

Bury Metropolitan Borough Council
Town Hall Knowsley Street
Bury
Lancashire
BL9 0SW

Our ref:
SO/2025/124977/01-L01
Your ref:
25/00418/OUT
Date:
29 May 2025

FAO: Ryan Grant

Dear Ryan,

APPLICATION FOR OUTLINE PLANNING PERMISSION (ALL MATTERS RESERVED) FOR A NATIONAL-SCALE EMPLOYMENT DEVELOPMENT, COMPRISING STORAGE & DISTRIBUTION (USE CLASS B8) AND INDUSTRIAL (USE CLASSES B2, E(G)(II) AND E(G)(III)) USES (INCLUDING, BUT NOT LIMITED TO, LOGISTICS, MANUFACTURING PROCESSES AND DATA CENTRES), WITH SUPPORTING ANCILLARY USES INCLUDING HOTEL (USE CLASS C1), COMMERCIAL & BUSINESS & SERVICE (USES CLASS E(A - G)), EDUCATION (USE CLASS F1(A)), LOCAL COMMUNITY (USE CLASS F2(A - C) USES, SUI GENERIS USES (IN ACCORDANCE WITH THE USES SCHEDULE), AND ASSOCIATED DEMOLITION WORKS, LANDSCAPING, DRAINAGE, ECOLOGICAL ENHANCEMENTS, HIGHWAY WORKS, CYCLEWAY AND FOOTPATH LINKAGES AND OTHER ANCILLARY INFRASTRUCTURE.

LAND AT HEYWOOD/PILSWORTH, BOUNDED BY M66, M62, PILSWORTH ROAD & QUEEN ELIZABETH II WAY

Thank you for consulting the Environment Agency (EA) on the above application pursuant to the Northern Gateway development proposal. Initial referral for this application was received by the EA on the 1st May 2025.

Further to our interim planning position statement and application review commentary detailed below, we advise that our current general understanding of intentions for this application/development proposal are as follows:

- The Northern Gateway planning application in question seeks outline with all matters reserved permission. To this end, with respect to the final spatial layout of the development, only the parameter plans submitted should be regarded as 'final' at this stage in the planning process. The two masterplans submitted are indicative only of the potential final development layout taken forwards post grant of outline planning permission and therefore the design(s) presented within are not intended for detailed assessment at this stage in proceedings. Associated, it is acknowledged and understood by the applicant/developer that for matters pursuant to the protection of the natural environment and public safety further technical assessment will be required at the reserved matters / detailed design stage e.g. the effectual management of fluvial flood risk.

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- In virtue of the proposed development crosscutting the spatial jurisdiction of Rochdale Metropolitan Borough Council (Eastern Extent) and Bury Council (Western Extent) it has been determined and agreed that 'mirror' planning applications are required to be submitted for the development. It is further intended, for any subsequent planning approval granted, for the two planning permissions to also 'mirror' i.e. identical approved plans and conditional requirements governing the full spatial extent of the proposed development irrespective exact local planning authority spatial jurisdiction.
- For sought planning approval, the spatial extent of the proposed development for assessment is that of the redline boundary presented within the submitted Application Boundary Plan (Drawing Ref: 10_01. Dated January 2025). The wider spatial extent within the Environmental Impact Assessment boundary (blue line) is outside of development scope/direct control this planning application.

Should any of the points of EA understanding for application intention outlined above prove to be incorrect, then we ask that we are notified and provided the opportunity to make further written representation to the local planning authority.

Environment Agency Interim Planning Position – 25/00418/OUT

As submitted, we are **unable to recommend to the local planning authority the approval of planning permission for the Northern Gateway development proposal**. Our current interim planning position should be regarded as 'holding objection' not an objection in principle to the proposed development.

As identified within wider prior EA email correspondence issued to developer/applicant and respective planning authorities, the iteration of fluvial flood risk model which has been utilised to inform current assessment and conclusions presented within the current iteration of Flood Risk Assessment (*Doc Ref: 784-B048805, Revision P03. Dated December 2024*) submitted for formal approval has not been deemed 'fit-for-purpose' following preliminary EA flood model review (undertaken via our ongoing preliminary planning agreement with the applicant/developer).

Expanding on the above, recognising that the application Flood Risk Assessment (FRA) and associated outline planning permission flood model, once approved, will become 'foundational' to further detailed assessment work undertaken for the Northern Gateway development, we are presently unable to unequivocally validate the initial assessment conclusions reached within the FRA report i.e. that it will be possible to effectually manage fluvial flood risk, ensuring that development within the application boundary itself will not be at an unacceptable risk of flooding (respective to relevant flood vulnerability classification) and that the proposed development itself will not result in an adverse increase of fluvial flood risk elsewhere (outside of planning application boundary).

Our general understanding from wider correspondence is that the interim EA planning position outlined above is understood, acknowledged and accepted by relevant parties (planning authority/developer). We are aware that additional/revision work is being completed by the developer and their chosen consultant to address outstanding EA flood model concerns and that further revised submission for the planning application is intended.

Further to the above, we advise the planning authority from wider project discussion it is

currently anticipated that the revised flood model, associated with updated FRA, will be submitted directly under formal planning for review and approval by the council/EA, not an approach of preliminary approval prior to formal submission. In virtue of this intention, please note that it should not be immediately presumed by the local planning authority that upon updated formal submission being made by the applicant/developer that the FRA and associated flood model is approved/accepted by the EA. We note to all parties that EA/consultee review time will be required to complete a further validation of the updated/revised outline flood model and associated FRA under the formal planning process.

Should our understanding of intentions, outlined above, prove incorrect e.g. there is instead an ambition to seek the progression planning approval as currently submitted (i.e. with non-EA approved iteration of flood model / current FRA iteration) then we ask that we are notified at the earliest possible opportunity and provided the opportunity to make further representation.

EA Planning Application Review Commentary / Draft Conditional Requirements

Our interim planning position above notwithstanding, in line with standard EA formal planning review procedure, we advise that we have completed a wider review/assessment of the planning application against matters within the EA's planning remit and focus, notably the protection and enhancement of controlled waters (surface and ground) and the natural riparian (watercourse) environment.

Noting that we do not currently anticipate our flood risk/modelling concerns to be of material significance to the wider matters which fall within EA planning remit/focus and our assessment (although note where referenced wider updates beyond re-submission of the FRA and flood model may be required), in the interest of expediency we have opted to provide now our current draft condition requirements for the proposed development (with wider relevant review commentary and explanation where appropriate).

Please note that our draft conditional requirements detailed below should not be regarded as fully exhaustive listing of potential EA conditional requirements for the application. It should be anticipated by all parties that, upon resolution of our flood model/FRA concerns, additional conditions(s) will be requested/required by the EA beyond those currently specified (see conditions 1-14 below).

We anticipate that several of our conditional requirements detailed below will be 'crosscutting' with those requested/required by other third-party consultees e.g. the Coal Authority. To this end, we ask that we are consulted should there be an intention to amalgamate or modify the EA's recommended conditional requirements with those requested by third-party consultee(s).

Finally, please note within our draft conditional requirements we have attempted to account (*see purple italic writing*) for potential variation in the planning application submission strategy taken forwards (e.g. should it be opted by the applicant/developer to include within any subsequent planning approval granted condition governing the submission of a detailed development plan/delivery plan).

If a detailed phase/delivery plan condition/approach is requested/pursued by the applicant/developer, we would request that we are notified and provided the opportunity to provide associated planning advice and guidance. However, generally we would advise for any such condition that this requires, additional to a spatial plan defining

development phase extent and detailed summary of the scope development intended within the phase, identification of the outline permission conditions which the applicant/developer considered to be applicable to that phase and whereby considered non-applicable explanation of the rationale for this determination.

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EA Flood Risk, Planning Application Review Commentary

As detailed above, at present we are unable to recommend approval of the planning application in virtue of the site-specific flood model utilised to inform the outline planning permission FRA not having been deemed 'fit for purpose' by the EA.

The issue of flood model verification notwithstanding (work in progress as identified above), we would like to take this opportunity to provide the following additional review commentary (see bulleted below), pursuant to our caveated review of the current iteration of FRA submitted:

- Flood Risk Assessment – Northern Gateway Outline Planning Application. Prepared by Tetra Tech. Document Ref: 784-B048805. Revision P03. Dated April 2025.

We would request that our commentary below is factored by the applicant/external project team within subsequent update of application FRA, additional to flood model update work.

- a) It is acknowledged that the two masterplans' drawings (*Option 1 Drawing Ref: 0936-RFM-XX-00-DR-L-0002 P01 / Option 2 'Giga Scale' Drawing Ref: 0936-RFM-XX-00-DR-L-0003 P02*) submitted for the planning application should be considered indicative only at this stage in proceedings, with only the wider parameter plans sought for approval.

As part of further update to the FRA, whilst from our initial review we are reasonably assured that the proposed development will not be put at unacceptable flood risk / not result in an increase in flood risk elsewhere, in support of an overall conclusion that, in principle, the proposed development will be acceptable with regards to the management of fluvial flood risk, we advise the developer/project team would be beneficial to further include within the main text of the FRA figures/plans with overlays of the modelled flood extents, against the uses parameter plan with associated assessment narrative i.e. further demonstrating and supporting a conclusion that during relevant flood event(s) the extent of flooding observed will be chiefly confined to those areas whereby built-form development is not intended/limited to that which is necessary i.e. the 'Wetland Habitat Corridor' and 'Landscape Mitigation Areas' presented within the parameter plan.

- b) Further to the above (a), noting the current level of detail presented with the indicative masterplans is suggestive that detail design for the proposed development is notably progressed, we would welcome with the application FRA an early assessment of this indicative masterplan(s) e.g. focusing upon the western boundary of the proposed development site, a key question for the indicative detail design is: *does the extent of fluvial flood observed encroach upon the location of surface water features/basis proposed on the western boundary of the proposed development site?* – We note that if these features are

anticipated to be used for surface-water attenuation, if encroached upon, it will be important to ensure that storage capacity of these features is not 'double counted' for when completing an assessment of flood risk management at the detailed design of the proposed development i.e. basins cannot traditionally be used for both surface water attenuation and potential fluvial flood storage.

- c) As detailed within section 5.2.5 of the current FRA iteration, it is noted and acknowledged that there is no intention to culvert main river designated sections of watercourse. Nevertheless, we would take this opportunity to also strongly encourage that culverting is avoided on non-main watercourses also, in virtue of the potential adverse implications of a blockage scenario on localised flood risk.
- d) Subject to the approval of the flood modelling exercise, it should be anticipated that the EA will further require upon any subsequent planning approval granted, a condition requiring that for each reserved matters application / detail design phase, pursuant and further to the 'foundational' outline planning permission FRA, a 'detailed design' FRA Technical Note to be submitted.
- e) Further to (d) above, each/any FRA Addendum Technical Note will need to demonstrate for that specific phase, importantly factoring the cumulative progression of development to date on-site as well as any wider notable material changes to the riparian landscape delivered in proximity of proposed development site at point of detailed design progression (*e.g. South Heywood development site which interacts with Brightley Brook*), that relevant flood risk planning policy and good practice is/remains adhered to (*i.e. no adverse risk of flooding to proposed development / no adverse change or increase in flood elsewhere*). Where appropriate, it will be expected by the EA that the FRA Addendum Technical Note(s) are supported by a 'detailed design' flood modelling exercise. Whereby a flood risk exercise is not anticipated/determined to be needed for a phase the development at the detailed design stage, the applicant/develop should provide details of the rationale justifying this determination as part of relevant formal planning submission (*i.e. reserved matters application of detailed design phase approval*).
- f) Noting the anticipated conditional requirement for flood risk management detailed and discussed above (d-e), we would further welcome within the outline planning FRA a written recognition to the fact that it represents an initial assessment only of the management of flood risk within proposed development site, with further acknowledgement to the fact that at the reserved matters/detail design stage(s) it will necessary to be further demonstrate that relevant flood risk planning policy remains/will be adhered to by the final development.
- g) While the EA's primary decision making is usually based on the 1%AEP CC allowance event, we advise we will also typically review development against more extreme events (such as the 0.1%AEP event). Consequently it should be noted, at the reserved matters/ detailed design stage, we may also require, subject to final design intentions, the undertaking of sensitivity/blockage scenario testing to be completed. To this end, to limit the scope of modelling assessment work required we would advocate that, where possible, any intended bridge abutments are situated outside areas of greater risk of flooding (*i.e. favoring an open-span bridge design with abutments located outside the 0.1%AEP event*).
- h) For sake of clarity, at the point that the outline flood model exercise is deemed fit for purpose by the Environment Agency, we shall expect that the FRA and all

other interacting drawings and plans shall be amended to reference/utilise output from the final outline flood model. For avoidance of doubt, confirmation should be provided with the main text of the FRA which flood model build/iteration plans/figures/outputs presented within are taken from.

EA Groundwater and Contaminated Land Review Commentary / Conditional Requirements

To date, the EA's Groundwater and Contaminated Land Team has reviewed, with regards to the protection of controlled water resources, the following formal submissions made for the application:

- Northern Gateway (JPA1.1) Outline Planning Application, Environmental Statement:

Volume 1: Primary Report and Supporting Graphics (April 2025):

- Chapter 1 Introduction
- Chapter 2 Approach to EIA
- Chapter 3 Site Context
- Chapter 4 Development Specification – Project for Assessment
- Chapter 5 Development Specification – Proposed Scheme
- Chapter 12 Hydrology, Flood Risk, and Water Quality
- Chapter 13 Ground Conditions and Contamination
- Chapter 20 Summary – Project for Assessment
- Chapter 21 Summary – Proposed Scheme

Volume 2: Technical Appendices to the Primary Report:

- Appendix 2.4 EIA Briefing Note: Peat
- Appendix 8.1 Study Area and identification “links for assessment”
- Appendix 8.2 Baseline Conditions
- Appendix 8.3 Future Baseline Conditions
- Appendix 8.4 Assessment of Effects – Operational Stage
- Appendix 13.1 Geo-environmental and Geotechnical Desk Study and Coal Mining Risk Assessment Report, Ref. TTE-B048805-SD-DS-002, version 2, dated February 2025

Volume 3: Environmental Management Plan, April 2025:

- Outline Drainage Strategy Report, Ref. B048805-TTE-11-XX-RP-C-405101 revision P02, March 2025
- Water Framework Directive Assessment – Screening Report, Ref. 784-B08805, version 5, dated April 2025

As identified with reporting submitted, the proposed development site and the area surrounding area has been subject to historic coal mining, landfilling activities, potentially infilled mineral extraction pits and bleach manufacturing. This historic activity presents risk of potential contamination being present within the proposed development site which will need to be further addressed at the detailed design/reserved matters stage of the planning application to ensure a protection of controlled waters.

Further to the above we advise there are several sensitive controlled water receptors present within and in proximity to the proposed development site. In relation to sensitive surface water receptors, this includes Brightley Brook, Pilsworth Clough, Whittle Brook, Castle Brook, Hollins Brook and several other unnamed watercourses and ponds. In relation to geological setting, the proposed development site is located within an area classified as the Northern Manchester Carboniferous Aquifers (*Water Framework*

Directive (WFD) (Drinking Water Protected Area) Groundwater body (GB41202G101800) and contains within secondary undifferentiated aquifer (within superficial deposits of Glacial Till, Glaciofluvial Sheet deposits, Head, Alluvium and River Terrace Deposits), Secondary A aquifers (of Glaciofluvial Ice contact deposits and Hummocky Glacial Deposits), Unproductive strata (Peat) and Secondary A aquifers within bedrock.

The developer's current Environmental Statement (ES) initially demonstrates that it will, principle, be possible to manage any potential risks posed to controlled waters by the Northern Gateway development site. However, further information is still required for each detailed phase/reserved matters application before built development is undertaken to further demonstrate/achieve this.

In line with the above observations, we require that the following conditions (see detailed below), are included as part of any subsequent planning approval granted:

Condition [1] – Site Investigation / Remedial Strategy / Verification

Pursuant to each phase of development / reserved matters application submitted for the approval of the local planning authority, no development shall commence until a remediation strategy 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 site investigation scheme, based on 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 strategy components require the written consent of the local planning authority. The strategy (1-3) shall be implemented as approved.

Reason [1]

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 187 of the National Planning Policy Framework, Policy LP-AP2 of the Draft Bury Local Plan (March 2025) and Policy G9 of the Rochdale Local Plan (Adopted October 2016).

Condition [2] – Remedial Verification report

Prior to first use of any phase of the development / reserved matters application approved a remedial verification report will be submitted by the applicant/developer for the written approval of the local planning authority.

The report shall demonstrate the completion of all remedial works set out in the approved remediation strategy and the effectiveness of the remediation, including results of sampling and monitoring carried out in accordance with the approved

remedial verification plan to demonstrate that approved site remediation criteria have been met.

Reason [2]

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 187 of the National Planning Policy Framework.

Condition [3] – Piling / Intrusive Foundations Control

Piling works and/or penetrative foundation works for the purpose of mine shaft, development structures or ground source heating and cooling systems below ground level shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason [3]

To ensure that the proposed piling works does not harm groundwater resources in line with paragraph 187 of the National Planning Policy Framework and Position Statement N5 of [‘The Environment Agency’s approach to groundwater protection’](#).

Condition [4] – Historic Mining Grouting Works Control

Pursuant to each phase of development / reserved matters application submitted for the approval of the local planning authority, no development may commence until such time as a scheme confirming the scope and methodology for the grouting of former mine workings has been submitted to, and approved in writing by, the local planning authority. The scheme shall include a detailed mining risk assessment, grouting methodology statement, grouting works monitoring plan and demonstrate cognisance to any wider remedial works required.

The scheme shall be fully implemented as approved. Any changes to the approved scheme must be agreed, in writing, by the local planning authority prior to further progression of works.

Reason [4]

To ensure that the proposed development, including works to secure mine workings, do not harm the water environment in line with paragraph 187 of the National Planning Policy Framework and Position Statements K2, N2, N5, N6 and N7 of the [‘The Environment Agency’s approach to groundwater protection’](#).

Condition [5] - Previously Unidentified Contamination

Pursuant to each phase of development approved / reserved matters application submitted for the approval of the local planning authority, if during development contamination not previously identified is found to be present, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason [5]

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 from previously unidentified contamination sources at the development site. This is in line with paragraph 187 of the National Planning Policy Framework.

Condition [6] – Infiltration

Pursuant to each phase of development approved / reserved matters application submitted for the approval of the local planning authority, no drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to relevant controlled water receptors. The development shall be carried out in accordance with the approved details. Any changes to the approved details must be agreed, in writing, by the local planning authority prior to occurring.

Reason [6]

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 caused by mobilised contaminants. This is in line with paragraph 187 of the National Planning Policy Framework and Position Statement G13 of the '[The Environment Agency's approach to groundwater protection](#)'.

Condition [7] – Detailed Foul Water Drainage Strategy

Pursuant to each phase of development approved / reserved matters application submitted for the approval of the local planning authority, no development shall commenced until a detailed foul water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and completed prior to the development being brought into first use. Any changes to the approved scheme must be agreed, in writing, by the local planning authority prior to occurring.

Reason [7]

To ensure that the proposed development not cause adverse harm to controlled waters resources in line with paragraph 187 of the National Planning Policy Framework and '[The Environment Agency's approach to groundwater protection](#)'.

Note to Applicant/Developer [7]

For major development private sewage treatment facilities should only be used in exception where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems. To this end, it is acknowledged from review of the Outline Drainage Strategy (Doc Ref: 784-B048805, Dated March 2025) submitted for the proposed development application that non-mains foul drainage is not proposed and connection to UU sewer system is intended to be facilitated for the final development.

Condition [8] – Detailed Surface Water Drainage Strategy

Pursuant to each phase of development approved / reserved matters application submitted for the approval of the local planning authority, no development shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and completed prior to the development being brought into use. Any changes to the approved scheme must be agreed, in writing, by the local planning authority prior to occurring.

Reason [8]

The Northwest River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class and/or prevent the recovery of and/or cause deterioration of a protected area (Northern Manchester Carboniferous Aquifers WFD Groundwater body).

Note to Applicant / Developer [8]

To ensure that surface water drainage from the development does not cause an unacceptable risk of pollution to the water environment any infiltration drainage proposed will need to be designed and constructed in accordance with BS6297:2007 A1:2008, BRE 365 'Soakaway Design' and Environment Agency guidance on [infiltration systems: groundwater risk assessments - GOV.UK](#) and should not result in increased risk of release or mobilisation of contaminants associated with historic coal mining activities:

This is in line with Policy LP-W2 of the Draft Bury Local Plan (March 2025) and Policy G8 of the Rochdale Local Plan (Adopted October 2016).

Condition [9] – Development Water Supply Sustainability Assessment / Control

Pursuant to any relevant phase of development approved / reserved matters application submitted for the approval of the local planning authority, no development will commence until as a scheme to securing a sustainable means of water supply, utilisation and discharge has been submitted to, and approved in writing by, the local planning authority. The scheme will:

- Be supported by a site-specific water-cycle study/assessment sufficient to inform an integrated water management strategy.
- Be supported site-specific integrated management strategy which demonstrates that the development proposal will not result in adverse impact to relevant social and environmental receptors.
- Factor the objectives and requirements of The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 or any update thereof.

The strategy shall be fully implemented, verified and subsequently maintained as approved. Any changes to be approved scheme shall be submitted to, and agreed in writing by, the local planning authority prior to occurring.

Reason [9]

To ensure that the proposed development, including the provision of water supplies and wastewater management within the proposed scheme, do not harm the water environment in line with paragraph 187 of the National Planning Policy Framework and Position Statements G1, G3, G5, G9 and G11 of [‘The Environment Agency’s approach to groundwater protection’](#).

Note to Applicant/Developer/Planning Authority [9]

For clarity, the above conditional requirement is considered applicable to any future phase of development/reserved matters application which seeks approval for the operation on any form/type of development which requires/involves a notable water input/output. For avoidance of doubt, noting the option 2 Giga Scale’ indicative masterplan (Drawing Ref: 0936-RFM-XX-00-DR-L-0003 P02), we advise that we would consider the sought development of a data centre with substantive water-cooling needs to meet/trigger the requirements of this condition.

In relation to addressing the requirements of this condition, whereby relevant development is intended (e.g. water-cooled data centre), we would encourage that early preliminary engagement is undertaken with both the EA and any wider third-party stakeholder(s) of relevance (e.g. the local sewerage undertaker).

If it is considered that requirements of this condition [9] are not considered applicable to a particular phase/reserved matters application, then whereby the reasoning for this is not immediately clear respective to the proposed end-use (e.g. no form of development proposed which involves notable water take/utilisation/output), then we ask the phase/reserved matters application is accompanied by a written statement/letter which provided explanation of the rationale for this determination.

Condition [10] – Management and Decommissioning of Investigative Boreholes

Pursuant to each phase of development approved / reserved matters application submitted for the approval of the local planning authority, a scheme for the management any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to the local planning authority. The scheme shall:

- Provide details of how any boreholes that need to be retained will be secured, protected and inspected.
- Provide details of how redundant boreholes are to be decommissioned.

The scheme shall be implemented as approved. Any changes to the approved scheme shall be submitted to, and agreed in writing by, the local planning authority prior to occurring.

Reasons [10]

To ensure that boreholes are safe and secure, and do not cause/contribute to groundwater pollution or loss of water supplies in line with paragraph 187 of the National Planning Policy Framework and Position Statement A8 of [‘The Environment Agency’s approach to groundwater protection’](#).

EA Ecology, Planning Review Commentary / Conditional Requirements

From review of the parameter plans sought for more immediate approval, we welcome the initially proposed retention and potential enhancement of the existing key green-blue infrastructure assets, notably the Whittle Brook and Brightley Book waterbodies situated within the spatial extent of the proposed development site.

In progression to detailed design, in part seeking to offset the loss of natural terrestrial environment within the landward elements of the development site, we note opportunity exists to create a new, high quality, multifunctional blue-green infrastructure assets; whereby large undeveloped riparian buffer(s) will retain an ecologically and hydrologically connected mosaic of retained, restored and/or created habitats.

It is also welcomed that as part of its general development design principles (Environmental Statement, Chapter 12 - Design and Access Statement, Turley, April 2025) that this new large scale industrial scheme will seek to implement sustainable water management within the retained riparian greenspace corridor, potential providing (subject to detailed design) water quality and biodiversity improvement benefits.

However, in virtue of outline all matters reserved status of the application, whilst we welcome general design principles proposed respective to protection and enhancement of the riparian environment, we further note and acknowledge that the design of the development is indicative only at this stage (i.e. there is no firm confirmation at this stage as to how high quality and multifunctional green and blue green infrastructure will be delivered and maintained in conjunction with stated BNG on-site mitigation (Tyler Grange, April 2025) required for site.

To the end of the above we advise, additional to the standard BNG requirement/condition, the following planning conditions should be included as part of any subsequent planning approval granted for the proposed development.

Condition [11] – Detailed Riparian Corridor Design Strategy

Pursuant to each phase of development approved / reserved matters application submitted for the approval of the local planning authority, whereby this encompasses within its spatial extent a 'Wetland Habitat Corridor' designated area and/or any main river designated watercourse, no development shall commence until a detailed river corridor design strategy is submitted to, and approved in writing by, the local planning authority. The strategy shall:

1. Provide pre and post scheme detailed cross-sections along the full extent of riparian corridors, including levels and distance measurements.
2. Provide full details of retained riparian habitat and proposed new ecological mitigation or SUDs/wetland habitats proposed, including planting schedule(s) which prioritises the use of native species appropriate to their local environment.
3. Demonstrate and explain how intended riparian design is positively contributing to the delivery of a high-quality natural riparian habitat and sustainable final development in line with relevant local and national policy.
4. Demonstrate and explain how intended riparian design will ensure no degradation and/or contribute to an improvement in water quality.
5. Demonstrate and explain how the final design has factored and supports a positive management of fluvial and surface water flood risk in line with wider detailed development design flood risk assessment work.

6. Demonstrate and explain how balance has been achieved between the protection and delivery of high-quality riparian habitat and necessary development recreation and travel needs.
7. Provide details of any river restoration opportunities for existing heavily modified channels (WFD assessment, Tetra Tech, April 2025), and on site BNG mitigation habitat creation in line with the approved BNG Assessment.

The development shall be undertaken in full accordance with the approved strategy. Any changes to the approved scheme must be agreed, in writing, by the local planning authority prior to occurring.

Reason [11]

To ensure the protection and positive integration of Whittle and Brightley Brook waterbodies into the final design of the development and creation of new multifunctional and high ecological quality blue-green infrastructure in accordance with relevant policies with the Places for Everyone Joint Development Plan (policies JP-G2, G3 & G8) and the National Planning Policy Framework.

Note to Applicant / Developer / Planning Authority [11]

Further to this conditional requirement, the EA notes in conjunction with site surveys carried out by the consultants Tetra Tech (Apr 2025) & Tyler Grange (April 2025) that several waterbodies have been historically modified, and at least one tributary of Whittle Brook (S1) will potentially be lost to facilitate the final intended development (*design presented within the indicative masterplan(s) or otherwise*).

To this end, moving forwards, as part of addressing this conditional requirement, but also via early preliminary engagement we would welcome additional detail as to where naturalisation along both of the main river watercourses is viable to offset any loss intended/necessary to facilitate the final development i.e. providing clearer detail how indicated watercourse/habitat gain (Tyler Grange, April 2025, section 3.8) could be achieved in retained stream corridors, what river restoration solutions are intended and where.

For any new road crossings of Brightley Brook, it is advocated that the final design/scheme ensures that hydrological and ecological connectivity is achieved i.e. via an open span bridge design with setback abutments. The EA would be opposed to a scheme which acted to prevent or cause a material degradation/disruption in connectivity.

Design options for any new revetments or embankments within the riparian corridor(s) should preferably be guided by relevant best environmental practice literature promoting green engineering options (<https://www.hrwallingford.com/projects/green-infrastructure-supporting-green-river-engineering>); and the design of any new site surface water drainage based on best practice CIRIA guidance in regards to the construction or removal of redundant surface water outfalls (CIRIA Culvert, Screen and Outfall manual C786).

Condition [12] - Landscape Ecological Management and Monitoring Plan

Pursuant to each phase of development approved / reserved matters application submitted for the approval of the local planning authority, prior to first use of the development, a landscape ecological management and monitoring plan, including

details of long-term design objectives, management responsibilities and maintenance schedules for all retained and new habitat areas, shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved and enacted for the lifetime of development. Any changes to the approved scheme shall be submitted to, and agreed in writing by, the local planning authority prior to occurring.

Reason [12]

To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted policy Places for Everyone Joint Development Plan policies JP-G2, G3 & G8.

To ensure accordance is achieved with paragraphs 187 and 193 of the National Planning Policy Framework (NPPF) which recognises that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

The proposed wetland habitat corridor along Whittle and Brightley Brook's and outlined habitat ecological enhancements that have been proposed (DAS, April 2025) will require a management and monitoring plan to be in place. This will ensure the landscape provides a maximum benefit to people and the natural environment over the effectual lifetime of development and achieves uplift requirements.

Condition [13] – Japanese Knotweed / Himalayan Balsam Invasive Management Plan

Pursuant to each phase of development approved / reserved matters application submitted for the approval of the local planning authority, no development shall commence until a detailed scheme for the removal and subsequent ongoing management of any Japanese Knotweed & Himalayan Balsam identified with the development area has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason [13]

To prevent the spread of Japanese Knotweed and Himalayan Balsam. Without effectual management, otherwise avoidable damage could be caused to the nature conservation value of the site contrary to paragraph 187 of the NPPF. Further, NPPF paragraph 192 identifies that development plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.

EA Geomorphology / WFD Review Commentary / Conditional Requirements

We welcome the revisions made to the formally submitted version of the WFD Screening Report, detailed below, in response to previous EA preliminary advice and guidance provided:

- Water Framework Directive Screening Report – Northern Gateway (JPA 1.1). Prepared by Tetra Tech. Document Ref: 784-B048805. Version 005. Final. Dated December 5th 2025.

For future WFD assessment, at the detailed design stage(s) of the development, please add/detail in full the relevant ecological and chemical elements which are not achieving good status/failing WFD objective(s).

We note within section 3.2.7 of the WFD screening report which has been added in response to previous EA commentary provided, "*Further plot-specific hydromorphological studies may be required to support the WFD Impact Assessments for individual plots at the reserved matters stage*", please further note that in line with wider previous commentary and guidance provided by the EA that, additional to contributing towards development WFD assessment work, detailed hydromorphological surveys will also be directly beneficial to informing final development design intentions i.e. determining the appropriate siting and design within the riparian corridors and identification of scheme wide mitigation and enhancement measures taken forwards. .

Further to the above, we note and welcome the commitment to undertake additional survey work to understand the value of ditches to be lost/required to be removed to facilitate the final development. In line with previous EA advisory, please be mindful to include an assessment of ditch loss as part of the river metric for the site BNG assessment. Measures intended to achieve a riverine uplift should also be incorporated into the WFD Assessment.

In summary, pursuant to section 3.3.15 and 4.1.1 of the WFD screening report which commits that, for the proposed development, as relevant, further WFD assessment will be undertaken on a 'plot-by-plot' basis (reserved matters / detailed design phase applications) with an associated review of the interventions recommended within the Natural Course River Corridor Study, we request that following condition is included as part of any subsequent planning approval granted:

Condition [14] – Plot/Phase Specific WFD Assessment Report

Pursuant any relevant phase of development approved / reserved matters application submitted for the approval of the local planning authority the developer shall submit, for written approval by the local planning authority, a detailed Water Framework Directive (WFD) Assessment Report. The report shall:

- Identify the potential impacts of the proposed development to WFD quality elements and determine if there is an associated risk of WFD element deterioration and/or prevention from achieving objective/good status.
- As relevant, detail how the proposed development will positively contribute to the uplift of WFD classification.
- As relevant, detail how the proposed development will avoid/mitigate against a risk of WFD deterioration and/or prevention of the achievement of good status.

The development shall proceed in accordance with the WFD Assessment Report approved.

Reason [14]

Regulation 33 of [The Water Environment \(Water Framework Directive\) \(England and Wales\) Regulations 2017](#) places a duty on each public body, including local authorities, to 'have regard to' RBMPs when exercising their functions. This means they must ensure they neither undertake nor authorise a project which may jeopardise:

- The current status of a WFD element or cause its deterioration

- The attainment of good status
- Pollution reduction measures
- Standards and objectives for protected areas

Therefore, as relevant, it will be necessary to determine whether the detailed design of the proposed development presents a WFD risk further to the initial screening work undertaken/

Note to Applicant / Developer / Local Planning Authority [14]

Determination of WFD compliance should be considered a live, ongoing assessment activity for the purpose of the Northern Gateway development proposal. To this end, we note as part of future WFD assessment work, it may (subject to phase/development intention) prove necessary to undertake cumulative assessment i.e. factoring the scope of activity/intervention undertaken in previously approved plot/phase. For further relevant guidance of WFD assessment, please refer to: <https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-advice-on-the-water-framework-directive#aims-of-the-wfd>.

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EA General Informatives / Advice to Applicant / Planning Authority

Further to the above site-specific commentary and draft conditional requirement list, please see detailed below general advisories considered of relevance to the proposed development.

Land Contamination

This development site has been the subject of past industrial activity which poses a 'medium risk' of pollution to controlled waters.

Whereby land contamination is known or suspected we recommend that you refer to our published '[Guiding Principles for Land Contamination](#)' which outlines the approach which should be adopted when managing this site's risks to the water environment.

If not already done so, we also advise consultation on the proposed development is sought for the council's Environmental Health/Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 187 of the National Planning Policy Framework.

In addressing land contamination risk, we recommend that development project teams should:

- Follow the risk management framework provided in [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

Waste On-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. You should follow the guidance provided here: [Hazardous waste: consignee returns guidance](#)

Detailed Design Construction Environmental Management Plan(s) / Condition Requirement

An initial Environmental Management Plan has been prepared and included within the Environmental Statement supporting the proposed development. However, a detailed Construction Environmental Management Plan (CEMP) or Code of Construction Practice is required which is bespoke to each individual detailed design phase/reserved matters application for the proposed development.

We expect that the LPA(s) will already be intending to include a 'detailed design/phase' CEMP condition as part of any subsequent planning approval granted for the proposed development. **If no, we ask that we are notified . If yes, we ask that the EA consulted upon this CEMP condition**, factoring the need to ensure the protection of controlled waters is also achieved during development construction.

Potential Receptors – Private Water Supplies

With respect to Chapter 12 Hydrology, Flood Risk and Water Quality Section 12.43 to 12.48, the Applicant is advised to consult with the Local Authority regarding the potential for a Private Water Supply record. There is potential for private abstractions to be present within the study area. Information pertaining to the active/inactive status and usage will support the Applicant's conceptual site model, with respect to whether any such abstractions are used for the supply of water for human consumption.

Water Resources

The Environment Agency regulates open-loop ground source heating and cooling schemes. For the proposed development/detailed design consideration will need to be given to whether any of the following is required:

- A groundwater investigation consent (section 32/3 of the Water Resources Act 1991) to drill and test pump
- A full abstraction licence (Water Resources Act 1991), if the volume of groundwater abstracted is greater than 20 m³/day
- An exemption, if you meet the criteria for a low-risk activity, or environmental permit (under the Environmental Permitting (England & Wales) Regulations 2016 to discharge

The applicant is advised to contact the Environment Agency on 03708 506 506 for pre-permit application discussions. Further guidance can be found at: <https://www.gov.uk/government/publications/new-ground-source-heating-and-cooling-scheme-form-and-guidance-notes>.

The Environment Agency Good Practice Guide relating to the installation and operation of open and closed loop ground source heating and cooling systems can be found on the Ground Source Heat Pump Association website at: http://www.gshp.org.uk/pdf/EA_GSHC_Good_Practice_Guide.pdf.

The Applicant should make reference to the attached Environment Agency *Permitting for dewatering activities* note in addition to the Environment Agency's guidance for [Water cycle studies - GOV.UK](#).

Coal Mine Workings

Grouting of former mine workings may require, additional to the grant of planning permission, an Groundwater Activity Permit. Further guidance on this matter is available online: [Check if you need an environmental permit - GOV.UK](#)

Flood Risk Activity Permit (FRAP)

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained 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>.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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We trust that you find the contents of this interim EA planning response letter beneficial to forward progression of formal planning application work associated within the Northern Gateway development proposal.

However, should you or the developer have issues or queries regarding the contents of this letter then we ask you please do not hesitate to get in contact with us to discuss this further. Associated, we welcome the opportunity to further engage upon any queries which may arise in relation to the draft planning conditions stipulated within our written response above.

Yours sincerely,

Mr Andy Davies
EA Green Growth Team Project Manager & Planning Advisor

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