

CONTAMINATED LAND – CONDITION

The site is currently occupied by a former railway shed and yard. Current uses within the surrounding area include residential, open space, farmland and the East Lancs Railway. The site has historically been in use as a railway engine shed and railway sidings. The site has more recently been in use as a machinery repair workshop. Surrounding historical land uses have included a railway, quarries, a print and dye works, sewage works, a cotton mill, gasometer, electricity sub-station and refuse tips. The site is situated within 250m of one registered landfill site and infilled features are also in the vicinity. The site is situated 30m away from the River Irwell. The site is situated above the Brooksbottom Grit Sandstone Secondary A Aquifer, which is overlain by River Terrace Deposits and Glacial Till. The site is not situated within a Radon Affected Area.

A desk study and preliminary risk assessment report has been submitted which has reviewed the existing site investigation data and provided an updated risk assessment. Remedial action is recommended (see attached letter CL296.031024.1).

In line with the National Planning Policy Framework, the site is proposed for a sensitive end use we recommend that the following contaminated land conditions are placed on any grant of permission:

CL02 - CONTAMINATED LAND CONDITION 02: REMEDIATION STRATEGY & VERIFICATION PLAN

No development hereby permitted (except demolition and site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:

In accordance with the findings of site characterisation and risk assessment (add reference if already agreed) as previously approved, documents from the following shall be submitted to the Local Planning Authority for approval:

- I. Remedial Options Appraisal.**
- II. Remediation Strategy.**
- III. Verification Plan.**

Reason: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 180(f), 189 and 190 of the National Planning Policy Framework (December 2023).

CL03- CONTAMINATED LAND CONDITION 03: REMEDIATION & VERIFICATION

The development hereby permitted within any approved phase shall not be occupied/brought into use until the works relating to land contamination detailed below are fully completed:

Where remediation is required, it shall be carried out in full accordance with the approved Remediation Strategy.

A Verification Report must be submitted to the Local Planning Authority for approval upon completion of remediation works. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 180(f), 189 and 190 of the National Planning Policy Framework (December 2023).

INFORMATIVE

In order to discharge conditions, the actions required by Conditions [CL02 & CL03] shall be completed in full accordance with the following guidance: Land Contamination Risk Management (Environment Agency, 2023).

The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2023 and the Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

Purchasers, where applicable, are advised that they should satisfy themselves that land contamination issues, if present, have been satisfactorily discharged given that the Council expects full compliance with any contaminated land requirements prior to the occupation of the site. Upon occupation such matters could then be the responsibility of the owner to remedy.

AIR QUALITY – COMMENTS

The site is not located within an Air Quality Management Area. Due to the scale of the development, it is considered very 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.

Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. Due to this requirement, and the requirements of the new building regulations (The Building Regulations 2010, Approved Document S, Infrastructure for the charging of electric vehicles), this Section will recommend that the following condition is placed on any permission granted:

AIR QUALITY CONDITION 01: ELECTRIC VEHICLE CHARGE POINTS

Prior to occupation the applicant shall provide:

- ***1 no. electric vehicle (EV) charging point (minimum 7kW*) per unit for dwellings with dedicated parking.***
- ***Electric vehicle (EV) charging points (minimum 7kW*) for a minimum of 20% of car parking spaces for dwellings with unallocated parking.***
- ***Electric vehicle (EV) charging points (minimum 7kW*) for a minimum of 20% of the proposed parking spaces.***

Photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted to Local Planning Authority for approval prior to the development being brought into use.

****Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.***

Reason: To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life with respect to Local Air Quality, in accordance with paragraphs 111e, 116e, 180e and 192 of the National Planning Policy Framework (December 2023) and Places for Everyone Policy JP-S5 (Clean Air).

INFORMATIVE - The Control of Noise (Appeals) 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.
3 October 2024.**