

DELEGATED REPORT

Report by Helen Leach	Date of report: 05/06/2026	Ref: 73124/CONDIS
Registration: 21/05/2026	LDfC: 12/06/2026	Expiry Date: 16/07/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to discharge condition 28 (coal mining) on planning permission 66947

Location: Land to east of M66 motorway, connecting Rochdale Road, Edenfield to Woodgate Hill WTW Compound, Bury

Description

The applicant seeks the discharge of condition 28 (coal mining) of permission 66947 in relation to phases 1 and 2 only.

Relevant Planning History

66947 - Proposed works for and use of replacement section of aqueduct, including earthworks and ancillary infrastructure including: new valve house buildings and kiosk with permanent vehicular access provision; installation of tunnel shafts and open cut connection areas within a temporary construction compound, to include site access, storage areas, plant and machinery, drainage infrastructure and a residents' parking area. In addition, mine grouting works, to facilitate main tunnelling works at land to east of M66 motorway, connecting Rochdale Road, Edenfield to Woodgate Hill WTW Compound, Bury. Approved with conditions - 15 June 2023.

73091 - Application to discharge condition 3 (phasing plan) on permission 66947 at land to east of M66 motorway, connecting Rochdale Road, Edenfield to Woodgate Hill WTW Compound, Bury. Approved - 05 April 2026

Publicity

None required.

Statutory/Non-Statutory Consultations

The Coal Authority - No objections, in relation to phase 1 and 2 only.

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.

Condition 28 - A covering letter has been submitted, which confirms that the condition discharge applies to phases 1 and 2 only. Phases 1 and 2 do not involve deep excavations or tunnelling and as such, no additional investigations have been carried out at this stage.

Phases 1 and 2 consist of earthworks to a cut depth of around 5 metres at the top of the hill on the access road into the site. The main site compound in the immediate vicinity of the planned shaft construction requires localised cut/fill to a depth of no more than 1.5 metres. On site drainage works are expected to a depth of 3 metres.

The Coal Authority has assessed the information submitted and has no objections to the discharge of this condition in relation to phases 1 and 2 only.

Recommendation: Approve

Conditions and Reasons:

The following condition has been discharged in relation to phases 1 and 2 only:

Condition 28

Covering letter - STG-WGH-BRYLHA-035, dated 22 April 2026

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 05/06/2026		DM 12/06/2026	