

NOTICE OF PLANNING PERMISSION

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

To:

Mr Mark Nightingale
Bury MBC
3 Knowsley Place
Duke Street
Bury
BL9 0EJ

PART 1 - Particulars of Application

Application Number: 67946

Date of Registration: 03/02/2022

Proposal:

Replacement of Milltown Street Footbridge
with new foot/cycle bridge

Location:

Land on the south east side of Milltown
Street, Radcliffe

PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings Location Plan (Dwg no. B142/02-P), Block Plan (Dwg no. B142/01-P), Proposed General Arrangement (Dwg no. 660-023-001 P02), Proposed Site Layout and Site Compound (Dwg no. 660-023-002 P03), Proposed Approach Ramp Plan and Elevations (Dwg no. 660-023-003 P02, Earthworks - Sections (Dwg no. 660-023-030 T1), Earthworks - Plan (Dwg no. 660-023-030 T1) and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The external finishing materials for the proposal hereby approved shall be as detailed within the approved application particulars.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/1 and OL5/2 of the Bury Unitary Development Plan.
- 4 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) for the construction of new bridge crossing and removal of existing remnants of old bridge

structure has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

The CEMP will need to include details demonstrating how the River Irwell and wider wildlife corridor will be protected, positively reinstated, and potentially enhanced during development based on the following:

1. Timing of the works that preferably avoid more ecologically sensitive fish spawning season (October - Mid March) for any in-channel working.
2. Construction design and methods for new crossing of waterbody and removal of remnants of old bridge structure and associated in-channel pier structure.
3. Riverbank reinstatement including soft landscaping scheme predominantly based on native species, once any existing resident invasive non-native species have been appropriately managed.
4. Pollution protection measures adopted as part of new bridge construction and removal of redundant bridge structure.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason. To ensure key ecological receptor; River Medlock; and WFD waterbody (Irwell (Roch to Croal) (GB112069060840)); is protected and/or enhanced, as part of bridge replacement proposals, pursuant to Chapter 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework.

- 5 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following information:
- Access route for construction traffic from the highway network and any temporary traffic management measures that may be required to facilitate access to the site;
 - Hours of operation and number of vehicle movements;
 - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site (or on land within the applicant's control);
 - Parking on site (or on land within the applicant's control) of operatives' and construction vehicles together with storage on site of construction materials;
 - Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan and the agreed measures and facilities shall be adhered to for the duration of the construction period. The areas identified shall not be used for any purpose other than the parking of vehicles and storage of construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented prior to the development hereby approved being brought into use.

Reason. The information was not submitted with the application. So as to ensure that the impact of the construction traffic generated by the proposed development on the adjacent residential streets is mitigated and ensure adequate off-street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety, pursuant to Bury Unitary Development Plan Policies EN1/2 and HT6/2.

- 6 No development shall commence until a detailed method statement for removing or the long-term management / control of Japanese knotweed, Giant hogweed &

Himalayan Balsam identified on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese knotweed, Giant hogweed & Himalayan Balsam during any operations e.g., strimming, bank regrading or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason. To avoid damage to and to enhance the nature conservation value of the site pursuant to chapter 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework.

- 7 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 8 Any soil or soil forming materials brought to site for use in soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 9 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 10 The bridge hereby approved shall have a minimum soffit height of 64.545 metres above ordnance datum.
Reason. To ensure that the development is not at risk of flooding or increase the risk of flooding elsewhere, pursuant to Section 14 - Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework.
- 11 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the installation of the main bridge structure. The contents of the plan should include native tree and shrub planting and the provision of bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from

the date the building(s) is first occupied or within the first available tree planting season; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to policy EN1/2 of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

EN1/1	EN1/1 - Visual Amenity
EN1/7	EN1/7 - Throughroutes and Gateways
EN5/1	EN5/1 - New Development and Flood Risk
EN6/4	EN6/4 - Wildlife Links and Corridors
EN7	EN7 - Pollution Control
EN7/3	EN7/3 - Water Pollution
OL5/2	OL5/2 - Development in River Valleys
RT3/3	RT3/3 - Access to the Countryside
RT3/4	RT3/4 - Recreational Routes
HT6/1	HT6/1 - Pedestrian and Cyclist Movement
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
HT6/3	HT6/3 - Cycle Routes
EC2/1	EC2/1 - Employment Generating Areas
H5/1	H5/1 - Area Improvement
EN1/2	EN1/2 - Townscape and Built Design

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

Location Plan (Dwg no. B142/02-P), Block Plan (Dwg no. B142/01-P), Proposed General Arrangement (Dwg no. 660-023-001 P02), Proposed Site Layout and Site Compound (Dwg no. 660-023-002 P03), Proposed Approach Ramp Plan and Elevations (Dwg no. 660-023-003 P02, Earthworks - Sections (Dwg no. 660-023-030 T1), Earthworks - Plan (Dwg no. 660-023-030 T1)

NOTES TO APPLICANT

1. Highway Officer advice

1. The applicant's attention is drawn to the existence of Public Right of Way No. 8, St Mary's, Radcliffe, that crosses and forms the access to the site. No development should take place which affects the Right of Way in the absence of an appropriate closure or diversion order.

2. The applicant's attention is drawn to the legal procedures for the potential implementation/continuation of a temporary closure order that may be required as a result of the proposed development and the need to consult the Department of Operations in order to secure its implementation. The construction works requiring the closure should not take place until the statutory requirements have been completed. All associated public consultation and legal costs will be the responsibility of the applicant.

2. **Environment Agency advice**

A permit from the Environment Agency will be required for new crossing of Main River Irwell. The following information should be referred to before submitting permit application.

Flood risk activity risk assessment for your environmental permits - GOV.UK (www.gov.uk)

Pollution prevention for businesses - GOV.UK (www.gov.uk)

A method statement to be agreed to put appropriate control measures in place regarding the invasive species Japanese knotweed, Giant hogweed, and Himalayan Balsam present.

Contaminated Land

The proposed development site appears to have been the subject of past industrial activity which poses a risk of pollution to controlled waters.

We have not undertaken a detailed review of the risk posed to controlled waters from land contamination and would therefore advise that you refer to our published Guiding Principles for Land Contamination which outlines the approach we would wish to see adopted to managing risks to the water environment from this site.

3. **Greater Manchester Ecology Unit advice**

Whilst the building to be demolished has been assessed as very low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

4. **Greater Manchester Ecology Unit advice**

The applicant is reminded that under the Protection of Badgers Act 1992 it is an offence to intentionally or recklessly interfere with a badger sett. If a badger sett is found on or near the developments site work should cease immediately and a suitably experienced ecologist employed to advise on how best to proceed.

Signed:



5 of 5

.....
On behalf of the Council

Date of Decision: 27/07/2022