

South Ribble Borough Council  
Development Control  
Civic Centre West Paddock  
Leyland  
Lancashire  
PR25 1DH

**Our ref:** NO/2021/113861/01-L01  
**Your ref:** 07/2021/00886/ORM  
**Date:** 22 September 2021

Dear Sir/Madam

**OUTLINE PLANNING APPLICATION FOR ALL MATTERS RESERVED EXCEPT FOR THE PRINCIPAL MEANS OF ACCESS PROPOSING THE DEMOLITION OF CERTAIN EXISTING BUILDINGS AND A RESIDENTIAL-LED MIXED-USE DEVELOPMENT (USE CLASSES C3 AND C2), A LOCAL CENTRE INCLUDING RETAIL, EMPLOYMENT AND COMMUNITY USES (USE CLASSES E AND SUI GENERIS), A TWO FORM ENTRY PRIMARY SCHOOL (USE CLASS F), GREEN INFRASTRUCTURE, AND ASSOCIATED INFRASTRUCTURE FOLLOWING DEMOLITION OF CERTAIN EXISTING BUILDINGS PICKERING'S FARM SITE, PENWORTHAM (LAND EAST OF PENWORTHAM WAY AND WEST OF LEYLAND ROAD.**

Thank you for consulting us regarding the above planning application which we received 09 September 2021.

### **Environment Agency position**

We have no objection to the development as proposed.

As the application is subject to an Environmental Impact Assessment and we are statutory consultees for such applications, we have the following information for the LPA.

The site is located within Flood Zone 1 defined as having a low probability of flooding in the National Planning Practice Guidance.

Based on the information currently available, the development raises no environmental concerns for the Agency. However, we do have the following advice.

### **Technical Advice**

#### **Use and Generation of Waste**

If waste is to be used on site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (article 2(1) (c)) for the use of 'uncontaminated soil and other naturally occurring material excavated in the course of

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construction activities, etc...'. Meeting these criteria means the material is not waste and permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of Waste Framework Directive as:

any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

We have produced guidance on the recovery test which can be viewed at:  
<https://www.gov.uk/guidance/waste-recovery-plans-and-permits#waste-recovery-activities>

You can find more information on the Waste Framework Directive at:  
<https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>

More information on the definition of waste can be found at:  
<https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found at:  
<https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL:ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'is it waste' tool allows you to make an assessment and can be found at:  
<https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests>

The developer must apply the waste hierarchy as a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found at:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69403/pb13530-waste-hierarchy-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchy-guidance.pdf)

Site Waste Management Plans (SWMP) are no longer a legal requirement, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice.

### Groundwater Protection

We would refer the LPA to our groundwater position statements at:  
<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

This publication sets out our position for a wide range of activities and developments, including:

- Waste management
- Mineral extraction
- Discharge of liquid effluents
- Land contamination
- Ground source heat pumps
- Cemetery developments
- Drainage (soakaways and disposal to ground)

### Fisheries and Biodiversity

Paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

We recommend that the LPA ensure that opportunities to ensure biodiversity is enhanced in and around developments are identified and incorporated into the proposed development. The applicant should have regard to the latest planning practice guidance on how biodiversity net gain can be achieved as part of the proposed development

<https://www.gov.uk/guidance/natural-environment>

There are a number of ordinary watercourses on the development site. We would encourage opening up of culverts if any exist and improvement / naturalisation / creation of new and existing watercourses. Not only could this contribute to the provision of biodiversity net gain, the provision of wider ecological benefits to the aquatic environment would help to deliver Water Framework Directive (WFD) improvements.

Culverting of an ordinary watercourse requires the prior consent of the Lead Local Flood Authority.

### Disposal of surface water

Developers should incorporate pollution prevention measures to protect ground and surface water. We would refer the applicant to the latest Pollution Prevention Guidance targeted at specific activities, available at <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). SuDS manage surface water run-off by simulating natural drainage systems. Whereas traditional drainage approaches pipe water off-site as quickly as possible, SuDS retain water on or near to the site. As well as reducing flood risk, this promotes groundwater recharge, helps absorb diffuse pollutants, and improves water quality. Ponds, reed beds and seasonally flooded grasslands can also be particularly attractive features within public open spaces.

SuDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. As such, virtually any development should be able to include a scheme based around these

principles. In doing so, they'll provide multiple benefits and will reduce costs and maintenance needs.

Approved Document Part H of the Building Regulations 2010 establishes a hierarchy for surface water disposal, and encourages a SuDS approach. The first option for surface water disposal should be the use of SuDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365

Further information on SuDS can be found in:

- the CIRIA C697 document SuDS manual
- HR Wallingford SR 666 Use of SuDS in high density developments
- CIRIA C635 Designing for exceedance in urban drainage – good practice
- the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SuDS.

Yours faithfully

**Carole Woosey**  
**Planning Advisor**

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