

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

Our ref: NO/2024/116107/01-L01
Your ref: 3/2024/0327
Date: 13 June 2024

Dear Sir/Madam

**OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND
ERECTION OF A CARE HOME (USE CLASS C2) WITH ACCESS, APPEARANCE,
LAYOUT AND SCALE APPLIED FOR.
PENDLE MILL, PENDLE ROAD, CLITHEROE, BB7 1JQ**

Thank you for consulting us on the above application which we received 29 May 2024.

We have reviewed the following Report:-

*Pendle Mill, Pendle Road, Clitheroe, Lancashire Report Title Phase 1 -
Preliminary Risk Assessment Report Status Final Report No BEK-22051-1, prepared by
BEK ENVIRO LIMITED, May 2024.*

Our comments are as follows:

The previous use of the proposed development site as a cotton Mill (with landfill site adjacent) presents a medium 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 Shaw Brook watercourse
- located upon a secondary aquifer A

The application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.

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 189 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 180 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

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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 phase 1 contamination report by BEK ENVIRO LIMITED, referenced above, satisfies part 1 of the above planning condition.

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 180 of the National Planning Policy Framework.
- To prevent deterioration of a water quality element to a lower status class in the adjacent watercourse.

Flood risk – Advice to LPA/applicant

There are no flood risk objections to the outline development as proposed.

The planning application is accompanied by a Flood Risk Assessment (FRA) prepared by BEK Geo-Environmental Consulting, referenced Report Ref: BEK-22035-3-RevA and dated May 2024. We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

The proposed development must proceed in strict accordance with this 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.

Environmental permit - Advice to applicant

Shaw Brook is a designated statutory main river and runs in culvert along the northern

boundary of the site.

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.

Biodiversity Net Gain (BNG) Advice to LPA/applicant

Based on our knowledge of the site, we believe that it is not clear that the unit calculations for the culverted watercourse are correct in the BNG calculator and we strongly recommend that this is taken into account when the application is considered for approval.

Yours faithfully

Carole Reynolds
Planning Advisor

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