to creation of a wildlife pond as part of the scheme.

CONDITION Prior to commencement of development, a mitigation plan shall be produced to compensate for the loss of habitat as a result of the works. This plan should be submitted to the Local Authority for approval. The mitigation plan shall identify the location of compensatory habitat, the species to be included and a long-term habitat management plan and the development shall proceed in accordance with the approved plan.

REASON To compensate for the loss of marshy grassland as a result of the development

Removal of vegetation should be undertaken outside of the bird breeding season (March – August inclusive). If this is not possible, the area will need to be assessed for signs of breeding activity by a suitably qualified ecologist immediately prior to removal. All wild birds, their eggs and their nests are protected while breeding under the Wildlife & Countryside Act 1981 (as amended).

Planting schemes should involve native species, preferably of local provenance.

Yours faithfully

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Planning Liaison Officer

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cc JWPC Limited