

NOTICE OF PLANNING PERMISSION

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

To:

Mr Grant Scott
Innov8Planning
Unit 2A
Monument Place
Churton Road
Farndon
CH3 6QP

On Behalf Of:

Mr Patrick Hughes
Valencia Waste Management Ltd
Pilsworth Quarry Pilsworth Road
Pilsworth Road
Bury
BL9 8QZ

PART 1 - Particulars of Application

Application Number: 69956

Date of Registration: 18/08/2023

Proposal:

Erection and operation of a Material
Recycling Facility and associated works

Location:

Pilsworth Quarry, Pilsworth Road, Bury, BL9
8QZ

PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

- 1 The development shall only remain in place until landfilling ceases on site. The Material Recycling Facility building, hardstanding areas and other associated structures shall be removed and the land fully restored in accordance with already approved drawings LE10698/EIA 4.14 rev B and LE10698/EIA 4.15 approved under application 53453, not later than the 12 months after the cessation of landfilling operations, or in accordance with any subsequent variations to the approved landfilling operations or restoration scheme agreed beforehand in writing with the Local Planning Authority.

Reason: To safeguard the landscape character and appearance of the area pursuant to Policies OL1/5 - Mineral Development and Other Development in the Green Belt. EN1/1 - Visual Amenity and EN9/1 - Special Landscape Areas of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 2 This permission relates to the following plans and documents:

Drawing no. EC:9595.D01.002: Location Plan @ 1:2500;

Drawing no. ECL.9595.D01.004 A: Proposed Building Elevations;

Drawing no. ECL.9595.D01.007: Proposed parking plan layout;

Drawing no. ECL9595. D01 003: Swept Path Analysis;

Drawing no. ECL9595.D01/008: Proposed Section Plan;

Preliminary Ecology Appraisal; and

Appendix 1 Construction Management Plan

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

3 No development shall commence unless and until:-

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

4 No development shall commence until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

- 5 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy EN5/1 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 6 The measures and facilities detailed in the approved 'Construction Management Plan' shall implemented to the satisfaction of the Local Planning Authority and be adhered to throughout the construction period, with the measures retained and facilities used for the intended purpose for the duration of the construction period.

Reason: To mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways, ensure adequate construction traffic access and materials storage arrangements for the duration of the demolition and construction periods and that the adopted highways are kept free of deposited material from the ground works operations.

- 7 Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Policies ENV1 - 'Visual Amenity' and EN9/1 - 'Special Landscape Areas' of the Bury Unitary Development Plan and the

National Planning Policy Framework as no material samples accompany this application.

- 8 Following the provisions of Conditions 3 and 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and a Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 9 Prior to occupation the applicant shall provide electric vehicle (EV) charging points for at least 20% of the proposed parking spaces. EV charge points shall be 7kW* as a minimum.

Reason: To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 10 The mitigation and opportunities for enhancement measures identified within section 4.2 of the Preliminary Ecological Appraisal, dated June 2023, carried out by Environmental Business Appraisal, shall be implemented prior to occupation and use of the building hereby approved.

Reason: To ensure the provision of appropriate biodiversity enhancements in accordance with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

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| OL1 | OL1 - Green Belt |
| OL1/2 | OL1/2 - New Buildings in the Green Belt |
| OL1/5 | OL1/5 - Mineral Extraction and Other Development in the Green Belt |
| EN9 | EN9 - Landscape |
| EN9/1 | EN9/1 - Special Landscape Areas |
| MW1 | MW1 - Protection of Mineral Resources |
| MW1/1 | MW1/1 - Areas of Search |
| EN7/1 | EN7/1 - Atmospheric Pollution |

HT2/4 HT2/4 - Car Parking and New Development
HT2/7 HT2/7 - Lorry Parking
HT2/10 HT2/10 - Development Affecting Trunk Roads
GMMW GMMWP - Greater Manchester Minerals and Waste Plan
NPPF National Planning Policy Framework
NPPG National Planning Policy Guide

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

Drawing no. EC:9595.D01.002: Location Plan @ 1:2500;

Drawing no. ECL.9595.D01.004 A: Proposed Building Elevations;

Drawing no. ECL.9595.D01.007: Proposed parking plan layout;

Drawing no. ECL9595. D01 003: Swept Path Analysis; and,

Drawing no. ECL9595.D01/008: Proposed Section Plan.

NOTES TO APPLICANT

1. If peat is identified during investigations of the site, the Natural Capital and Ecosystem Assessment (NCEA) Programme should be contacted to enable the development of a Peat Map of England.

Natural Capital and Ecosystem Assessment Programme - GOV.UK (www.gov.uk)
nceaprogramme@defra.gov.uk

Signed:



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On behalf of the Council

Date of Decision: 21/12/2023