

Rossendale Borough Council
Development Control
Futures Park
BACUP
Lancashire
OL13 0BB

Our ref: NO/2019/112132/04-L02
Your ref: 2019/0405
Date: 27 April 2020

Dear Sir/Madam

OUTLINE APPLICATION (WITH ALL MATTERS RESERVED): DEMOLITION OF ALL EXISTING BUILDINGS AND ERECTION OF UP TO 30 NO. DWELLINGS

IRWELL VALE MILL AITKEN STREET RAMSBOTTOM BURY LANCASHIRE BL0 0QG

I refer to the above application and our previous response dated 20 April 2020.

We withdrew our objection to the propose development subject to the inclusion of several conditions on any subsequent approval. Unfortunately, there was a typographic error in our flood risk condition regarding the finished floor levels being set 150 m above existing ground level; it should have been 150mm. We also omitted to include a condition requested by our fisheries, biodiversity and geomorphology team.

Given the above, we wish to amend the flood risk condition and add a further condition regarding the biodiversity of the new river channel. **Our contaminated land comments remain unchanged.**

1. Flood risk

For the reasons outlined in our previous response, we recommend that any subsequent approval is conditioned as follows:-

Condition The development shall be carried out in accordance with the submitted flood risk assessment (FRA) by Weetwood (Final Report v1.1 dated November 2019; referenced 4249/FRDA/Final/v1.1/2019-11-19) and the following mitigation measures stated within Sections 5 and 8:-

- Removal of the two existing mill bridges;
- Construction of flood wall along the southern bank of the River Ogden within the site. Top of wall level set at 144.1 metres (m) Above Ordnance Datum (AOD);
- Construction of flood storage area. Invert level of flood storage area set between 143.2 m AOD to 143.8 m as shown in Figure18 of the approved FRA;
- Northern parcel development platform raised above the peak level in the 1 in 100 plus 35% climate change AEP event;
- Finished floor levels to be set at a minimum of 600 mm above the 1 in 100 plus 35%

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- climate change AEP event;
- Finished floor levels to be set 150 mm above adjacent ground levels;
- Implementation of a French drain along the northern edge of the site;
- A minimum 8 m undeveloped buffer strip is provided adjacent to the River Ogden;
- Flood Response Plan to be developed in consultation with Rossendale Borough Council

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

- To reduce the risk of flooding to the proposed development and future occupants.
- To reduce risk of flooding to surrounding properties.
- To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
- To reduce the risk of flooding to the proposed development and future occupants.
- To reduce the risk of flooding from surface water.
- To ensure adequate land drainage.
- To ensure access to the river for future maintenance.
- To reduce the risk to future occupants.

As stated previously, this development will require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the bank of the River Ogden which, is designated a 'main river'. Some activities are also now [excluded](#) or [exempt](#). A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

2. Fisheries, biodiversity & geomorphology

We generally welcome the revised FRA and Figure 18: Flood Mitigation Measures that proposes an amended residential footprint with an opportunity to more positively integrate the development with the River Ogden Water Framework Directive (WFD) waterbody and the main green infrastructure asset within the Irwell Vale Mill site. This creates the ability to enhance the environmental quality of the WFD waterbody and key ecological network through preservation of an undeveloped riparian buffer in combination with creating a new multifunctional flood storage area (FSA) along the left hand bank of River Ogden.

Environment Agency position

Development that encroaches on watercourses can have a potentially severe impact on their ecological value. Networks of well-designed and managed undeveloped buffer zones also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the NW river basin management plan (<https://www.gov.uk/government/publications/north-west-river-basin-district-river-basin-management-plan>).

The proposed development will therefore be acceptable if a planning condition is included requiring a scheme to be agreed to protect a minimum undeveloped 8 metre wide buffer zone along the River Ogden's north western and southern banksides, and a new 20 metre flood storage area along the River Ogden's left hand bank as outlined in indicative design layout proposals in Figure 18: Flood Mitigation Measures in the approved FRA by

Condition No development shall take place until a detailed scheme for the provision and management of a minimum 8 metre wide buffer zone and new 20 metre wide multifunctional flood storage area (FSA) along the River Ogden waterbody are approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from new built development including lighting or domestic gardens and shall include:

- detailed plans, including cross-sections (minimum 2 for proposed 8 m buffer area and minimum 4 along FSA area), showing the extent and layout of the riparian buffer zone in respect to new proposed residential development, mean and bank-full water levels, and / or any changes to bed composition
- details of proposed bank lowering or land raising within or adjoining new FSA or greenspace buffers
- details of any new revetment options proposed within the River Ogden riparian corridor using bio-engineered options unless it can be demonstrate they are not feasible
- details of removal of redundant buildings and bridges over River Ogden
- an updated ecological appraisal based on amended scheme footprint outlining how opportunities to create a high quality and multifunctional flood storage area and improved ecological network will be adopted as part of riparian scheme design
- details of any retained or restored greenspace in riparian corridor, including production of an integrated riparian soft landscaping scheme including planting schedule based on native species
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed new surface water outfalls, footpaths, fencing, lighting, etc. within River Ogden riparian corridor

Reasons Land alongside watercourses are particularly valuable for wildlife and it is essential this is protected. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted policy 17 (GI) & 18 (Biodiversity) of the Rossendale Core Strategy

This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

From an ecological and geomorphological perspective, we welcome the indicative revised plans to retain a minimum 8 metre undeveloped buffer, whilst creating new 20 metre multifunctional flood storage area along the River Ogden waterbody and key green infrastructure asset. However, we are currently unable to fully assess the outline application submitted, due to a lack of information surrounding the new channel and river corridor design proposals. The current plans do not include any detailed information on any bank remodelling or lowering along the River Ogden or how the existing Irwell Vale mill will

be removed and riparian corridor reinstated.

Greater clarification is sought in the form of a number of cross sections along the riparian scheme, to understand how new raised residential platform and flood storage area with positively interact with WFD waterbody and ecological network to create a high quality and multifunctional green infrastructure asset for the benefit of both people and wildlife. It is also recommend the preliminary ecological appraisal (e3p, September 2019) be updated to reflect revised development proposals and outline how new riparian residential development provides opportunity to enhance existing failing WFD waterbody and create a new multifunctional green infrastructure asset as part of new flood storage area.

In regards to WFD we would recommend the applicant consider how the proposals will impact on each WFD quality element for this failing WFD waterbody, and whether there is an opportunity to contribute to the relevant WFD mitigation measures. Assessing the impacts of the proposals on each WFD quality element and opportunities to achieve the objectives of the WFD will ensure that proposals are WFD compliant.

We would recommend any new revetment associated with raised development platform is set outside the 8 metre riparian buffer or flood storage area, and it preferentially be based on an bio-engineering design (<http://www.hrwallingford.com/news/supporting-green-river-engineering>), where feasible.

It is generally welcomed that proposed redundant bridges over the River Ogden are to be removed as part of future scheme proposals, but details as to how this would be conducted whilst ensuring protection of waterbody and ecological receptor should be provided.

In order to assess the level of risk to the riparian environment and ensure positive integration of the River Ogden and associated land, suitably scaled plans /drawings, including cross sections showing the relationship of the proposed development to the river will be required at the detailed planning stage.

Yours faithfully

Philip Carter
Planning Officer - Sustainable Places

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