

Wyre Borough Council  
Planning Division  
Wyre Civic Centre Breck Road  
Poulton-le-Fylde  
Lancashire  
FY6 7PU

**Our ref:** NO/2021/113936/01-L01  
**Your ref:** 21/01173/FULMAJ  
**Date:** 13 October 2021

Dear Sir/Madam

**SINGLE-STOREY EXTENSION WITH MEZZANINE TO EXISTING STORAGE BUILDING TO CREATE A RETAIL UNIT (USE CLASS E(A)), AND ERECTION OF WORKSHOP BUILDING (USE CLASS B2), WITH NEW CAR PARKING AREA IN THE EXISTING YARD (RESUBMISSION OF 21/00133/FULMAJ)**

**CLARKE & PULMAN, 119 GARSTANG ROAD, CLAUGHTON-ON-BROCK, PRESTON, LANCASHIRE, PR3 0PH**

Thank you for consulting us on the above application, on 13 October 2021.

We note that this application is a resubmission of the application 21/00133/FULMAJ which was refused by the LPA.

**Environment Agency position**

We have reviewed the details submitted and, in this case, our comments on application 21/00133/FULMAJ still apply. A copy of these have been attached for your information.

Please note that since our previous response, the National Planning Policy Framework has been updated and paragraph 170, as mentioned in our requested planning condition, is now paragraph 174.

Yours faithfully

**Mr Alex Hazel**  
**Planning Advisor – Sustainable Places Team**

E-mail: CLPlanning@environment-agency.gov.uk

Wyre Borough Council  
Planning Division  
Wyre Civic Centre Breck Road  
Poulton-le-Fylde  
Lancashire  
FY6 7PU

**Our ref:** NO/2021/113398/01-L01  
**Your ref:** 21/00133/FULMAJ

**Date:** 24 March 2021

Dear Sir/Madam

**SINGLE-STOREY EXTENSION WITH MEZZANINE TO EXISTING STORAGE BUILDING TO CREATE A RETAIL UNIT (USE CLASS E), AND ERECTION OF WORKSHOP BUILDING (USE CLASS B2), WITH NEW CARPARKING AREA IN THE EXISTING YARD**

**CLARKE & PULMAN, 119 GARSTANG ROAD, CLAUGHTON-ON-BROCK, PRESTON, LANCASHIRE, PR3 0PH**

Thank you for consulting us on the above application, on 12 March 2021.

#### **Environment Agency position**

We have no objection to the application, subject to the inclusion of the contaminated land condition set out below.

#### **Contaminated land**

The previous use of the proposed development site for vehicle sales/storage/repairs presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located on a Principal aquifer and within groundwater Source Protection Zone 2.

An appropriate assessment of the potential impacts associated with the proposals has not been submitted to demonstrate that it will be possible to suitably manage the risk posed to controlled waters by this development.

However, we consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition we would object to the proposal in line with paragraph 170

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of the National Planning Policy Framework (NPPF) because it cannot be guaranteed that the development will not contribute to, or 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 scheme to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

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;
  - and
  - 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 written consent of the local planning authority. The scheme shall be implemented as approved.

### **Reason**

To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

### Advice to applicant

We recommend that developers should:

1. Follow the risk management framework provided in '[Land contamination: risk management](#)' when dealing with land affected by contamination
2. 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
3. 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
4. Refer to the [contaminated land](#) pages on gov.uk for more information

### **Foul drainage**

The method of foul drainage disposal associated with the development has not been confirmed in the information submitted.

The development should comply with paragraph 020 of the “[Water supply, wastewater and water quality](#)” category of the national Planning Practice Guidance (PPG), which advises that the first presumption must always be to provide a system of foul drainage discharging into a public sewer.

As this site is in an area served by the public sewer any development on this site would be expected to connect all foul drainage to the existing sewer network. Where it is considered reasonable to connect to a public sewer we would be unlikely to issue an environmental permit for a non-mains drainage system.

### **Pollution prevention – advice to applicant**

We would refer the applicant to the latest pollution prevention guidance which is available on the GOV.UK website at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>. Please contact our National Customer Call Centre (Tel: 03708 506 506) for further information and guidance.

### **Trade effluent – advice to applicant**

Effluent discharged from any premises carrying on a trade or industry and effluent generated by a commercial enterprise where the effluent is different to that which would arise from domestic activities in a normal home is described as trade effluent.

If you are not able to discharge effluent it will be classed as waste and you must then comply with your duty of care responsibilities.

A trade effluent consent or a trade effluent agreement with your water and sewerage company must be obtained before you discharge trade effluent to a public foul sewer or a private sewer that connects to a public foul sewer.

### **Note to applicant**

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

By agreeing details with us before submitting a formal discharge of conditions application, you will have the assurance that a scheme that satisfies us has been agreed. An agreed scheme will then help a planning authority make a timely decision on any subsequent discharge of conditions application.

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. The terms and conditions of our charged for service are available [here](#).

We will be unable to offer this service where we consider that a request is unreasonable, goes beyond what we can advise on through our planning remit or where other operational activities and issues prevent us from doing so.

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

Yours faithfully

**Mr Alex Hazel**  
**Planning Advisor – Sustainable Places Team**

E-mail: [CLPlanning@environment-agency.gov.uk](mailto:CLPlanning@environment-agency.gov.uk)