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

Our ref: CE/2011/105006/01-L01
Your ref: 3/2011/0649
Date: 19 September 2011

Dear Sir/Madam

**REDEVELOPMENT OF FORMER MULLARDS SITE TO FACILITATE
COMPLETION OF CALDER VALE BUSINESS PARK (CLASS B1, B2 & B8)
CALDER VALE BUSINESS PARK, SIMONSTONE LANE, SIMONSTONE**

Thank you for referring the above application which was received on 26 August 2011.

We have no objection in principle to the proposed development but recommend that any subsequent planning approval is conditioned as follows:-

Flood Risk

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

- Flood Risk Assessment, Calder Vale Business Park, Simonstone, The Alan Johnston Partnership, May 2011, referenced 3861/SRG.

We have reviewed the above FRA and we recommend that any subsequent permission is conditioned as follows:

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 and apply for Consent.

Land Contamination

The application as submitted was accompanied by the following Land Contamination report:

- Site Appraisal, Calder Vale Business Park, Simonstone Lane, Burnley, The Alan Johnston Partnership, Ref: GRM/P5467/F.1 and dated May 2011.

We have reviewed the above report in terms of the risk to controlled waters and we wish to make the following comments:

Section 3.5 states that there was no evidence of ash during the fieldworks at the site. The borehole logs contained in the Aecom Preliminary Ground Conditions, dated February 2011, identified ash at a number of locations. Please compare the locations of your sampling with those of Aecom's to determine if there are areas of ashy material at the site.

Section 3.8.1 - given the size of the site the sampling undertaken is not very extensive. We recommend that the previous site investigations undertaken at the site are reviewed if possible to determine if any potential sources of contamination have been missed by the limited sampling. In addition, we note that no groundwater sampling was undertaken. Where groundwater is encountered at a site it is best practise to sample this rather than undertaking leachate analysis. This is particularly pertinent for hydrocarbons.

Section 5.1 - please note that the appropriate Environmental Quality Standards for screening water analysis results are detailed in the River Basin Districts Typology, Standards and Groundwater Threshold Values (Water Framework Directive) (England and Wales) Directions 2010. The data within the above report should be compared to these standards.

Section 5.2 - there is a potential pathway between the soils and the surface watercourse which does not involve over-land flow, i.e. depends on travelling through the shallow groundwater which is likely to be in direct hydraulic continuity.

Taking the above into consideration and given the previous use of the site we recommend the following condition:

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

- a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site.
- c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the local planning authority.
- d) A Method Statement and remediation strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority.

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 identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors.

b) To enable:

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

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

Biodiversity

- Fort Vale Engineering – Extended Phase 1 Habitat, Badger and Invasive Plant Survey, AECOM Limited, Referenced Re03 and Dated August 2011.

CONDITION Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of Japanese knotweed (*Fallopia japonica*) and Himalayan balsam (*Impatiens glandulifera*) on the site shall be submitted to and approved in writing by the local planning authority. This shall include a revised survey to include the whole of the development site. The method statement shall include proposed measures to prevent the spread of these species during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

REASON To prevent the spread of non-native invasive species of Japanese knotweed and Himalayan balsam.

Japanese knotweed and Himalayan balsam are invasive plants, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent their spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.

CONDITION Prior to the commencement of development a scheme for the provision and management of the buffer zone alongside Simonstone Brook shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

REASON To protect and enhance the aquatic habitat of Simonstone Brook.

The above buffer zone scheme shall include:

- details of the planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
- details of any footpaths, fencing, lighting etc.

Development that encroaches on a watercourse has a potentially severe impact on its ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan.

Land alongside Simonstone Brook is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

We recommend that all mature trees are retained on site. In the event that any do need to be removed, a bat survey should be undertaken by a suitably qualified ecologist at an appropriate time of year prior to its removal. Recommendations made in the survey should be complied with.

Pollution Control

The final use of any excavated material as a result of the development may need a Environmental Permit. Excavated material should meet all stipulations laid down in the CL:AIRE code of practice to ensure that the materials can be characterised as not being waste and therefore suitable for the proposed filling exercise without the need for an Environmental Permit. If the CL:AIRE code of practice can not be met a Environmental Permit will be needed for the fill exercise to occur. Early consultation with the Environment Agency is recommended.

Single car parks with over 50 spaces should drain to surface water outfalls via interceptor tanks. Separate drainage for surface water and foul should be utilised with appropriate locations for rainwater harvesting and or sustainable drainage to be implemented.

For the developers information, there is a known Coal Minewater input to the River Calder at SD7732033108 approximately 250 metres to the SW of the proposed site. It is currently unknown whether this minewater input is from the deep workings mentioned or from previously un-mapped shallow workings. This could provide a previously un-mentioned preferential pathway for pollution to enter the River Calder from the site. Care should be exercised by the developer at this location as the underground workings could extend below their site.

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

cc JWPC Limited