

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

Our ref: NO/2022/114604/02-L01
Your ref: 3/2022/0632
Date: 26 January 2023

Dear Sir/Madam

**THE APPLICATION IS FOR DEMOLITION OF EXISTING BUILDINGS AND
ERECTION OF A CARE HOME (USE CLASS C2) OF UP TO 70 BEDS. ALL
MATTERS RESERVED APART FROM ACCESS.
PENDLE MILL PENDLE ROAD, CLITHEROE, BB7 1JQ.**

Thank you for consulting us on the above application which we received 19 January 2023.

Environment Agency position

In our letter referenced NO/2022/114604/01-L01, dated 28 July 2022, we objected to the development proposed, due to a discrepancy between the recommendations and conclusions of the submitted Flood Risk Assessment (FRA) and Drainage Strategy prepared by bEk Enviro Ltd., referenced; BEK-22035-3, dated May 2022, and the drawing ref, "*Existing and proposed site section A-A*", H.21.78 (9-) 20.

This discrepancy has now been rectified and the current revision B, now agrees with the proposed Finished Ground Floor Height level of 88.78m AOD, as recommended in the FRA. As a result, we now remove our objection to the development subject to the inclusion of the contaminated land condition indicated below.

The proposed development must proceed in strict accordance with the submitted FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

Contaminated Land

The previous use of the proposed development site as a mill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is;

- adjacent to a surface watercourse and
- is located on a primary aquifer.

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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In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

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 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 written consent of the local planning authority. The scheme shall be implemented as approved.

The submitted phase 1 report dated April 2022 by bek ltd. satisfies part 1 of this condition and also proposes an intrusive site investigation, with which we concur.

Reasons

- To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.
- To prevent deterioration of a water quality element to a lower status class in the underlying aquifer and the underlying water course

Environmental permit - advice to applicant

The proposed development is adjacent to a Main River, we therefore take this opportunity to remind the applicant of the following information:

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Yours faithfully

Carole Woosey
Planning Advisor

e-mail clplanning@environment-agency.gov.uk