

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

Our ref: NO/2014/106765/01-L01
Your ref: 3/2014/0561
Date: 25 July 2014

Dear Sir/Madam

PHASE 4 OF PROPOSED DAIRY UNIT. STEEL PORTAL FRAME AGRICULTURAL BUILDING WHICH WILL ACCOMMODATE 2 ROBOTS, DAIRY, CATTLE CRUSH, AI AND CATTLE HANDLING FACILITIES

DEMENSE FARM, SETTLE ROAD, NEWSHOLME, GISBURN, BB7 4JF

Thank you for consulting us on the above application.

This application is for Phase 4 of a 5 phase development at the above location, which comprises the following planning applications:-

- Phase 1: 3/2014/0558
- Phase 2: 3/2014/0559
- Phase 3: 3/2014/0560
- Phase 4: 3/2014/0561
- Phase 5: 3/2014/0562

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

Pollution Control

We broadly support this application as the new development will improve the farm infrastructure and we wish to make the following comments:-

No information has been supplied with regard to foul and surface water drainage of the proposals, therefore we advise that only clean water should be discharged to surface or ground water. The Environmental Permitting Regulations 2010 make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to ground or surface waters.

Environment Agency
Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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The applicant should ensure that requirements of the Code of Good Agricultural Practice (CoGAP) are complied with. *Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers* can be found on the GOV.UK website: <https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>.

We are aware that a Manure Management Plan has been provided as part of the approved planning application 3/2013/0821.

Land Quality

There are surface water and groundwater receptors present in this site setting. The site is located on a Secondary A limestone aquifer and close to the River Ribble with a tributary of the river issuing adjacent to the northern site boundary.

The previous land use, which includes a disused slurry lagoon, may have caused contamination to be present on the site therefore we recommend that, as a minimum, an appropriate desk study assessment should be completed to determine the potential impact on controlled waters.

As such, we consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment.

CONDITION No 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), shall take place until a scheme that includes the following components 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 results of the site investigation and detailed risk assessment referred to in (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 the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON To ensure the development does not pose a risk of pollution to controlled waters

Advice to Applicant

We recommend that developers should:

- Follow the risk management framework provided within *CLR11 Model Procedures and Guiding Principles for Land Contamination* (which is available at <https://www.gov.uk/government/publications/managing-land-contamination>) when dealing with land affected by contamination.
- Refer to the our *Land Contamination: technical guidance* (which is available at <https://www.gov.uk/government/collections/land-contamination-technical-guidance>) for the type of information that we required 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.

Waste to be taken off site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is 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 2010
- 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 waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

Waste on site

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution;
- treated materials can be transferred between sites as part of a hub and cluster project; and
- some naturally occurring clean material can be transferred directly between sites.

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.

For more information, refer to our website at
<https://www.gov.uk/government/organisations/environment-agency>.

Yours faithfully

Mr Alex Hazel
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