

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

**Our ref:** NO/2015/108207/01-L01  
**Your ref:** 3/2015/0766 and 0767  
**Date:** 29 September 2015

Dear Sir/Madam

**HYBRID PLANNING APPLICATION SEEKING BOTH FULL AND OUTLINE PLANNING PERMISSION AS FOLLOWS: FULL PLANNING PERMISSION FOR WORKS AND A CHANGE OF USE TO THE GRADE II LISTED KIRK MILL TO CREATE A HOTEL (18 BED, USE CLASS C1) AND BAR RESTAURANT (USE CLASS A3), WORKS TO THE BARN BUILDING TO CREATE SEVEN HOLIDAY COTTAGES (USE CLASS C1), CONSTRUCTION OF A HOTEL AND SPA (20 BED USE CLASS C1), WEDDING VENUE (USE CLASS D1), KIDS CLUB (USE CLASS D1), CHANGE OF USE OF MALT KILN HOUSE FROM RESIDENTIAL TO USE CLASS C1, CONSTRUCTION OF A NEW CRICKET PAVILION AND CRICKET PITCH (SUI GENERIS), DEMOLITION OF THE GROUP OF DERELICT FACTORY BUILDINGS. OUTLINE PLANNING PERMISSION FOR 46 RESIDENTIAL DWELLINGS (USE CLASS C3).  
LAND AT MALT KILN BROW, CHIPPING**

Thank you for consulting us on the above applications. We have no objection in principle to the proposals and would like to make the following comments:

### **Environment Agency position**

#### **FLOOD RISK**

The application site is primarily located within Flood Zone 1, which is defined as having a low probability of flooding in the national Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF). Parts of the application site are also located with Flood Zone 3 (highest probability of flooding). In accordance with the NPPF, the application is accompanied by a Flood Risk Assessment (FRA), '*Kirk Mill, Chipping – Flood Risk Assessment*' (Final Report v2.0), Weetwood, July 2015.

It is for the local planning authority to determine whether or not the application complies with requirements of paragraphs 101 and, where necessary, 102 of the NPPF, but we consider that the FRA submitted with the application demonstrates that the site satisfies part b) of the Exception Test and paragraph 103 of the NPPF.

We have reviewed the above FRA in relation to the risk of flooding on and off-site and

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Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

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we are satisfied that the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere, provided that any subsequent development proceeds in accordance with the recommendations outlined in the approved FRA. We would therefore recommend that any subsequent approval is conditioned as follows:

### **Condition**

The development permitted by this planning permission shall only be carried out in accordance with the approved FRA (v2.0, dated July 2015) and the following mitigation measures detailed within the FRA:

- Implementation of all mitigation measures set out in Sections 5 and 8 of the FRA (v2.0, dated July 2015)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

### **Reasons**

To reduce the risk of flooding to the proposed development and future occupants.

### **Advice to applicant**

Chipping Brook adjoining parts of the site is designated a "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 the 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 the Environment Agency for consideration. For works to the Ordinary Watercourse section of Chipping Brook the Lead Local Flood Authority (LLFA), which is Lancashire County Council, should be consulted.

The Environment Agency has a right of entry to Chipping Brook 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 James Jackson on 01772 714134 to discuss our access requirements.

### **Advice to LPA/applicant**

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

### **LAND QUALITY**

We have reviewed the following reports with respect to potential risks to controlled waters from land contamination:

- BSL Desk Study Assessment Report –Church Raike, Chipping, Client: Prospect GB. Project Number LC/C2179/3452. Date: January 2013;
- BSL Geo-Environmental Assessment Report –Church Raike, Chipping, Client: Prospect GB. Project Number AJH/c2179/3577. Date: March 2013; and
- LK Consult Ltd. Preliminary Risk Assessment (PH1 Desk Study Report) – Malt Kiln Lane / Longridge Road, Chipping, Client: 53N Bowland Ltd. Date: 4<sup>th</sup> July 2013.

The information provided indicates that different areas of the site have been subjected

to potentially contaminative former land uses including a former mill site and chair manufactory site.

The BSL 2013 Desk Study Assessment Report recommended an intrusive investigation for part of the site (cricket ground and wooded area) which was presented in the BSL Geo-Environmental Assessment Report 2013. We note that a site investigation for the site and the undertaking of surface water sampling were recommended in the LK Consult Ltd. 2014 Preliminary Risk Assessment report.

We recommend that further works should be carried out to assess the risk to controlled water receptors and to derive an appropriate remedial strategy if necessary.

We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment.

This condition has been recommended as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

#### **Condition**

No development approved by this planning permission shall take place until a remediation strategy 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; and
  - 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 the 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.

#### **Condition**

No occupation shall take place until a verification report demonstrating 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 local planning authority. 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and

arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

### **Condition**

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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

### **Reason**

To protect the water environment and comply with the National Planning Policy Framework. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

### **Advice to Applicant**

The site is in a sensitive location in terms of controlled waters receptors. Chipping Brook watercourse runs through the site. The geology of the site appears complex and a cursory glance at the geological mapping for the area indicates that the following drift geology may be present: Alluvium comprising clay, silt, sand and gravel (Secondary A Aquifer) with Glacial Till Deposits (unproductive) to the northwest and northeast. Alluvial fan deposits may be present along the southeast boundary of the site (Secondary A Aquifer). The underlying solid geology appears to comprise Park Style Limestone Member (Secondary A Aquifer), Bowland Shale Formation (Secondary A Aquifer), Pendleside Limestone Formation (Secondary A Aquifer) and Hodder Mudstone Formation (Secondary A Aquifer).

The reported previous site use was as a mill site with mill buildings, mill pond, chipping factory (chair manufactory) and Malt Kiln with related structures on site and associated tanks and electricity sub-stations. In addition, the reports indicate that off-site potentially historic contaminative land uses are also located adjacent to the site mills, works, ponds, embankments and a landfill at Black Hall Farm 110m from the site.

### Waste to be used on site

We recommend that the developer undertakes any further works in line with the guidance provided within 'CLR11 Model Procedures' and 'Guiding Principles for Land Contamination'.

Where deep foundations are proposed we recommend the developer follows the guidance set out within our document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' which is available on our website at the following address: <https://publications.environment-agency.gov.uk/skeleton/publications/ViewPublication.aspx?id=d43e2db6-05e2-46f7-a639-1f4d16b83d09>

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not

excavated material arising from site during remediation and/or land development works are waste.

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.

The Environment Agency recommends that developers should refer to our:

- position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at [www.gov.uk/government/organisations/environment-agency](http://www.gov.uk/government/organisations/environment-agency) for further guidance.

#### 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 Standards BS EN 14899:2005 'Characterisation 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. Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

#### **Hydropower - advice to applicant**

We note from the 'Sustainability & Renewable Energy Statement', dated 28 October 2013, produced by Clancy Consulting Limited, that hydropower is being considered as a renewable energy option. We would recommend that the developer contacts the Environment Agency (Trevoer Marsh on 01768 215735) to discuss these proposals at an early stage.

Yours faithfully

**Mr Dave Hortin**  
**Planning Advisor - Sustainable Places Team**

Direct e-mail [clplanning@environment-agency.gov.uk](mailto:clplanning@environment-agency.gov.uk)

cc HOW PLANNING LLP

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