

Application Number:	2020/0159	Application Type:	Full
Proposal:	Creation of wild play areas, upgrading of existing paths and facilities, and installation of new features and equipment. Also includes works to trees (including those covered by Tree Preservation Orders), landscaping and planting.	Location:	Spodden Valley, Off Market Street, Whitworth
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Report Written:	21/09/2020
Applicant:	Mr David McChesney Rossendale Borough Council	Determination Expiry Date:	09/10/2020
Agent:	Ms Rachael Gildert		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	✓
Other (please state):	Council-owned land

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. **RECOMMENDATION**

That the Committee approve planning permission subject to the conditions set out in this report.

2. **SITE**

Spodden Valley is a large irregularly shaped piece of land within the ownership of Rossendale Borough Council to the west of Market Street in Whitworth, immediately to the north of Healey Dell. The site is used for recreation, and consists of meadows, woodlands and water features interspersed amongst a network of formal and informal pathways. Several information boards and signs are present within the site, in various states of repair.

A recently-surfaced public cycleway (the Valley of Stone Greenway) runs along the western edge of the site, connecting Healey Dell to areas further north.

The majority of the site is designated as Green Belt, apart from a small area at the southern end of the site which is countryside. The entire southern part of the site is also a designated Local Nature Reserve.

3. **RELEVANT PLANNING HISTORY**

2019/0585 - Creation of wild play areas, upgrading of existing paths and facilities, and installation of new features and equipment. Also includes works to trees (including those covered by Tree Preservation Orders), landscaping and planting (Withdrawn).

4. **PROPOSAL**

Planning permission is sought for the following operations in the wider Spodden Valley area (which is within the ownership of Rossendale Borough Council):

- Improved and widened footpaths with new surfacing including links to the existing cycleway. It is proposed that resurfacing the existing paths will prevent visitors from creating their own desire lines through the meadow which currently has a negative impact on the flora of the site.
- Pruning away of overhanging trees away from existing paths. Some 'unofficial' tree pruning work has already been carried out from path edges to make paths usable and it would be better for this to be carried out under direction by professionals in a managed way.
- Woodland management as directed by ecologists.
- Improved timber directional signage including from Wallbank Estate and further afield to encourage walking.
- Upgraded interpretation panels.
- Repairs to the existing dipping platform and sensitive/appropriate dredging of the small pond to create an educational resource (as guided by the ecologist).
- Treatment and/or removal of non-native invasive species including rhododendrons, raspberry canes and Japanese Knotweed according to guidelines set out by the Environment Agency and as guided by ecologists through the construction period.
- Creation and installation of entrance features design in collaboration with the community and school pupils.

- Installation of play features in specific, less sensitive areas of the site Spodden Valley alongside the paths (as directed by ecologists). This will include boulders and felled logs as natural play as well as more traditional play such as embankment slides and climbing frames. The surfacing will be a mixture of bark mulch; pea gravel and grass matting and the areas won't be fenced off separately from the wider site to minimise disruption to the site.
- Installation of carved features around the site such as birds, insects and animals carved from wood and installed around the site. Some of these will be ground level for informal play or seating.
- Informal seating made from timber and/or stone at the edges of paths.
- Replanting around the site of wildflowers, trees and shrubs around the Spodden Valley as directed by the Ecologists. This will be carried out with the community and schools as a learning activity.
- A programme of 'directed' learning activities on site for the community and schools such as wildflower planting, pond dipping, bug hunting and tree identification.

The application is essentially a re-submission of application 2019/0585, albeit incorporating changes to the original scheme brought about through a process of further community consultation by the applicant.

The applicant has submitted the following summary of the key changes:

“Since the previous application; Proffitts have been working closely with residents in Grove Terrace (at the north of Spodden Valley) and have met with members of Rochdale Field Naturalists to discuss the proposals in greater detail. These meetings, along with feedback from the original application (which was withdrawn) and from other statutory consultees have led to the proposals being altered in terms of the locations for play and a greater emphasis being put on the long term maintenance of the site. This will be an ongoing process with the aim of bringing in support from around Whitworth and further afield to try and manage the site as well as possible for biodiversity. A suggested management programme has been included with the planning application for reference. This is intended to serve as a guide – additional information and detail will be added to this document as the project progresses and as advice comes through from the Ecologists and Rochdale Field Naturalists. In addition to this, following a meeting with Anne Storah, information has been included with the application with regards to biodiversity net gain.”

The natural play zone which was proposed at the northern end of the site (close to Grove Terrace) in application 2019/0585 has been omitted in the current application, and play features have been consolidated into the central area of the site.

The works would be carried out by Rossendale Borough Council and its contractors.

5. **POLICY CONTEXT**

National

National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 8 Promoting Healthy and Safe Communities

Section 9 Promoting Sustainable Transport

Section 11 Making Effective Use of Land

Section 12 Achieving Well Designed Places

Section 13 Protecting Green Belt Land

Development Plan Policies

Rossendale Core Strategy DPD

AVP1 Whitworth, Facit and Shawforth

Policy 1 General Development Locations and Principles

Policy 9 Accessibility

Policy 17 Rossendale's Green Infrastructure

Policy 18 Biodiversity and Landscape Conservation

Policy 21 Supporting the Rural Economy and its Communities

Policy 23 Promoting High Quality Design and Spaces

Policy 24 Planning Application Requirements

Other material considerations

National Planning Practice Guidance

National Design Guide

RBC Emerging Local Plan

6. CONSULTATION RESPONSES

United Utilities

No comments to make on the application

Cadent

No objection

Coal Authority

No objection

Ecology

No objection subject to conditions.

Land Contamination

No objection subject to conditions.

Lancashire Badger Group

No objection

Lancashire Wildlife Trust

No objection subject to conditions

Lancashire County Council (Lead Local Flood Authority)

No comments to make on the application

Lancashire County Council (Public Rights of Way)

No comments have been received

Lancashire County Council (Highways)

No objection

Rochdale and Bury Bridleways Association

No objection, provided advice on bridleway safety measures (forwarded to applicant)

RBC Environmental Health

Support the application for the health and wellbeing of residents

RBC Tree Officer

No objection

RBC Operations

No comments have been received

RBC Parks

No comments have been received

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order notification letters were sent to neighbouring properties. Site notices were also posted.

31 letters of objection have been received, raising the following points:

- Harm to wildlife / ecology
- Inappropriate development
- No need for the development
- Invasive species risk
- Harm to visual amenity
- Harm to neighbour amenity
- Access issues
- There are better sites elsewhere for this scheme
- Maintenance will be an issue
- Will become an eyesore
- Will reduce the wildness of the area
- Harm to mental and physical health through reduced contact with a wild area
- Harm to safety
- Lack of consultation with members of the local community

- Increased litter will result
- Harm to pedestrian / bridleway safety

3 letters of support have been received, raising the following points:

- Scheme would be beneficial to local residents
- Applicant has taken on board comments on previous scheme and has addressed them adequately
- Will help people to improve their health and wellbeing
- Positive aspects outweigh the negative aspects

8. **ASSESSMENT**

The main issues for consideration in this instance are:

- Procedural Matters
- Principle
- Visual Impact
- Neighbour Amenity
- Highway Safety
- Tree Issues and Ecology

Procedural Matters

Class A of Part 12, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits the following without the need to apply for planning permission:

“The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of:

(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;

(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.”

The above is subject to several limitations and conditions included within the Order.

Also, for the above to apply, the works would need to be carried out by Rossendale Borough Council also, and only covers works on land owned by the Council.

It appears that the majority of the proposed works will be on Council-owned land, and that the works will be carried out by Rossendale Borough Council (the Local Authority) and its contractors.

As such, it is likely that much of the proposed scheme could have been carried out by the Council as 'permitted development' and it may not have been necessary for this application for planning permission to have been submitted for consideration.

The applicant was informed of the above by officers prior to submitting the application, but in the interests of ensuring a high level of public and stakeholder consultation and engagement with the project, and for the avoidance of any doubt, chose to submit the planning application in any case.

As such, the application has been fully considered by officers and the Council's consultees.

Principle

The application site is mainly within the Green Belt (with a small portion designated as countryside, but outside the Green Belt).

The proposal therefore needs to be considered initially against the provisions of Policy 1 of the Core Strategy and Section 13 of the National Planning Policy Framework. The former seeks to primarily locate development within the defined Urban Boundary but does allow for some development outside of it provided that the proposal in question meets all other relevant national and local planning policies.

The latter primarily seeks to maintain the openness of the Green Belt but also identifies circumstances where development will be viewed as appropriate within it. Since the Council does not currently have any other specific adopted Green Belt policies itself, and since the relevant provisions of Policy 1 are very limited, it is proposed to rely primarily on the contents of Section 13 of the Framework in determining this application.

Section 13 of the Framework states that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open' adding that 'the essential characteristics of Green Belts are their openness and their permanence'. The general thrust is that any form of development within the Green Belt is inappropriate and therefore by definition harmful to it unless it represents one of the exceptions identified in paragraphs 145 and 146 of the Framework or 'very special circumstances' can be demonstrated for allowing it.

Paragraph 144 adds that 'when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.

Paragraph 145 identifies the nature of development that can normally be viewed as an exception to Green Belt policy and therefore acceptable in principle. This includes "*the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*".

Paragraph 134 identifies the five purposes of including land within the Green Belt which are:

a) to check the unrestricted sprawl of large built-up areas;

- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

It is considered that the proposed development would accord with the relevant exception set out in paragraph 145 of the Framework having regard to the above. The development would also not conflict significantly with any of the reasons for including land within Green Belt set out in paragraph 134.

As such, the development would not be inappropriate within the Green Belt and is acceptable in principle.

Visual Amenity

The proposed works would not involve the construction of any buildings as such, but would involve the provision of play equipment and new paths. The project would also include works to remove and prune several areas of trees, and general maintenance of the area, including new planting.

It is considered that the proposed works are wholly appropriate within the natural context of the site, and would maintain the openness of the Green Belt. The proposed works would result in the visual improvement of the site, removing several run-down features (such as old information boards and signage).

With the above in mind the proposal is considered to be acceptable in terms of visual amenity, reasonably satisfying the requirements of policies 1, 17, 18, 21, 23 and 24 of the Core Strategy and Sections 12 and 15 of the Framework in this regard.

Neighbour Amenity

a) Light

The proposal will not have any significant effect upon the level of light currently received by neighbouring properties.

b) Overlooking

Given the type of development and the separation distances involved, the proposal will not give rise to unacceptable overlooking of neighbouring properties.

c) Noise and Disturbance

The Council's Environmental Health Officer has been consulted on the application, and has raised no objection. It is considered that the proposed works will be located in such a way as to avoid nuisance to nearby residential properties.

Highway Safety

The Local Highway Authority has no objection to the proposed scheme, and it is not considered that the development will lead to any appreciable increase in risks to highway

safety. The proposed development will be easily accessible on foot, by bike or by public transport.

Tree Issues and Ecology

Objectors' comments are noted. However, the Council's ecology consultant has been consulted and has made no objection to the scheme, commenting as follows:

"An ecological survey has been undertaken which was carried out by a suitably qualified ecologist and followed best practice guidance. It has been updated to reflect the changes to the proposed scheme (report ref 7874.004, TEP Ecological Assessment). The survey work was led by a suitably experienced ecologist and appears to have been undertaken following best practice guidelines.

The amended scheme that has been submitted has now considered the presence of the Biological Heritage Site and the presence of the species rich grassland which is part of the South Pennine Grassland Project. No surfacing is proposed on the footpaths where access improvements are proposed. The re-positioning of the proposed play equipment (named Imaginative Timber Space B) outside of the woodland, and away from the grassland edge, and also the clarification that the proposed activity tables (Imaginative Timber Space A) will not be in located within the BHS are an improvement on the previous scheme. The location of Space A has been moved towards the river, in an area of aspen trees. This will require some tree removal to accommodate the scheme, however I am satisfied that the river corridor can be protected from the proposals and that the proposed planting plan can compensate for the loss of these c.20 trees.

A condition should be used to ensure that a method statement and management plan to protect and enhance the BHS, woodland, grassland, retained trees, pond and the River Spodden, as per section 5.2 of the ecology report, is submitted to the LPA for approval. Once submitted the methodology should be carried out in full.

No evidence of protected species was recorded during the site survey, although the site has the potential to support species such as nesting birds, badgers, bats in the mature trees and amphibians and reptiles. Some mammal signs (which could be consistent with badger sniffle holes) were recorded in the woodland and there is potential for species such as hedgehog to be present. Pre-commencement checks for a range of species are recommended, and I would therefore advice that the proposals are undertaken in line with section 5.3-5.8 of the ecology report.

An informative should also be used so that the applicant is aware of the legal protection that certain species receive. If at any time protected species are found on the site and are likely to be impacted upon by the proposals, work should cease immediately and the LPA/ecologist should be contacted.

Invasive species including rhododendron, Japanese knotweed and Himalayan balsam are present on the site. Some sections of Japanese knotweed are indicated for treatment within the application documents. I would however recommend a pre-commencement condition is applied to ensure an invasive species management plan is submitted to the LPA for approval as per paragraph 5.2 of the ecology report (this can be combined with the above habitat management recommendation).

The scheme has the potential to deliver biodiversity benefits and the ecology report (section 5.9) and separate document Biodiversity Net Gain (August 2020) outline areas this can be achieved through the scheme.”

The Council’s Tree / Landscape Officer has commented:

“I have no objection to this proposal. I note that there is a biodiversity net gain which is to be welcomed and the issue I raised in my last comments about dredging supervision has been addressed.”

The Wildlife Trust for Lancashire has been consulted and has raised no objection to the scheme subject to the following:

“1. That the measures recommended within 5.2, 5.3 and 5.4 of the Spodden Valley Ecological Assessment (TEP, October 2019) are implemented prior to any development commencing.

2. Because Invasive Non-native Species (INNS, including Himalayan Balsam, Japanese Knotweed and Rhododendron) are present on site, an invasive species management plan should be submitted to the Council for approval, as recommended in paragraph 5.5 of the Spodden Valley Ecological Assessment (TEP, October 2019).

3. Although protected species were not recorded during the site survey in September 2019, the site does have potential to support protected species, including amphibians, Badger, bats, nesting birds, and reptiles, hence, if the Council were minded to approve the application, the development should be carried out in line with recommendations 5.6 to 5.11 of the Spodden Valley Ecological Assessment (TEP, October 2019).

4. Opportunities for Biodiversity Net Gain, as outlined in the Report by Proffitts in August 2020, are implemented through a planning condition, if the Council is minded to approve the application.

5. Prescriptions for the long-term management of the wildflower meadow areas, and to control and/or eradicate the Invasive Non-native Species referred to in the Biodiversity Net Gain Report, are approved by the Council, with adequate resources allocated, and implemented over the lifetime of the wild play equipment.”

Having regard to all of the above, it is considered that the scheme is acceptable in terms of tree issues / ecology subject to the conditions recommended by the consultees above.

9. SUMMARY REASON FOR APPROVAL

The proposed scheme is not inappropriate development in the Green Belt, as it entails the provision of appropriate facilities for outdoor recreation, will preserve the openness of the Green Belt and will not conflict with the purposes of including land within the Green Belt. Subject to conditions, the scheme is considered acceptable in terms of visual and neighbour amenity, highway safety and all other relevant material planning considerations. The development therefore accords with the National Planning Policy Framework and Policies 1, 17, 18, 21, 23 and 24 of the Core Strategy DPD.

10. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. The development shall be carried out in strict accordance with the following plans and documents unless otherwise required by the conditions below:

- Submitted application form.
- Location Plan (204/L01 V2)
- Block Plan (204_L02)
- Sketch Proposals V4 (204_L03 V4)
- Tree Constraints Plan (D7874.001)
- Timberplay Horse and Peter Horse Cart (4.24130-4.24140)
- Timberplay Snail Queen Details (4.24220)
- Timberplay Snail and Little Snail (4.24230-4.24235)
- Timberplay Mud Table Plans (5.10600)
- Playdale Embankment Scramble Net 2.8m Details (EMSN1)
- Timberplay Slides Detail
- Kompan Oasis Sand Creator Elevation (NR0531)
- Kompan Oasis Sand Creator Plan (NR0531)
- Kompan Agility Trail Elevation (NRO0854)
- Kompan Agility Trail Plan (NRO0854)
- Kompan Tower And Climber Elevation (NRO1001)
- Kompan Tower And Climber Plan (NRO1001)
- Kompan Sand Digger Elevation (NRO524)
- Kompan Sand Digger Plan (NRO524)
- Arboricultural Impact Assessment (7874.001)
- Biodiversity Net Gain (August 2020)
- Biodiversity Proposals (204/L04 v1)
- Materials and Construction (August 2020)
- Planting Plan (August 2020)
- Statement of Community Involvement V4 (July 2020)
- Ecological Assessment (7874.004) V3 – 14/07/20
- Phase 2 Geoenvironmental Report, Risk Assessment and Remediation Strategy (LKC 20 1364 – August 2020)

Reason: To ensure the development complies with the approved plans and submitted details.

3. All construction associated with and necessary for the installation of new play equipment shall remain outside the tree root protection areas (RPAs) identified on the submitted Tree Constraints Plan (D7874.001). Any work which has to be undertaken within such RPA's, (for example sign posts and path edging) shall be undertaken by hand only.

Any transportation of construction materials around the site passing through RPAs shall be via existing hard-surfaced paths only.

Reason: To protect trees to be retained on site.

4. All proposed works to existing trees shall be undertaken in accordance with BS 3998 (2010) and all arising materials shall be retained on site as habitat piles.

Reason: To protect trees to be retained on site and in the interests of biodiversity.

5. No development shall take place until a method statement and management plan to protect and enhance the Biological Heritage Site, woodland, grassland, retained trees, pond and the River Spodden (in line with the recommendations contained within section 5.2 of the submitted ecological assessment) have been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of protecting and enhancing biodiversity.

6. The development shall be carried out in accordance with the recommendations contained in Section 5 of the submitted ecological assessment in relation to works potentially affecting protected species.

Reason: In the interests of protecting biodiversity.

7. No development shall take place until an invasive species management plan has been submitted to and approved in writing by the Local Planning Authority, in line with the recommendations contained in paragraph 5.2 of the submitted ecological assessment.

The method statement shall include measures that will be used to prevent the spread of Japanese Knotweed, Himalayan Balsam and Rhododendron during any operations (e.g. mowing, strimming or soil movement). It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended.

The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure proper management of invasive species on the site.

8. The measures to ensure biodiversity net gain on the site as detailed in the submitted Biodiversity Net Gain report shall be implemented as part of the development, with all measures set out in 'Principle 5' of the report completed prior to official opening of the development to the public (or in the first available planting season thereafter).

Reason: To secure a net gain in biodiversity on the site.

9. Notwithstanding any information submitted with the application, no development shall take place until a site investigation report and revised remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place.

The submitted information shall comprise:

i) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
- adjoining land,
- ground waters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

ii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy.

Reason: In the interests of mitigating hazards associated with land contamination and to prevent pollution.

10. Pursuant to condition 9 and prior to formal opening of the development hereby approved, a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of mitigating hazards associated with land contamination and to prevent pollution.

11. **INFORMATIVES**

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

2. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

3. If at any time protected species are found on the site and are likely to be impacted upon by the proposals, work should cease immediately and the Local Planning Authority and a qualified ecologist should be contacted for further advice.

4. This development may 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 top of the bank of the River Spodden, designated a 'main river'. This was formerly called a Flood Defence Consent. 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>.

5. The Environment Agency has discretionary powers to carry out maintenance works on the channels of "main river" watercourses to remove blockages and ensure the free flow of water. Information on riparian landowner's rights and responsibilities can be found at <https://www.gov.uk/guidance/owning-a-watercourse>.

6. If, during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance with an agreed process and within agreed timescales in agreement with the Local Planning Authority.

The applicant is advised that they have a duty to adhere to Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land.

The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.