

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 30/07/2026	Ref: 73021/CONDIS
Registration: 17/04/2026	LDfC: 18/05/2026	Expiry Date: 12/06/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to discharge condition 7 (water main protection), condition 13 (SBI fencing detail), condition 15 (precautionary working measures method statement), condition 16 (control and biosecurity measures method statement), condition 17 (bat/bird boxes location/specification), condition 19 construction environment management plan, condition 20 (stopping up order details), condition 22 (habitat management and monitoring plan HMMP), BNG statutory condition (biodiversity gain plan) on planning application 71834.

Location: Bury Interchange & land bounded by Pyramid Park/East Lancashire railway line/Knowsley Place, Duke Street, Bury, BL9 0EJ

Description

Application to discharge conditions 7 (water main protection), condition 13 (SBI fencing detail), condition 15 (precautionary working measures method statement), condition 16 (control and biosecurity measures method statement), condition 17 (bat/bird boxes location/specification), condition 19 construction environment management plan, condition 20 (stopping up order details), condition 22 (habitat management and monitoring plan HMMP), BNG statutory condition (biodiversity gain plan) on planning application 71834.

Relevant Planning History

71834 - Full planning application for the infill of the existing underpass, engineering works (including remediation works; foundation/piling works; and other associated engineering works) to recontour the land within Pyramid Park to tie into existing levels, the construction of a fully accessible pedestrian bridge structure (including alterations to Metrolink-related infrastructure) across the existing Metrolink line to allow access between Knowsley Place, the Metrolink platform (via lift and stairs) and Pyramid Park; improvements to the existing Metrolink platforms and canopies; construction of a new sloped footpath with stairs within Pyramid Park site from bridge; hard/soft landscaping; and associated drainage and lighting schemes - 24/7/26

Publicity

n/a

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land - Condition 3 withdrawn. No comments required

United Utilities (Water and waste) - No objection

Borough Engineer - Drainage Section - No response received

Greater Manchester Ecology Unit - No objection

Traffic Section - No objection

Pre-start Conditions - Not relevant

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.

Condition 7 - Drainage

United Utilities required further information for the discharge of condition 7 as the proposed compound drawing showed concrete blocks to support the compound fencing over the pipe.

United Utilities required further information, including:

- Confirmation of the weight of the blocks; and
- Access arrangements for United Utilities to the compound during non-working hours in the event of an emergency.

The applicant has provided a project main site compound plan and confirmation of the weight of the block as 750g which is noted on the attached image. If it is a concern of moving the ballast if UU need to dig they we can propose a water filled ballast which can be drained and moved by hand once emptied - this would be 22kg empty and 333 kg filled

In terms of the access arrangements, the applicant would provide a 5m wide gate to the compound for the sole use of UU in case of an emergency - the gate will be secured by a coded padlock; the code will be shared with UU / Emergency response team.

UU have been re-notified of the updated information and on review United Utilities has no objection to Condition 7 being discharged.

Condition 13 - Protection of SBI

Heras fencing is proposed along the access route adjacent to the SBI. GMEU are satisfied that this is adequate given no direct effects are likely and the SBI may or may not exist by the time the development commences. GMEU have no objection to the discharge of the prior to part of condition 13.

Condition 15 - Precautionary Working Measure for Mammals and Amphibian

A method statement has been provided, including tool box talk, staged vegetation removal and visual check by an ecologist. This is all that can be reasonably expected. GMEU therefore have no objection to the discharge of the prior to part of condition 15.

Condition 16 - Invasive Species

An updated INNs survey located no invasive species within the footprint of the works. GMEU have no reason to doubt the findings of the report and accept that condition 16 can be discharged.

Condition 17 - Bird and Bat Boxes

Following comments from GMEU, the landscape plan has been updated to show the required bat and bird boxes.

The Bat-Bird Box Technical Note has been updated to align with the updated landscape site plan.

GMEU have no objection to the discharge of condition 17 subject to the implementation of the approved details and any remaining requirements of the condition. The approved bat and bird boxes shall thereafter be retained/provided.

Site masterplan 16012- OOB- ZZZ- ZZZ- D- LA- 000001 rev 21
HMMP Version 5.0 by TEP 3/7/26

Condition 19 - Construction and Environmental Management Plan

This condition does not include ecology aimed primarily at other environmental issue. Wildlife is however referenced. GMEU therefore have no objection to the discharge of the prior to part of condition 19.

Highways have responded that the submitted details seem extensive to discharge the condition.

Condition 20 - Stopping up order details

Details submitted in relation to this are noted and seem fine as the Order appears to be in place. Highways have no objection.

Condition 22 - Habitat Management & Monitoring Plan (HMMP)

An HMMP has been provided to which GMEU identified some minor issues which included clarification and revision to number of proposed trees, a planting schedule, clear monitoring or measures proposals.

The applicant has provided an updated Landscape Plan and an updated HMMP has been submitted which addresses the points raised by GMEU over a number of correspondences (latest GMEU

28 trees now appear to be shown on the landscape plan outside of woodland and the planting schedules provided. These align with the metric. Whilst some of the woodland and scrub planting is not locally native, given this is a transport hub in a town centre location, on a brownfield site, GMEU accept that it would be unreasonable to request amendment and therefore have no objection to the discharge of the prior to part of the HMMP (GMEU email response dated 21/7/26 confirmed the HMMP and statutory condition as acceptable).

Any amendments that may be required can be left to the monitoring stage of the HMMP.

Statutory Metric & Biodiversity Gain Plan

The HMMP was the only outstanding issue regarding the discharge of this condition. As no changes have occurred with regards the number of trees, no amendments are required to the previously agreed metric and biodiversity gain plan. I therefore have no further issues with the statutory condition being discharged and added to the Council's BNG register for future monitoring and auditing.

Plans and documents

Project main site compound received 9/6/26

Email dated 9/6/26 with access arrangements and weight of concrete support blocks

Stopping up notice

Stopping up of highway notice

stopping up made plan

Precautionary working measures for mammals and amphibians method statement

Updated INNS Survey

Habitat Management and Monitoring Plan doc ref 10850.010 Version 5

Revised site masterplan 16012- OOB- ZZZ- ZZZ- D- LA- 000001 rev P21

Updated Biodiversity Gain Plan

Statutory Biodiversity Metric 13 January 2024

Confirmation from the Environment bank confirming details of credit purchase has also been provided.

Bat and Bird Box Technical Note 16012-OOB-ZZZ-ZZZ-D-LA-000006 (V2)

Recommendation: Approve

Conditions and Reasons:

1 The following conditions are discharged -

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Condition 7 - Drainage
Condition 16 - Invasive Species
Condition 20 - Stopping up order details

The following conditions are part discharged -

Condition 13 - Protection of SBI
Condition 15 - Precautionary Working Measure for Mammals and Amphibian
Condition 17 - Bird and Bat Boxes
Condition 19 - Construction and Environmental Management Plan
Condition 22 - Habitat Management & Monitoring Plan (HMMP)

Statutory Metric & Biodiversity Gain Plan

Subject to the implementation of the approved details and any remaining requirements of the conditions

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	30/7/26	DM	30/07/2026