Dear Sir/Madam

RENOVATION AND CONVERSION OF GRADE II LISTED PROPERTY TO CREATE KITCHENS, RESTAURANT, BAR, 31 ROOM APART-HOTEL, BREWERY WITH RETAIL OUTLET, BAKERY, FUNCTION ROOM, OFFICES, TWO RETAIL UNITS AND GYM/SPA LEISURE COMPLEX
HOLMES MILL, GREENACRE STREET, CLITHEROE

Thank you for providing us with further information on the above application. We are able to withdraw our previous objection subject to the inclusion of conditions which meet the following requirements.

Environment Agency position

Flood Risk
The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment 2015-028-REV C submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition
The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 2015-028-REV C and the following mitigation measures detailed within the FRA:

- The gap in the wall adjacent to Mearley Brook shall be left as existing and not blocked up. A gate such as the example submitted with the FRA can be used.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
Reason
To prevent flooding elsewhere.

Informative
Mearley Brook adjoining the site is designated a "Main River" and is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without the prior written Consent of the Environment Agency. Full details of such works, together with details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to James Jackson for consideration.

The Environment Agency has a right of entry to Mearley Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must contact James Jackson on 02030251306 to discuss our access requirements.

Land Quality
We have reviewed the report ‘Phase I Geo-Environmental Site Assessment –Holmes Mill, Clitheroe (Ref:10-566) e3p, June 2015’ that was submitted with this application. Based on the information provided, we recommend the following conditions:

Condition
Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components 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; 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 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition
No occupation of any part of the permitted development shall take place until a verification report demonstrating 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

**Condition**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

**Reasons**

To prevent the pollution of controlled waters from potential contamination on site. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

**Advice to applicant**

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;
- treated materials can be transferred between sites as part of a hub and cluster project; and
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for further guidance.
Yours faithfully

Mr Dave Hortin
Planning Technical Specialist, Sustainable Places

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cc Stanton Andrews