

CONTAMINATED LAND – CONDITION.

The site is currently part of a fishery. Surrounding land uses include agricultural and open land, woodland, a reservoir and Pilsworth Landfill site. Previous land uses in the surrounding area have included quarries, a pumping station, infilled reservoirs and Pilsworth Clough Mill (woollen mill, bleach works and dyeing and finishing works). The site lies within 250 metres of an active landfill site, known as Pilsworth Landfill, and is located adjacent to Brightley Brook and a reservoir. The site lies above glacial till over the Lower Coal Measures Secondary A minor aquifer. It is likely that deposits of made ground exist at the site. The site is situated within a Class 5 Radon Affected Area, where between 10 and 30% of homes are expected to be above the Action Level of 200 Bq m⁻³. Whilst the classification system is based on dwellings, there is a requirement to protect workers from Radon also, as such advice should be sought as to how best to protect the café building from radon. The boat house is also within a Class 5 radon area; it is unlikely that protective measure will be required considering the use, but this should be confirmed.

Given the history of the application area and near surrounds, as a minimum, a Desk Study and Preliminary Risk Assessment will be required. Furthermore, with the potential for made ground deposits at the site the soil may not be suitable for the proposed landscaping and as such soil may need to be imported. This should be tested to ensure it is free of contaminants and suitable for use.

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:

CLA1 - Contaminated Land Preliminary Risk Assessment, Site Investigation, Detailed Risk Assessment and Remediation Strategy.

CLA2 - Contaminated Land implementation of Remediation Strategy and Site Verification Report.

CLA3 – Imported Materials

Reason: This is to secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to the National Planning Policy Framework.

AIR QUALITY – CONDITION

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). Furthermore, the submitted Transport Technical Note states that the proposed development is expected to result in an increase of 1 vehicle every 8-9 minutes during the morning peak hour. Therefore, in line with the EPUK Guidance, an air quality assessment will not be required.

Parking is proposed within the development. The proposed development will have off-street parking. Bury Council has been identified by DEFRA as an area requiring

to significantly improve air quality. The required measures to do this are currently under discussion. Due to this requirement, and the requirements of the Building Regulations (The Building Regulations 2010, Approved Document S, Infrastructure for the charging of electric vehicles), this Section recommends the following condition to be placed on any grant of permission:

Prior to occupation the applicant shall provide:

Electric vehicle (EV) charging points (minimum 7kW*) for a minimum of 20% of the proposed parking spaces.

Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted.

**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: In accordance with 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.

8th May 2024