

CONTAMINATED LAND – CONDITION

The site is currently vacant and appears to have been formerly used as a garden with a garage. Surrounding current land uses include residential properties. The site has previously been occupied by terraced houses which were demolished sometime between 1953 and 1960. There are a number of former landfill sites and a possible filled area within the surrounding area. This includes an infilled river valley located to the north known as Rainsough Brow Landfill. The historical maps indicate the landfill site was filled with 'spoil and refuse'. The site was filled pre-licensing act and is thought to have been tipped between 1956 and 1968. The site is now in use as open space. The Forestry Commission commissioned a site investigation in the late 2000s. The gas monitoring programme recorded no methane, but levels of carbon dioxide up to 11.9%v/v were recorded. The site is not located in close proximity to any major surface watercourses but lies above sand and gravel deposits over the Sherwood Sandstone Principle Aquifer.

A Phase 1 Desk Study and Preliminary Risk Assessment Report has been received and commented on by this Section (see attached letter CL784.280623.1). The report concluded that risks to human health and environment were low but recommended that a watching brief be undertaken during the development.

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:

CLA3 - Imported materials.

CLA5 - Unforeseen Contamination 2 (where CLA1 and CLA2 are NOT on as conditions).

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 – Electric Vehicle Charge Points

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

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 new 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:

Residential with dedicated parking spaces: Prior to occupation the applicant shall provide one electric vehicle (EV) charging point (minimum 7kW*) per unit (dwelling with dedicated parking).

*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 (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.
28 June 2023.**