

Date: 13 November 2023
Our ref: 455112
Your ref: 23/00570/DOC



[REDACTED]
Rochdale Borough Council

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

Dear [REDACTED]

**Planning consultation: Submission of details to comply with conditions 3 (invasive species), 4 (tree retention plan), 8 (site investigation), 9 (coal mining), 11 (drainage scheme) and 13 (canal protection) on Planning Permission 20/01093/FUL
Location: 1 Dobfield Road, Rochdale, Rochdale, OL16 3AW**

Thank you for your consultation on the above dated and received by Natural England on 28 October 2023. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We provide the following comments on the planning material associated to the above planning conditions:

Amendment Required Prior to Discharge of Condition 3 – Invasive Species

Assurances were made within the Habitats Regulations Assessment, that there would be no herbicide application on or near the banks of Rochdale Canal Special Area of Conservation. Natural England previously raised concerns that the herbicide treatment has already taken place before the discharge of the condition 3 within our response dated 18 July 2023. This included application on and near the banks of Rochdale Canal Special Area of Conservation as per the Inspectas Land Remediation Management Plan for Himalayan Balsam.

This action contradicted the formally adopted Habitats Regulations Assessment and conflicts with the Construction Environmental Management Plan. In addition, no alternative permissions were sought from Natural England prior to this. You may wish to consider if the [Planning Enforcement Team](#) requires involvement.

We previously advised that Natural England do not support herbicide application within one metre of Rochdale Canal Special Area of Conservation and suggested alternate hand pulling measures where the qualifying feature water floating plantain is at risk of being affected as per our response dated 18 July 2023. Our response is consistent with the proposed hand pulling and herbicide application methods in the Construction Environmental Management Plan.

Provided the hand pulling measures are used within this area and detailed within the Land Remediation Management Plan for Himalayan Balsam, we support the discharge of Condition 3.

Amendment Required Prior to Discharge of Condition 4 – Tree Retention Plan

Retaining bank side vegetation can help to prevent bank instability and associated risk with soil

erosion. Further detailed comment can be found within our comments for Condition 13.

Our response dated 21 May 2021 suggested that debris which may fall into the canal during vegetation management on the western boundary should be addressed within the Construction Environmental Management Plan. Provided this addition is made, Natural England support the discharge of condition 4.

Please note we refer Local Planning Authorities to [Standing Advice](#) for Protected Species and [Standing Advice](#) for ancient woodland, ancient trees and veteran trees: advice for making planning decisions.

No Further Information Required Prior to Discharge of Condition 8 – Site Investigation

We support remediation efforts as per our previous response dated 18 July 2023 and in relation to the Remediation Strategy dated October 2023. We also signpost [Code for Practice for the Sustainable use of soils on construction sites](#) which you may wish to refer within the Remediation Strategy and Construction Environmental Management Plan.

No Comment - Condition 9 – Coal Mining

Natural England have no comment to make on the discharge of this condition.

Further Information Required Prior to Discharge of Condition 11 – Drainage

Natural England have concerns relating to the proposed drainage strategy and do not support the discharge of Condition 11. We are concerned to note that the drainage proposals have the potential to conflict with the formally adopted Habitats Regulations Assessment which states that there will be no discharges from surface or foul water entering Rochdale Canal Special Area of Conservation.

Nutrient pollution is a significant problem for freshwater habitats which can adversely affect water quality. We signpost the following [Water supply, wastewater and water quality guidance](#). There are several points of discharge within 50 metres of the designated site within the gardens. These discharges have the potential to reach the European designated site via surface and/or ground water pathways. Rochdale Canal was built over 200 years ago and as a consequence may no longer be hydrologically isolated from the Application Site. Natural England do not have assurances that likely significant effects have been addressed due to a lack of assessment and evidence.

We also remain of the opinion that soil reprofiling works should also be considered as part of this discharge of conditions due to the potential hydraulic gradient and changes in land levels towards Rochdale Canal Special Area of Conservation.

Should evidence be provided which suggests the surface water and groundwater environmental standards set out by the Water Framework Directive (WFD 2000/60/EC) are met and informed by the detailed bullet point methodology contained within our previous response (dated 16 October 2023), our concerns would be alleviated. In addition, should evidence be supplied to support a lack of hydrological pathway or connection of surface and foul water to the mains, our concerns would also be alleviated.

Further Information and Amendment Required Prior to Discharge of Condition 13 - Canal Protection

Operational Phase

Natural England require further information and assurances prior to the discharge of Condition 13 as they coincide with our concerns relating to drainage.

Construction Phase

Natural England recommends an amendment is made to the Construction Environmental Management Plan to explicitly detail actions surrounding soil handling.

Where works are to take place on the bank of Rochdale Canal Special Area of Conservation and/or should stockpiles of soil be required, Natural England support measures such as avoiding works in windy or other unsuitable weather conditions, suitable storage locations, gradient and heights, and covering the bank/stockpiles to prevent erosion and associated sediment entering Rochdale Canal Special Area of Conservation. Construction works should be in accordance to the [Code for Practice for the Sustainable use of soils on construction sites](#).

Natural England strongly recommend that monitoring of bank stability and stockpiles are made. Observation of soil slips, erosion rills, water ponding and loss or damage of protective barriers (including buffers, bunding and vegetation) are monitored during the construction phase and rectified should these activities occur. In certain circumstances, erosion prone soils may require further mitigation from wind and water and may include: covering stockpiles with seed and/or geojute (or similar geotextile covering) to stabilise bank sides/stockpiles until the vegetation cover becomes effective.

We support the buffer between the edge of Rochdale Canal Special Area of Conservation and the construction footprint and mounded earth/compacted bund as detailed in the Construction Environmental Management Plan but required clarification on whether this will be maintained during canal protection works and soil reprofiling as per our response dated 16 October 2023. Natural England supports the buffer and bund should they be continued throughout the development and monitored regularly.

Natural England supports the Construction Environmental Management Plan to address construction related concerns arising from lighting, chemical/fuel storage and dust. As discussed within Condition 8 – Site Investigation, we support efforts to remediate the land contamination within the Application Site.

Natural England refer Local Planning Authorities to [Standing Advice](#) in relation to protected species.

Other Advice

Natural England offers the following advice:

General Binding Rules

[General binding rules](#) have been produced to address impacts arising from discharge of water to the ground. In light of the recent amendments to the General binding rules (02 October 2023), we strongly recommend the Environment Agency are contacted for consultation comments as this may affect the overall design layout and/or requirement of permits.

Discretionary Advice Service

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Natural England would expect to be reconsulted on the discharge of conditions 11 and 13 only. If you have any queries relating to the advice in this letter or any additional consultation requests, please consult, the following email address, consultations@naturalengland.org.uk.

Yours sincerely

Zoe Haysted, Sustainable Development Lead Adviser
Wetlands, Water and Natural Course (Cheshire to Lancashire)