

NOTICE OF PLANNING PERMISSION

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

To:

Miss Katie Eyres
United Utilities
Thirlmere House
Lingley Mere Business Park
Lingley Green Avenue
Warrington
WA5 3LP

On Behalf Of:

United Utilities
Lingley Mere Business Park
Lingley Green Avenue
Great Sankey
Warrington
WA5 3LP

PART 1 - Particulars of Application

Application Number: 71027

Date of Registration: 05/08/2024

Proposal:

Construction of a new outfall headwall to the River Roch, incorporating access footpath, access steps and safety handrails

Location:

Land south of Pimhole Business Park (adj River Roch), Alfred Street, Bury

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 numbered 80062003-02-GHD-092LR-97-DR-01-00040 P01, 80062003-02-EMG-092LR-99-DR-04-00002, 99-DR-04-00002 97-DR-01-00037 P02, P0297-DR-01-00035 P03, 97-DR-01-00038 P04 and 99-DR-01-00029 C05. 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 landscape reinstatement scheme (Ref. 80062003-02-EMG-092LR-99-DR-04-00002) hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the outfall structure is completed. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning

Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 5 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 and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason. In the interests of ecology pursuant to ther NPPF and UDP Policy EN6 Conservation iof the Natural Environment.

- 6 Prior to commencement, the findings of the pre-commencement survey with regard to kingfishers will be provided to and agreed in writing by the LPA. Any agreed working measures will be delivered in full.

Reason. In the interests of ecology pursuant to ther NPPF and UDP Policy EN6 Conservation iof the Natural Environment.

- 7 No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the River Roch from accidental spillages, dust and debris has been supplied to and agreed by the LPA. All measure will be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason. In the interests of ecology pursuant to ther NPPF and UDP Policy EN6 Conservation iof the Natural Environment.

- 8 The development hereby permitted within any approved phase shall not be occupied/brought into use until the works relating to land contamination detailed below are fully completed:

Where remediation is required, it shall be carried out in full accordance with the approved Remediation Strategy.

A Verification Report must be submitted to the Local Planning Authority for approval upon completion of remediation works. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 180(f), 189 and 190 of the National Planning Policy Framework (December 2023).

- 9 Any soil or soil forming materials to be brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use.

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 the Local Planning Authority for approval prior to any soil or soil forming materials being brought onto site.

The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc.) submitted to Local Planning Authority for approval prior to the development being brought into use.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 180(f), 189 and 190 of the National Planning Policy Framework (December 2023).

- 10 The measures and facilities detailed in the approved 'Construction Traffic Management Plan' and any subsequent traffic management measures and highway works required as a result of the construction works served by this operational access, shall implemented to the satisfaction of the Local Planning Authority and be adhered to throughout the scheme, with the measures retained and facilities used for the intended purpose for the duration of the works.
Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways, ensure adequate construction traffic access and materials storage arrangements for the duration of the demolition and construction periods and that the adopted highways are kept free of deposited material from the ground works operations.
- 11 The access arrangements/highway works indicated on the approved plans and subsequent scheme of highway works required to reinstate the adjacent adopted highway to its condition prior to commencement of the development and/or form a permanent vehicular access onto Alfred Street (to be agreed in due course with the Highway Authority), shall be implemented to a specification, scope and programme to be agreed with and to the satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety.
- 12 The Biodiversity Gain Plan shall be prepared and submitted to the Local Planning Authority and must include:
1. information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
 2. the pre-development biodiversity value of the onsite habitat;
 3. the post-development biodiversity value of the onsite habitat;
 4. any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
 5. any biodiversity credits purchased for the development; and
 6. any such other matters as the Secretary of State may by regulations specify.
- Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.
- 13 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
1. a non-technical summary;
 2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- has been submitted to, and approved in writing by, the local planning authority.
Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and

Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 14 The development hereby approved shall not be occupied unless and until:
1. the habitat creation and enhancement works set out in the approved HMMP have been completed; and
 2. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority
- The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.
- Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.
- 15 Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.
- Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

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:

NPPF	National Planning Policy Framework
PFE	Places for Everyone
EN1/11	EN1/11 - Public Utility Infrastructure
EN1/1	EN1/1 - Visual Amenity
EN5	EN5 - Flood Protection and Defence
EN6	EN6 - Conservation of the Natural Environment
EN6/3	EN6/3 - Features of Ecological Value
EN6/4	EN6/4 - Wildlife Links and Corridors
EN7	EN7 - Pollution Control
EN7/5	EN7/5 - Waste Water Management
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
RT3/4	RT3/4 - Recreational Routes

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:

Drawings numbered 80062003-02-GHD-092LR-97-DR-01-00040 P01,
80062003-02-EMG-092LR-99-DR-04-00002, 99-DR-04-00002 97-DR-01-00037 P02,
P0297-DR-01-00035 P03, 97-DR-01-00038 P04 and 99-DR-01-00029 C05

NOTES TO APPLICANT

1. In accordance with S93G of the Town and Country Planning Act 1990 (As amended by Section 111 Levelling Up & Regeneration Act 2023) there is a legal requirement for you to inform the Council of the date when you intend to commence the development on site via submission of a Commencement Notice. This notice is mandatory for all developments and came into effect on 31 March 2024. You can find more information and download a copy of the Commencement Notice under the Before Starting Work section on our website at <https://www.bury.gov.uk/planning-building-control/planning-permission/planning-application-process>

Signed:



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On behalf of the Council

Date of Decision: 26/09/2024