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Environment Agency

Amber Valley Borough Council -
Development Control
RIPLEY, DE5 3SZ

Reference: PA-0006120/01
Customer reference: AVA/2026/0186
29 June 2026

PROPOSED INDUSTRIAL UNITS x 3

LAND OFF WESLEY STREET LANGLEY MILL AMBER VALLEY BOROUGH NG16 4LH

Dear Planning Officer,

Thank you for your consultation regarding the above proposal. We have reviewed the planning application as well as the following documents to evaluate the risks to Controlled Waters at the proposed development site:

1. Design and Access Statement – prepared by Paul Gaughan Building Consultants. Report Ref: DB/JM/2025/226/DAS. Dated March 2026.

Environment Agency's Position

We object to this application, as its planning application does not demonstrate that the risks of pollution from land contamination to controlled waters are acceptable, or can be appropriately managed with a viable and practicable remediation strategy. We therefore recommend that planning permission is refused.

Reasons for Objection

The proposed development involves ground disturbance to construct small-scale industrial complex comprising three B2 units, service yards, and parking area. These activities, have the potential to mobilize existing subsurface contaminants and create new pollution pathways to controlled waters.

The application form states that land contamination is not known or suspected on the site, and consequently, no preliminary environmental assessments have been submitted. However, the site is located approximately 120 m south-east of an historic landfill site and has an historical legacy of onsite and off-site uses, such as gas works, brick works, Langley mill and Vulcan Engineering Works. These historical uses present a potential risk of contamination to controlled waters and could be mobilised during construction. These risks must be appropriately assessed and mitigated to ensure the protection of controlled waters.

Overall, there is insufficient information to characterise the ground conditions. No contamination risk assessment or drainage strategy has been provided, and the application does not demonstrate that potential risks to controlled waters have been adequately assessed or addressed.

The site has no superficial geology and is underlain by bedrock geology of the Pennine Middle Coal Measures Formation. Although it is not located within a Source Protection Zone (SPZ), it is underlain by a Secondary A bedrock aquifer. The site is within a nitrate vulnerable zone, is classified as an area of medium groundwater vulnerability and has a risk of surface water flooding. Given these conditions, controlled waters in this location are particularly sensitive. Combined with the nature of the development, there is a need for a comprehensive contamination risk assessment to identify and implement appropriate mitigation measures.

At present, the risk is considered unacceptable because no evidence has been provided to demonstrate otherwise.

As the planning application is not supported by an appropriate risk assessment, it does not meet the requirements set out in paragraphs 187 and 196 of the NPPF.

Overcome our Objection

1. The applicant must submit adequate information to demonstrate to the Local Planning Authority (LPA) that the potential risk to controlled waters arising from the historical usage and proposed development has been fully assessed. This should include evidence that appropriate mitigation measures will be implemented to effectively manage and reduce any identified risks.

2. The applicant should submit a Preliminary Risk Assessment. This submission must include, but is not limited to a desk study, site walkover, development of a conceptual site model, initial risk evaluation, identification of uncertainties, data gaps and limitations, and clear conclusions with justification for the proposed next steps in accordance with the Environment Agency's Land Contamination Risk Management (LCRM) guidance. If the preliminary risk assessment shows there is a risk to controlled waters, the application will need to undertake a programme of site investigation to quantify the risk.

Advice to Applicant

We recommend that developers should:

1. Follow the risk management framework provided in our Land Contamination Risk Management (LCRM) guidance, when dealing with land affected by contamination. https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks.

2. Refer to our recently updated guidance published by CL:AIRE on Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. The report presents guidance on assessing risks associated with and preventing pollution from piling and penetrative ground improvement methods, with a specific focus on their use on land affected by contamination.
3. 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. https://www.gov.uk/government/publications/managing-and-reducing-land-contamination.
4. Refer to the Groundwater Protection Guidance which can be found on our website at the following address: https://www.gov.uk/government/collections/groundwater-protection.
5. 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. https://www.claire.co.uk/projects-and-initiatives/nqms.
6. Refer to the contaminated land pages on GOV.UK for more information. https://www.gov.uk/government/collections/land-contamination-technical-guidance.
7. We would like to refer the applicant to our groundwater position statements in The Environment Agency's approach to groundwater protection, available from gov.uk. Groundwater protection position statements - GOV.UK. This publication sets out our position for a wide range of activities and developments, including:

- Waste management
- Land contamination
- Drainage e.g. soakaways

Advice to LPA / Applicant

Waste on site

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the environmental permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
We recommend that developers should refer to the waste management page on GOV.UK.

We will consider any queries in relation to the use of Definition of Waste: Development Industry Code of Practice (DoWCoP) (which is to be updated) through our environmental permitting enhanced pre-application advice service, considering site conditions, the materials that are proposed to be used, and the potential for

harm to the environment and to human health. We can also provide advice as to whether an environmental permit is required.

Waste off-site

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

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

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

If the total quantity of hazardous waste material produced or taken off site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

If you have any questions regarding our response, please contact planning.trentside@environment-agency.gov.uk.

Yours sincerely,

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