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Environment Agency

Amber Valley Borough Council
RIPLEY, DE5 3SZ

Reference: PA-0008804/01
Customer reference: AVA/2026/0406
07 August 2026

Self Storage Site accomodating up to 64 storage containers (may affect the setting of a listed building)
Land Off Bullbridge Hill Bullbridge Hill Ambergate Belper Derbyshire DE56 2EZ

Dear Planning Officer,

Thank you for the above consultation; received 22 July 2026. Our detailed comments are as follows.

Environment Agency Position – Flood Risk
In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

Reasons
The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Consider how a range of flooding events (including extreme events) will affect people and property
- Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development resilient to the flood levels. Consequently, the development proposes inadequate:
- Flood storage compensation
- Maintenance of flood alleviation (e.g. keep diversion channels clear)

The National Planning Policy Framework defines the proposed development as being less vulnerable. Table 2 of the NPPF states that less vulnerable developments should not be permitted within Flood Zone 3b. The Northern extents of the proposed

development are impacted by flooding in a 3.3%AEP flood event which is an area defined as flood zone 3b.

In addition to this we note that within the submitted FRA (ref: BG26.205) the applicant has stated that they will incorporate the use of voids into the development of the shipping containers to ensure no volumetric loss of floodplain capacity. It does not appear as though the applicant has evidenced an intention to incorporate these voids elsewhere within the application and has omitted the dimensions, capacity and practicalities of these voids.

Overcoming our objection

The applicant will therefore be required to apply a sequential approach to the site layout to ensure that no elements of the proposed development are situated within areas of unacceptable risk.

The use of stilts and voids should not be relied upon as a means for providing compensatory floodplain storage. The use of stilts and voids is not floodplain compensation, but rather mitigation of risk by design. The use of stilts reduces the impact on the development but does not guarantee that the floodplain will be retained in the same way as a compensation scheme.

This is because voids do not allow water to freely flow through them, trash screens get blocked, voids get silted up, they have limited capacity, and it is difficult to ensure that the voids will be retained with their original intended purpose.

The applicant will be required to evidence why it will not be possible to implement a conventional floodplain compensation scheme. Provided that a suitable compensation scheme is not feasible we may accept the use of voids provided that the applicant was able to submit detailed information regarding the dimensions of the voids and a management plan to ensure that the voids are managed and maintained for the lifetime of the development.

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Environmental permit – Flood risk activities - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any of the following activities:

- erecting any temporary or permanent structure in, over or under a main river, such as a culvert, outfall, weir, dam, pipe crossing, erosion protection, scaffolding or bridge
- altering, repairing or maintaining any temporary or permanent structure in, over or under a main river, where the work could affect the flow of water in the river or affect any drainage work

- building or altering any permanent or temporary structure designed to contain or divert flood waters from a main river
- dredging, raising or removing any material from a main river, including when you are intending to improve flow in the river or use the materials removed
- diverting or impounding the flow of water or changing the level of water in a main river
- quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- any activity within 8 metres of the bank of a main river, or 16 metres if it is a tidal main river
- any activity within 8 metres of any flood defence structure or culvert on a main river, or 16 metres on a tidal river
- any activity within 16 metres of a sea defence structure
- activities carried out on the floodplain of a main river, more than 8 metres from the river bank, culvert or flood defence structure (or 16 metres if it is a tidal main river), if you do not have planning permission (you do not need permission to build agricultural hay stacks, straw stacks or manure clamps in these places)

For further guidance please visit Flood risk activities: environmental permits - GOV.UK or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.
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.

Note for the applicant – Asset Maintenance
There are no Environment Agency owned assets on the River Amber in this location, and no routine maintenance carried out at this location by the Environment Agency, however it has been known for fallen trees to block the downstream bridge adjacent to the proposed site entrance. If this happens then the landowner will need to be responsible for clearance of the blockages.

Environment Agency Position – Groundwater and Contaminated Land
The current or previous use of the development site suggests that the land may be affected by contamination. Land contamination can harm human health, soils, ecosystems, property, drinking waters supplies, groundwater and surface water.

Land contamination is a material planning consideration. The planning decision should ensure that the site is suitable for its proposed use, considering any risks from contamination and any proposed land remediation The planning application should therefore be supported by adequate site investigation information, prepared

by a competent person. After remediation is carried out, as a minimum, the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. This approach is supported by paragraph 196 of the National Planning Policy Framework.

The current or previous use(s) of the site may present an unacceptable risk of contamination that could be mobilised during site works and construction, potentially leading to pollution of controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is:

- located upon a secondary aquifer

The proposed development will be acceptable, if a planning condition is included requiring the submission and validation of a detailed land contamination management strategy for unsuspected contamination during the enabling, construction and/or development works. By cleaning up land contamination, it will be helping to protect and improve the groundwater quality that supports existing drinking water supply, future supply of drinking water and other environmental uses.

Without this condition we would object to the proposal in line with paragraph 187 of the National Planning Policy Framework because it cannot be guaranteed that the development will contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate or will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 1

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until further investigation and 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

- 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 paragraphs 187 and 196 of the National Planning Policy Framework.

Informative

Where a site is affected by contamination responsibility for securing a safe development rests with the developer and/or landowner. Developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- 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

Environment Agency Position – Fisheries, Biodiversity, and Geomorphology

Advice to LPA

It is not clear from the submitted application whether the proposed development will involve any of the following activities:

- Culverting
- Flow regulation activities
- Channel widening/deepening/straightening/realignment
- Impoundment
- Bed/bank reinforcement
- Sediment management
- Construction of an/alterations to an existing embankment/set-back embankment
- Construction of a bypass channel
- Reopening of historic channels
- Bank reprofiling
- Riparian vegetation/instream vegetation/woody debris management

If any of these activities are proposed, we wish to be reconsulted with details so that we can advise of any related issues that might cause unacceptable impacts to the water environment and so prevent us from being able to grant a flood risk activity permit under Environmental Permitting Regulations 2016

Note to applicant – Charged Planning Service

If you would like further advice on the environmental matters raised in this letter, or on any associated planning conditions, please do get in touch. We offer tailored guidance and technical reviews through our charged planning advice service. Engaging with us through this service can help address the issues identified, give you greater certainty about our likely response to your application, and may result in a quicker response when we reply to the statutory or public consultation. It should also result in better quality and more environmentally sensitive development schemes.

We also provide advice on:

- Applications for Permission in Principle and Technical Details Consent
- Nationally Significant Infrastructure Projects (NSIPs)

- Strategic planning and engagement activities, including local and neighbourhood plans and their supporting documents

To learn more about our service and hourly rates, please visit: Developers: get environmental advice on your planning proposals - GOV.UK
If you would like further information or a cost estimate, please contact the advisor listed below.

Please note that this response is based on the information provided at this time and if this changes in the future, we would need to consider our position again. In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

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

Yours sincerely,
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