

67243 – Land at Brownhills Close/Bury Road, Tottington

CONTAMINATED LAND – REFUSAL DUE TO LACK OF INFORMATION

The site is currently an area of informal public open space. Surrounding land uses include housing and open land. Previous land uses at the site have included landfilling and waste disposal activities, while in the surrounding area previous uses have included railway land and Leeman Hill Mill. The site itself includes a former landfill site known as Bury Road, Tottington Landfill. This landfill site is a former gravel pit which was filled with industrial, bleach & dye works waste, between 1875 and 1977 and in 1977 hardcore waste was tipped on top. The fill material is thought to be up to 14m deep. The site is unlicensed and was operated by Roberts Waste Disposal. A previous limited investigation (carried out for development to the north of the landfill) identified blue material with high concentrations of cadmium, lead and lubricating oil located towards the northern boundary of the landfill. A tributary of the Kirklees Brook flows beneath the site and is culverted in places. The natural geology beneath the site comprises of glaciofluvial sand and gravel deposits and glacial till over the Old Lawrence Rock Secondary A aquifer. Significant depths of made ground are likely to be present on site.

A desk study report (Phase 1 Preliminary Risk Assessment, Land off Brownhills Close, Tottington, Curtins, Reference: 077025-CUR-00-XX-RP-GE-001 - Rev P02, 29 June 2021) has been submitted and reviewed by this Section. The report recommends that an intrusive investigation is undertaken.

Due to the history of the site and proposed end uses, there is a potential for Statutory Contaminated Land (as defined under Part 2A) to be created if the site is developed. The proposed development would introduce new receptors and create new pollution linkages to the potentially significant contamination present on the site.

In order for this Section to be confident that the site can be safely developed, a site investigation and risk assessment report will be required before a decision on the planning application can be made.

AIR QUALITY – Condition

The site is not located within an Air Quality Management Area. Due to the scale of the development (8 dwellings) it is considered unlikely that the development would create an increase of more than 500 AADT (annual average daily traffic). Therefore, in line with the EPUK Guidance, an air quality assessment will not be required.

However, Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The Government report, 'UK Plan for Tackling Roadside NO₂', published in July 2017, identified Bury Council as an area having one or more roads with concentrations of NO₂ above statutory limits, according to more recent modelling results. Bury is therefore required to address these exceedances and we are currently engaging with Government on our proposed plans to reduce NO₂ concentrations across the borough.

Due to this requirement and in line with the principles of Good Practice set out in the EPUK Guidance, this Section recommends the following condition to be placed on any planning permission granted:

Air Quality Condition: Prior to occupation the applicant shall provide EV charging points for each residential unit. EV chargepoints shall be chosen from the Electric Vehicle Homecharge Scheme approved chargepoint model list.

Reason: In accordance with paragraph 35 and 124 of the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

**INFORMATIVE - The Control of Noise Regulations 1975, Section 60.
Control of Noise on Construction Sites**

Works carried out in connection with the planning permission shall comply with the above regulations which require the following:

1. All works and ancillary operations which are audible at the boundary of the nearest house or noise receptor, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1400 on Saturdays and at no time on Sundays and Bank Holidays.
2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions.
4. Any emergency deviation from the above (1 – 3) shall be notified to Bury Council without delay.

Any contravention of these requirements will trigger the serving of a Notice under Section 60 of The Control of Noise Regulations 1975.

Operations – Environment Section.