Ms Olivia Tresise
Wiltshire Council
Development Control Minerals & Waste
165 Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Our ref: WX/2023/137514/01-L01
Your ref: PL/2023/07529

Date: 03 October 2023

Dear Ms Tresise

THAMES - VARY CONDITIONS 2 AND 31 OF N/05/07021/FCM - TO VARY THE DATE ON WHICH CLAY EXTRACTION AND LANDFILL CEASES AND RESTORATION IS COMPLETE ON THE HAZARDOUS WASTE LANDFILL, VARY THE DATE ON WHICH CLAY EXTRACTION AND LANDFILL CEASES AND RESTORATION IS COMPLETE ON THE NON HAZARDOUS WASTE LANDFILL, REVISE THE OPERATIONAL AREA OF THE NON-HAZARDOUS LANDFILL TO REMOVE FROM FLOOD ZONE 3 WITH ASSOCIATED CHANGES TO PHASING AND RESTORATION AND VARY THE APPROVED RESTORATION AND PHASING PLAN FOR THE HAZARDOUS WASTE LANDFILL. AN OPERATIONAL END DATE OF 31ST AUGUST 2036, AND COMPLETION OF THE SUBSEQUENT RESTORATION BY 31ST OCTOBER 2037 IS SOUGHT

PARKGATE CLAY EXTRACTION AND LANDFILL SITE, MOPES LANE, PURTON

Thank you for consulting the Environment Agency on the above planning application. We note this is very similar to application PL/2023/07531.

We **object** to the application as it does not include a Flood Risk Assessment (FRA) as required by national planning policy. We also make comment on groundwater protection.

Flood Risk

Part of the site falls within flood zone 2 and 3. According to the Wiltshire Strategic Flood Risk Assessment (SFRA), the flood zone 3 area must be assumed to be flood zone 3b as there is no modelling to demonstrate otherwise.

The National Planning Policy Framework (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations. This is also supported by the Wiltshire and Swindon Waste Site Allocations Local Plan, Adopted February 2013, which states that any planning applications for Parkgate farm would require a FRA due to the proximity of the river Key and Flood Zones 2 and 3. An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

We have reviewed the following documents:

- Restoration proposals, July 2023, dwg no. P11_LAN_004
- Location plan, July 2023, dwg no. P11_LAN_001

- Planning Statement for Variation of Conditions at Hazardous Waste Landfill, 29th August 2023, V1.0
- Phasing plan, July 2023, P11_LAN_003
- Existing situation, July 2023, P11_LAN_002
- Outline Landscape and Ecology Management Plan, September 2023, Ref 1929-oLEMP-LT
- Environmental Statement Extensions of Time to complete the development, change to phasing and change of the waste type within the current non hazardous landfill Chapters 1 – 4, 25th August 2023, V1.0
- Non-Technical Summary of the Environmental Statement for Variation of Planning Conditions to extend the period to complete the developments and associated changes, version 1.0, 24th August 2023

To overcome our objection, the applicant must submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall. 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.

Advice to applicant

Guidance on how to prepare a FRA can be found at https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications.

Requirement for a Flood Risk Assessment
Most of the site lies in Flood Zone 1, however the north west edge borders the river Key, and along this stretch there is associated Flood Zones 2 and 3. The Flood Map for Planning in this location is based on Jflow (broad scale, low resolution modelling) rather than detailed modelling. Therefore detailed computer flood modelling may need to be carried out to accompany any future planning applications.

We note that the application proposes to "Revise the operational area of the landfill to remove it from Flood Zone 3, with associated changes to phasing and restoration". However since there is Flood Zone 3 within the red line boundary of the site, a FRA is still required. This is because a site specific risk assessment needs to be made, looking at where the flood zones lie in relation to the proposed development and also considering the impact of climate change (see https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances for further information).

Functional Floodplain
According to the Wiltshire Strategic Flood Risk assessment:

> "The 'functional floodplain' is defined as an area of land where water flows or is stored in times of flood. This forms Flood Zone 3b within the NPPF. Following discussion between the Council and Environment Agency, the following definition of the functional floodplain was agreed: Use the 1 in 20-year modelled flood extent wherever suitable hydraulic models are available. Elsewhere, take a precautionary approach and assume that Flood Zone 3 (1 in 100- year flood extent) represents the functional floodplain."

Therefore the part of the site which falls in Flood Zone 3 can also be considered to be in flood zone 3b, the functional floodplain. Your FRA should demonstrate that any activities taking place in Flood Zone 3b are compatible with this flood zone. Landfill and sites used for waste management facilities for hazardous waste are classed as 'more

vulnerable' development and activities are not permitted in Flood Zone 3b for 'more vulnerable' development.

Flood Risk Activity Permit
Any works taking place may be subject to a Flood Risk Activity Permit. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits 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.

Groundwater Protection

Documents Reviewed:

- Planning Statement (N/05/07021/FCM) for Variation of Conditions 2 and 31 at Hazardous Waste Landfill, 29th August 2023 (Parkgate Farm N05/07021, Section 73 Planning Application Planning Statement) along with
- Existing plan (P11_LAN_002)
- Phasing (P11_LAN_003) : Revised phase plan
- Restoration proposals (P11_LAN_004), Parkgate Farm, Section 73 Applications to Planning Consents N.05.07021 and N.05.07022
- Location plan (P11_LAN_001)
- Landscape and Ecology Management Plan, Parkgate Farm, Purton, Wiltshire Outline Landscape and Ecology Management Plan, September 2023, Ref: 1929-oLEMP-LT

The bedrock underneath the landfill is mudstone (unproductive strata) and part of the area is on Alluvium superficial deposits (Secondary A aquifer). The site falls within SPZ2c.

The existing situation of the site is shown by plan reference P11_LAN_002 which illustrates the degree of restoration that has been carried out and the areas which remain to be worked. The Revised phase plan (P11_LAN_003) and Restoration proposal (P11_LAN_004), along with Landscape and Ecology Management Plan are presented to support the changes to the below:

1. *Vary the date on which clay extraction and landfill ceases and restoration is complete on the hazardous waste landfill.*
2. *Vary the approved restoration and phasing plan for the hazardous waste landfill (N05/07021), to reflect the updated drawings presented in the application.*

This proposal is to amend approved conditions 2 and 31 to be:

2 All operations granted by this permission shall cease 31st August 2036 and the site shall be fully restored by 31st October 2037. All infrastructure not required for on-going management of the site shall be removed.
31 Clay Extraction and tipping operations shall take place in accordance with the phases shown on drawing P11_LAN_03. Upon completion of tipping waste operations in each phase the previous phase shall be capped and covered with a layer of subsoil to a finished depth of not less that 1m, and thereafter finished with a layer of not less than 0.3m of top soil. The restored areas shall be graded to accord with the final post settlement contours shown on P11_LAN_04.

We have identified no changes to the balance of potential risks to groundwater with the variation of conditions 2 and 31 at the Hazardous waste landfill site, on the basis that the site is operating in accordance with its other approved planning conditions, and that the terms of the environmental permit are being strictly adhered to. If so, we have no objections to the proposed variation in these conditions. The applicant must consult the Environment Agency's National Permitting Service to amend the current Environmental Permit in accordance with any variations made to the planning conditions.

Please reconsult us when a FRA is submitted.

Yours sincerely

Ms Ellie Challans
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