

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

Our ref: UT/2023/120120/01-L01
Your ref: SMD/2022/0361
Date: 13 March 2023

Dear Sir/Madam

ERECTION OF FREESTANDING RESTAURANT WITH DRIVE-THRU FACILITY, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS, INCLUDING CUSTOMER ORDER DISPLAYS (COD) AND PLAY FRAME.

CHURNET WORKS, ABBEY GREEN ROAD, LEEK, STAFFORDSHIRE, ST13 8YQ

Thank you for referring the above application which was received on 03 March 2023.

The site lies within Flood Zones 2 and 3 of the River Churnet (Main River). However given the scale and nature of the proposal (development type Less Vulnerable to flooding) we have no bespoke comments to make on this matter and refer you to our Flood Risk Standing Advice (FRSA). We recommend that you determine this application's suitability in line with the submitted Flood Risk Assessment and the FRSA.

Further to the above matter being addressed, the Environment Agency have no objections to the proposal, subject to the following conditions relating to contaminated land remediation being imposed.

The following comments relate to the protection of controlled waters only. Queries relating to human health should be directed to the relevant department of the Local Authority.

We have reviewed the following information submitted in support of this application:

- Phase I - Desk Study Report Ref. 1664-16 / Final (12 January 2022) undertaken by Ensaf consultants

The 1:50,000 scale geological map indicates that the bedrock underlying the site is the Chester Formation, consisting of sandstone and forming a Principal aquifer. The

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..

superficial deposits underlying the site are alluvium, associated with the River Churnet, which consists of clay, silt, sand and gravel and forms a Secondary A aquifer. Made Ground is not mapped on site (BGS GeoIndex) but has been encountered by previous investigations and is likely associated with the former industrial usage. The site is also located within the total catchment of groundwater source protection zone (SPZ3), designated for a public water supply abstraction, approximately 530 m away at Abbey Green. The River Churnet borders the eastern and southern site boundary and is approximately 12 m away at its closest point. The location is therefore considered to be sensitive with respect to controlled waters.

The aforementioned desk study indicates that a risk assessment has been done for the site and information from previous site investigations/remediation has been considered. The site has undergone extensive groundworks including excavation and the installation of a geotextile marker layer (extent across the site not known). The previous land uses include a dye works, printers and a garage, where fuel and chemical storage has occurred on site. These former uses have the potential to have caused contamination on site.

It is understood that the site and surrounding area were subjected to a large remediation scheme and validation works, conducted in 2011-13, which confirmed the presence of remaining asbestos contamination on site.

The site is situated in a sensitive location as it is within SPZ3 and has a Principal bedrock aquifer and a Secondary A superficial aquifer. The site is also in close proximity to the River Churnet, with highly permeable soil onsite, meaning that the river is highly likely to be in hydraulic continuity with the superficial aquifer. To safeguard controlled waters underlying the site, we recommend the following conditions be included on any planning permission granted to deal with any significant contamination subsequently identified during re-development, which may represent a risk to controlled waters. The application's Phase I - Desk Study recommends that based on the current understanding of the site, further ground investigation is required in order to understand any residual contamination issues that may require remediation and that therefore, further detailed information will 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 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 site investigation scheme, based on the Phase I - Desk Study Report Ref. 1664-16 / Final (12 January 2022), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

2. The results of the site investigation and the detailed risk assessment referred to in (1) 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.
3. 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 (2) 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.

Reason

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.

Condition

Prior to any part of the permitted development being brought into use, a verification report demonstrating the 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.

Reason

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Please consult us on the details submitted to your Authority to discharge these conditions and on any subsequent amendments/alterations.

Advice to Applicant

We request that the following advice/informatives are passed on to the applicant and/or attached to any planning permission that may be issued:

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.

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
- Cemetery developments
- Drainage

Further Advice (chargeable)

Should you wish us to review any technical documents or want further advice to meet the requirements of the conditions recommended, we may do this as part of our charged for planning advice service.

Further engagement will provide you with certainty of our position as to what our response to your application to discharge conditions will be. It should also result in a better quality and more environmentally sensitive development.

As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents.

If you would like more information on our planning advice service, including a cost estimate, please contact us on the details below.

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.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Ms Jane Field
Planning Specialist