

Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
Staffordshire Moorlands
ST13 6HQ

Our ref: UT/2016/115561/01-L01
Your ref: SMD/2016/0378
Date: 13 July 2016

Dear Sir/Madam

OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR THE ERECTION OF A HIGH QUALITY LEISURE DEVELOPMENT COMPRISING HOLIDAY LODGES; A NEW CENTRAL HUB BUILDING (PROVIDING SWIMMING POOL, RESTAURANT, BOWLING ALLEY, SPA, GYM, INFORMAL SCREEN/CINEMA ROOM, CHILDREN'S SOFT PLAY AREA, CAFE, SHOP AND SPORTS HALL); CAFE; VISITOR CENTRE WITH FARM SHOP; ADMINISTRATION BUILDING; MAINTENANCE BUILDING; ARCHERY CENTRE; WATERSPORTS CENTRE; EQUIPPED PLAY AREAS; MULTI-SPORTS AREA; ROPEWALKS; CAR PARKING; AND MANAGED FOOTPATHS, CYCLEWAYS AND BRIDLEWAYS SET IN ATTRACTIVE LANDSCAPING AND ECOLOGICAL ENHANCEMENTS (RE-SUBMISSION OF PLANNING APPLICATION SMD/2014/0682)

MONEYSTONE QUARRY, CHEADLE ROAD, OAKAMoor

Thank you for referring the above application which we received on 20 June 2016.

The Environment Agency has **NO OBJECTIONS**, in principle, to the proposed development but wishes to make the following comments.

GROUNDWATER & CONTAMINATION

We have reviewed the 'Moneystone Park – Environmental Statement (June 2016) submitted in relation to this Planning Application (SMD/2016/0378). We have the following comments to make which relate solely to the protection of 'Controlled Waters', matters relating to Human Health should be directed to the relevant department of the local council.

Site Setting:

Reference to the 1:50,000 scale geological map Sheet 124 (Ashbourne) indicates that the site is located on Carboniferous Millstone Grit and Coal Measures strata which are designated 'Secondary (A) Aquifers' by the Environment Agency. There are various tributaries of the River Churnet located on and adjacent to the site, with the River

Churnet bordering the site to the south. Whiston Eaves SSSI is located adjacent to the site to the west. This consists of semi-natural grassland, rush pasture, scrub and running water.

Land Contamination:

The information submitted identifies that the site has been subject to mineral extraction. A production facility was partially located within the application boundary and processed quarried sandstone using acid. The production facility included bulk acid and diesel storage tanks. The desk study submitted relates to the entire area of Moneystone Quarry rather than the redline boundary of the Planning Application and consequently the specific production activities which took place within the application boundary are unclear. Acidic tailings from the production process were deposited in the mineral excavations.

Such land uses have the potential to have caused contamination which may currently be impacting 'Controlled Waters' receptors of the groundwater in the underlying Secondary Aquifers and the local watercourse. Furthermore there is potential for re-mobilisation of any contaminants during site development.

An investigation of the production area will be required to determine the presence of any residual contamination in the soils and groundwater. This should take into account the findings of the investigation required for those parts of the production area lying within the boundary of Planning Application SMD/2014/0432 (solar farm).

Monitoring of surface and groundwater quality has highlighted acidic conditions which are currently impacting on the River Churnet from various streams and seepages. A full investigation of the site is required to determine the source of the contamination followed by an assessment of the risk to 'Controlled Waters' receptors and the need for any remedial / mitigation actions. This investigation should consider groundwater movement through the sides of any capped tips in addition to surface water infiltration.

Government Policy, as detailed in the National Planning Policy Framework (paragraph 120), states that *'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'*. Therefore we recommend that the following planning conditions be attached to any Planning Permission granted to require the applicant to investigate the presence of contamination. The work undertaken to fulfil these (or any similar planning conditions that may be used) should focus on the potential impact on 'Controlled Waters' receptors. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

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
 - 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.

REASONS:

The request for this condition is based on the need to fully delineate source and significance of the acidic conditions present in the watercourses, the River Churnet and groundwater as highlighted by the Moneystone Park – Environmental Statement (June 2016). Furthermore there is a need to investigate the former production area to determine the presence of any contamination which could also impact these ‘Controlled Waters’ receptors. The significance of any contamination should be assessed to determine the need for remedial actions.

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 of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

ADVICE TO LPA:

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.

The Local Planning Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the local planning authority decide to obtain the necessary information under condition we would request that this condition is applied.

ADVICE TO APPLICANT:

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency document ‘Guiding principles for land contamination’ 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.
3. Refer to our website at www.gov.uk/environment-agency for more information.

CONDITION:

No occupation of any part of the permitted development 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.

REASONS:

To ensure that any remedial works required as an outcome of the site investigation and risk assessment are completed to a satisfactory standard.

Control of Water Outflows from the Development:

Section 11.66 of the Chapter 11 ‘Ground Conditions’ of the Environmental Statement discusses the need to monitor and control, throughout the lifetime of the development, the flow of water from the deep water lake to the surface watercourses which flow through Whiston Eaves SSSI. The Planning Authority should consult Natural England who, as custodians of the SSSI, will be best placed to agree on a suitable flow regime, and consider how best to implement such a long-term planning requirement.

Foul Drainage:

We understand from Chapter 12 ‘Drainage and Flood Risk’ of the Environmental Statement that all foul water generated by the development will be treated on site prior to discharge to the River Churnet.

Given the volumes involved, the discharge of treated sewage effluent into surface water or to ground will require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of an Environmental Permit – a permit will only be granted where the risk to the environment is acceptable. We recommend that the applicant / developer consult the Environment Agency’s web-site for information regarding applying for an Environmental Permit (see: <https://www.gov.uk/environmental-permit-check-if-you-need-one>). At the time of applying for relevant authorisation the applicant will have to justify why connection to the public foul sewer is not possible.

As the occupancy of the proposed development is potentially seasonal in nature it may be difficult to maintain effluent quality from any proposed sewage treatment system. A recirculation system may need to be considered if discharge to surface water is deemed appropriate once all other options have been fully explored including connection to the nearest foul sewer.

The Humber river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery. Operators must ensure that their activities will not cause deterioration of a quality element to a lower status class, prevent the recovery of and/or cause deterioration of a water body.

Source of Water for the Development:

The application has not provided any information on the source of water for drinking or recreational uses as part of the development. It is assumed that this will be via the mains water supply.

The applicant / developer should be made aware that an abstraction licence will be required for any abstraction of volumes greater than 20 m³/d. The granting of planning permission does not guarantee the granting of an abstraction licence – a licence will only be granted where the risk to the environment is acceptable. We recommend that

the applicant / developer consult the Environment Agency's web-site for information regarding the need, and applying, for an abstraction licence (see: <https://www.gov.uk/water-management-abstract-or-impound-water>).

It should be noted that under the 'Dove Abstraction Licensing Strategy' (Environment Agency, February 2013) there is water available for licensing subject to a Hands-off Flow condition.

Additional Information:

The applicant / developer should refer to our 'Groundwater Protection: Principles and Practice' (GP3) document, available from our website (www.gov.uk/environment-agency). This sets out our position on a wide range of activities and developments, including:

- Storage of pollutants and hazardous substances
- Solid waste management
- Discharge of liquid effluents into the ground (including site drainage)
- Management of groundwater resources
- Land contamination
- Ground source heat pumps

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on our website (www.gov.uk/environment-agency).

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
- 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.

The Environment Agency recommends that developers should refer to:

- the Definition of Waste: Development Industry Code of Practice on the CL:AIRE website and;
- The Environmental regulations page on GOV.UK.

Waste to be taken off site:

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are 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. Refer to the Hazardous Waste pages on GOV.UK for more information.

BIODIVERSITY

Existing habitats on site should be maintained and improved wherever possible. Natural England should be consulted over the impact of this development on the nearby Whiston Eaves SSSI.

Yours faithfully

Mr John Dingley
Planning Advisor

Direct dial 020 3025 3022

Direct e-mail john.dingley@environment-agency.gov.uk