

Ailsa Berry
Staffordshire Moorlands District Council
Development Control
Moorlands House
Stockwell Street
Leek
Staffordshire
ST13 6HQ

Our ref: UT/2021/119332/01-L01
Your ref: SMD/2021/0174
Date: 21 July 2021

Dear Madam

ERECTION OF DETACHED DWELLING WITH DEMOLITION OF STRUCTURES AND BUILDINGS

LAND AT TEANFORD MILL BREACH LANE, UPPER TEAN

Thank you for referring the above application which was received on 02 July 2021.

The Environment Agency objects to the proposed development and recommends refusal of planning permission on the following grounds:

Flood Risk

In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

The submitted FRA Flood Risk Assessment (FRA) by Ambiantal Environmental Assessment, ref no: 5740, dated 15 October 2020 does not comply with the requirements for site-specific FRAs, as set out in paragraphs 30 to 32 of the 'Flood Risk and Coastal Change' section of the PPG. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- provide a clear plan of the proposed development which includes finished floor levels, overlaid with flood levels up to the climate change event.
- provide a proposed topographic survey to Ordnance Datum Newlyn across the site. We note that an existing topographic survey has been provided but we require a proposed topographic survey in addition to the existing.
- consider how people will be kept safe from the identified flood hazards. More details on safe access / egress are required.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our

Environment Agency
9, Sentinel House Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.
Customer services line: 03708 506 506

www.gov.uk/environment-agency

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objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Should a satisfactory Flood Risk Assessment be received, the Agency would also recommend the following comments be taken into account:

Groundwater & Contaminated Land

We have reviewed the Planning Statement and Phase 1 Contamination Assessment report submitted in support of this application and would like to comment from a perspective of the protection of 'Controlled Waters' only.

Reference to the 1:50,000 scale geological map Sheet 124 (Ashbourne) indicates that the site is located on Triassic Sherwood Sandstone (Chester Formation) which is designated a 'Principal Aquifer' by the Environment Agency. Superficial deposits of Alluvium are also indicated for the site, which are designated as a 'Secondary (A) Aquifer'. Furthermore, the site is located within a Source Protection Zone 1 for the nearby Teanford public water abstraction from Severn Trent (only 50 m to the north). The River Tean is located adjacent to the site too. The site is therefore in a very sensitive 'Controlled Waters' location.

We gather the site is currently occupied by a series of poor quality structures and containers, along with a large portal framed extension to the adjacent Mill building. These structures are used for the storage of timber and other reclaimed materials associated with the applicant's business and are all proposed for removal as part of the submitted proposal for a new detached dwelling, along with the partial demolition of a nearby commercial building to create the proposed vehicular access point into the site. Also, the development area is underlain by the infilled mill pond of the former "Flint Mill" and the "Dye Works". There is the potential that the infilling of the pond included waste from the former dye works and then from the use of the site as a precast concrete works. There is also a low risk that dyestuffs would have been dumped in the pond and there could be a risk from fuel and lubrication hydrocarbons being either spilt or dumped in the pond. There is also a potential that there has been leakage of hydrocarbon fuels for plant and from stored fuels.

We concur with the conclusions of the Phase 1 report which states that a detailed ground investigation will be required next, possibly consisting of a two stage investigation – Stage 1 would be as exiting with the site occupied with buildings and materials and Stage 2 post demolition and site clearance.

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site could pose an unacceptable risk to the environment and we would wish to object to the application.

Condition 1

Prior to the commencement of 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), the following components of a scheme 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 site investigation results and the detailed risk assessment (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 (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 consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To prevent the pollution of 'Controlled Waters', notably the underlying Principal groundwater aquifer, the nearby drinking water abstraction and the adjacent River Tean.

Condition 2

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

To ensure the protection of Controlled Waters.

Condition 3

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason

To ensure the protection of Controlled Waters.

Please note that these comments relate solely to the protection of Controlled Waters. Should they wish to discuss any other issue, they should contact the relevant department within the Environment Agency or Local Authority, as appropriate. Also, it should be noted that in accordance with NPPF paragraph 179, *'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'*. Also, as per paragraphs 170 and 178 NPPF 2018 respectively, *'...development should, wherever possible, help to improve local environmental conditions such as air and water quality...'* and *'... after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990...'*

Therefore, should any significant contamination not assessed by virtue of this project

subsequently become apparent responsibility remains with the developer and/or landowner.

Finally, in accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

If you have any queries contact me on the details below.

Yours faithfully

Ms Anne-Marie McLaughlin
Senior Planning Advisor

Direct dial 020 3025 4111

Direct e-mail anne-marie.mclaughlin@environment-agency.gov.uk