

Rochdale Metropolitan Borough Council
Development Control
Number One Riverside Smith Street
Rochdale
Lancashire
OL16 1XU

Our ref:
SO/2025/124772/04-L01
Your ref:
25/00045/REM
Date:
09 May 2025

FAO: Nick Brookman / Ryan Grant

Dear Nick / Ryan

SUBMISSION OF RESERVED MATTERS (INCLUDING APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOR THE CONSTRUCTION OF A CLASS B8 (STORAGE OR DISTRIBUTION) DISTRIBUTION CENTRE WITH ANCILLARY OFFICE ACCOMMODATION, GATEHOUSE AND ACCESS ARRANGEMENTS, CAR PARKING, HGV BAYS, SPRINKLER TANKS AND PUMP HOUSE, LANDSCAPING, SPUR ROAD AND OTHER ASSOCIATED WORKS, PURSUANT TO 22/01569/OUT.

LAND ON PLOT 3 OF THE SOUTH HEYWOOD MASTERPLAN OFF PILSWORTH ROAD SOUTH HEYWOOD, ROCHDALE

Thank you for re-consulting the Environment Agency (EA) on the above reserved matters application pursuant to planning permission 22/01569/OUT for Plot 3 of the South Heywood development. Re-referral for this application was received by the EA on the 8th May 2025.

As context to our updated planning position statement below, we advise it is our understanding that in response to our previous holding objection 25/00045/REM (EA letter ref: SO/2025/124772/03-L01) concerning the riparian design for Brightley Brook (northern watercourse) and Brightley Brook Tributary (southern watercourse). respective to natural environment protection and enhancement requirements (condition 24 and relevant planning policy), the applicant/developer has concurrently submitted to both the EA and Rochdale Metropolitan Borough Council additional / revised plans, drawings and reporting which seek to address and resolve the EA's holding objection.

Full details of the updates/revisions made to the submissions for 25/00045/REM in response to the EA's holding objection are noted to be provided within the following cover letter supplied by the applicant/developer:

- i. Letter to EA – R.E: Reserved Matters Submission – Plot 3, South Heywood Masterplan (Ref: 24/00045/REM). Prepared by Russel Homes (UK) Limited. Dated: 08/05/2025.

As per the contents of the covering letter (i) detailed above, we request that for formal planning record the additional/revised documentation shared with both the EA and Rochdale Council are uploaded to the planning portal associated with 25/00045/REM with superseded plans/drawings/reporting removed for clarity.

Should further to this consultation response additional /revised plans beyond those

Environment Agency
Richard Fairclough House Knutsford Road, Warrington, WA4 1HT.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..

referenced within the applicant/developer's covering letter (i) be submitted, then we ask that we notified to enable a check that our planning position, detailed below, remains applicable.

Environment Agency Position (Updated) - 25/00045/REM

Subject to update of the planning portal for 25/00045/REM in accordance with the contents of the developers covering letter (i) and documentation shared concurrently with the EA on the 8th May 2025, we have no objection, in principle, to the grant of planning permission for 25/00045/REM.

From review of the revised/additional details provided by the applicant we are satisfied that our outstanding concerns regarding the proposed planning scheduled (removal of cotoneaster invasive) and riparian design of Brightley Brook (northern main river watercourse) and Brightley Brook Tributary (southern main river watercourse) have been sufficiently addressed via the additional and revised plans/drawings submitted.

Further to the above, it is acknowledged that it remains the intention of the applicant/developer to seek the discharge of condition 24 (river corridor strategy) attached to the parent planning permission, 22/01569/OUT at a later stage in time. As previously, we request that we are consulted on any further application seeking the discharge of condition 24 attached to 22/01569/OUT by the local planning authority.

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Advice to Applicant / Developer

Further to the above updated EA planning position statement, we would like to take this opportunity to provide the applicant/developer with the following general informatives of relevance to the proposed development site.

Main River / Flood Risk Activity Permit

As identified by the applicant/developer, the proposed development contains within its extent two main river designated watercourses, Brightley Brook (northern boundary watercourse) and Brightley Brook Tributary (southern boundary watercourse).

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained from the EA for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted. Plans/drawings submitted under the permitting regime must mirror those approved/sought for approval under the planning regime. Discrepancy of plans/drawings/reporting submitted between the regimes may result in a delayed determination or permit refusal.

Waste On-Site

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 is waste or has ceased to be waste. Under the Code of Practice:

- Excavated materials that are recovered via a treatment operation can be reused 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
- 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. For further information on this matter, we recommend that developers should refer to:

- The [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on GOV.UK

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If you receive (or reject) any hazardous waste, you must send a report to the Environment Agency. These are known as 'returns'. If you dispose of hazardous waste at the premises where it's produced you may also need to send returns. If applicable,

you should follow the guidance provided here: [Hazardous waste: consignee returns guidance](#)

Dewatering

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface.

Any dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests.

This activity was previously exempt from requiring an abstraction licence. However, since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site.

More information of this matter is available on gov.uk:

<https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-previously-exempt-abstraction>.

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Please forward a copy of this letter to the applicant/developer. Should you have any queries or questions regarding this response, then please do not hesitate to get in contact.

Yours sincerely,

Mr Andy Davies

EA Green Growth Team Project Manager & Planning Advisor

Direct e-mail andy.davies1@environment-agency.gov.uk