

Chris Johnston
Staffordshire Moorlands District Council
Development Control
Moorlands House
Stockwell Street
Leek
Staffordshire
ST13 6HQ

Our ref: UT/2021/119564/01-L01
Your ref: SMD/2021/0734
Date: 18 November 2021

Dear Chris

ERECTION OF TWO WAREHOUSE UNITS

DALECRETE BROOKLANDS WAY, LEEKBROOK, LEEK

Thank you for referring the above application which was received on 16 November 2021.

The Environment Agency objects to the proposed development on the following grounds:

Reference to the 1:50,000 scale geological maps indicate that the site is located on the Morridge Formation, which is designated a 'Secondary A Aquifer' by the Environment Agency. The site is close to a designated Principle Aquifer and on the boundary of a groundwater Source Protection Zone, designated for a public water supply. Superficial Alluvium deposits are also designated for the site, likely to be in hydraulic connectivity with the nearby Leekbrook surface water feature. The location is therefore considered to be reasonably sensitive with respect to controlled waters receptors.

We have the following comments to make on this application which relate solely to the protection of 'Controlled Waters'. Matters relating to human health should be directed to the Local Authority.

We have historically commented on proposed developments at the adjacent industrial development site and are aware that industrial chemical processes have taken place in proximity. We consider there is the potential for contamination to be present, as well as the potential to mobilise any existing contamination through re-development. The applicant has not submitted any supporting evidence to show that the risks posed to controlled waters by the proposed re-development are understood and can be adequately managed.

The location of the site on an industrial development with potentially contaminative uses represents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located upon permeable Secondary Aquifers, with linked surface water receptors, and in close proximity to a groundwater Source Protection Zone.

Environment Agency
9, Sentinel House Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

Therefore, we object to the proposed development as no information has been submitted to demonstrate that the risks of pollution to controlled waters are acceptable, or can be appropriately managed. As the planning application is not supported by an appropriate risk assessment, it does not meet the requirements set out in paragraphs 177 and 184 of the National Planning Policy Framework. We recommend that planning permission is refused on this basis.

Overcoming our objection

The applicant should submit a preliminary risk assessment which includes a desk study, conceptual model and initial risk assessment. This information must demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

Advice to Applicant

We would like to refer the applicant/enquirer to our groundwater position statements in '[The Environment Agency's approach to groundwater protection](#)', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heat pumps
- Drainage

We recommend that developers should:

- Follow the risk management framework provided in [LCRM - Land Contamination Risk Management](#), when dealing with land affected by contamination
- Refer to our [Guiding principles for land contamination](#) for the type of information that we require 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
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](#) pages on gov.uk for more information

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

End