

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 13/02/2026	Ref: 71916/CONDIS
Registration: 07/05/2025	LDfC: 11/06/2025	Expiry Date: 02/07/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to discharge condition 17 (contaminated land) on planning permission 70993

Location: Warth Industrial Park, Warth Road, Bury, BL9 9NB

Description

Applicatin to discharge condition 17 of 70993

Relevant Planning History

70993 - Demolition of existing class B2/B8 industrial buildings and class E(g) offices; Recladding and refurbishment of retained class B2/B8 industrial buildings and change of use of retained Class E(g) and Sui Generis to Class B2/B8 - Approve with Conditions 17/01/2025

71825 - Application to discharge conditions on planning permission 70993: Condition 7 (hogweed removal scheme), condition 8 (landscaping), condition 9 (hogweed removal images/protection measures), condition 11 (new gate arrangements/main site access/reinstatement of tertiary site access/signage scheme/new give way markings), condition 12 (construction traffic management plan) - Approve 23/05/2025

Publicity

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land
Environment Agency

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Development Plan and Policies

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

EA response

Environment Agency position The information, which has been collected and presented on this occasion is limited and nearly two years old. We believe that further ground investigation work is needed that includes additional sampling of soil, groundwaters and the adjacent surface course. A detailed assessment of risk is needed and that is likely to indicate remediation of the site is indicated.

The ground investigation has identified the presence of elevated concentrations of contamination to be present, which are likely to pose a significant risk of adverse effect to controlled water receptors.

Advice to the applicant The results of this reported phase of ground investigation has identified elevated (and adverse) concentrations of hazardous substances in the shallow groundwater. Therefore, consideration of the prevent and limited requirements of the

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Groundwater Daughter Directive is needed in terms of adequate measures to prevent ongoing contamination.

We are unable to recommend the discharge of condition 17 (contaminated land) on planning permission 70993 currently.

Once details have been submitted that address our concerns, we will be happy to comment further.

the applicant has confirmed withdraw of the application 13/2/26

Recommendation: Withdrawn by Applicant

Conditions and Reasons:

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	13/2/26	DM	16/02/26