

Application Number:	22/00780/FUL
Proposal:	<p>Full planning application for the construction of a new pedestrian and Cyclist Bridge across the Medlock Valley at Park Bridge, including the following works:</p> <ul style="list-style-type: none"> • Construction of a 127.5m long foot and cycle bridge across Medlock Valley at Park Bridge. • Upgrade and paving of an existing part of the Oldham Bardsley RR10 Recreation Route, approximately 200m in length from the northern bridge landing point to the existing path to the north, and upgrade and paving of the existing pathway approximately 100m to the east, to connect with NCN Route 601; and • Creation of new foot and cycle path, approximately 200m in length, from the southern bridge landing point to existing NCN Route 626 to the south (within Tameside Metropolitan Borough Council).
Site:	Medlock Valley, Park Bridge (adjacent to junction of Waggon Road, Dean Terrace and Alt Hill Road)
Applicant:	Oldham Metropolitan Borough Council
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	A Speakers Panel decision is required because the application is a departure from the Development Plan.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 The site falls within Park Bridge, a post-industrial, countryside area which lies in the valley of the River Medlock, midway between Ashton-under-Lyne and Oldham. It straddles the boroughs of both Oldham and Tameside. Park Bridge is one of several linked greenspaces within the Medlock Valley, which extends from Manchester city centre to the Pennines.
- 1.2 The proposed development site is shown within the red line boundary on the site location plan. The site falls just below 1 hectare in size. It crosses the River Medlock and Waggon Road, and the sides of the Medlock Valley, where it extends until reaching existing footpaths both to the north and to the south. It occupies the same trajectory as the former railway viaduct which was demolished in 1971. The remains of the railway viaduct that was demolished in 1971 are present at the base of the valley where the lower remains of two of the original bridge piers are now in use as abutments carrying a modern low level foot bridge.
- 1.3 The site gains access from Waggon Road to the south and Dean Terrace/Mill Brow to the North/East. Given its position within the river valley, the land levels vary quite significantly with some areas of steep embankments. Surrounding the river basin, there are dense woodland trees which are characterful and add to the visual quality of the area.
- 1.4 Park Bridge Heritage Centre and associated car park are situated in close influential proximity to the north west of the site as well the remains of former industrial buildings. These buildings are deemed to be a non-designated heritage assets.

- 1.5 The nearest residential property to the site is Station House (Park Bridge, Ashton) which is situated on the eastern side of the bridge landing.

2. PROPOSAL

- 2.1 The applicant seeks full planning permission for the construction of a new pedestrian and Cyclist Bridge across the Medlock Valley at Park Bridge, including the following works:

- Construction of a 127.5m long foot and cycle bridge across Medlock Valley at Park Bridge.
- Upgrade and paving of an existing part of the Oldham Bardsley RR10 Recreation Route, approximately 200m in length from the northern bridge landing point to the existing path to the north, and upgrade and paving of the existing pathway approximately 100m to the east, to connect with NCN Route 601; and
- Creation of new foot and cycle path, approximately 200m in length, from the southern bridge landing point to existing NCN Route 626 to the south (within Tameside Metropolitan Borough Council).

- 2.2 The proposed development is part of a series of works which the applicant is seeking to bring forward as part of the Mayors Cycling and Walking Challenge Fund (MCF), which is investing in walking and cycling infrastructure across the Greater Manchester city-region.

- 2.3 The proposed bridge seeks to improve access between Oldham and Ashton-under-Lyne by providing a new bridge link across the Medlock Valley at Park Bridge which simplifies the existing route. Historically, a large brick arch railway viaduct crossing the Medlock Valley was present on the site, spanning north to south over both the River Medlock and Waggon Road.

3. PLANNING HISTORY

- 3.1 No recent relevant planning history on this site.
- 3.2 To note: near to the site at the Park Bridge Heritage Centre, planning permission was granted in September 2022 for the following works: Extension to Park Bridge Heritage Centre to form an extended cafe, shared use of public car park, bin storage and proposed outside dining area (21/01216/FUL).

4. PLANNING POLICY

National Planning Policy Framework

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

4.4 Chapters of particular relevance to this application also include:

- Chapter 2: Achieving sustainable development
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 12: Achieving well-designed places
- Chapter 13: Protecting Green Belt Land
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

Planning Practice Guidance

4.5 This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate

Development Plan

4.6 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

Tameside Unitary Development Plan (2004)

4.7 Site Allocation: Designated Green Belt.

Relevant Policies

4.8 Part 1 Policies:

- Policy 1.2: Maintaining an Integrated Transportation Strategy
- Policy 1.3: Creating a cleaner and greener environment
- Policy 1.5: Following the principles of sustainable development
- Policy 1.6: Securing Urban Regeneration
- Policy 1.8: Retaining and Improving Opportunities for Sport, Recreation and Leisure
- Policy 1.10: Protecting and Enhancing the Natural Environment
- Policy 1.11: Conserving Built Heritage and Retaining Local Identity
- Policy 1.12: Ensuring an accessible, safe and healthy environment

4.9 Part 2 Policies:

- Policy OL1: Protection of the Green Belt
- Policy OL7: Potential of Water Areas
- Policy OL8: Informed Recreation and Countryside Access
- Policy OL10: Landscape Quality and Character
- Policy OL15: Openness and appearance of River Valleys
- Policy T1: Highway Improvement and Traffic Management
- Policy T7: Cycling
- Policy T8: Walking
- Policy T12: Special Needs
- Policy T13: Transport Investment
- Policy C1: Townscape and Urban Form

- Policy C7: Enabling Development for Conservation of Heritage Assets
- Policy N3: Nature Conservation Factors
- Policy N4: Trees and Woodland
- Policy N5: Trees within Development Sites
- Policy N6: Protection and Enhancement of Waterside Areas
- Policy U4: Flood Prevention

4.10 **Supplementary Planning Documents**

- Tameside Trees and Landscaping on Development Sites Supplementary Planning Document (2007);
- Tameside Sustainable Design and Construction Supplementary Planning Document (2005).

4.11 **Other relevant policies**

- Ministry of Housing, Communities and Local Government: National Design Guide

Places for Everyone

4.12 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

4.13 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.14 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

Other Considerations

4.15 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

4.16 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

5. PUBLICITY CARRIED OUT

5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been advertised by neighbour notification letter, display of a site notice(s); and advertisement in the local press.

- 5.2 During the course of the application, the application site boundary was amended to include additional sections of the proposed cycle path and existing trees. As such, the application was re-advertised for 21 days.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 As a result of publicity, objections have been received from two neighbouring properties highlighting the following concerns (summarised):

- Out of character;
- Traffic/parking matters;
- Visual amenity;
- Loss of trees;
- Adverse effects on the Local Nature Reserve / Site of Biological Importance;
- Lack of consideration given to the antisocial use of motorbikes in the area (as set out in the Crime Impact Statement);
- Disagree with Design and Access Statement's assertion that the bridge will provide heritage benefit. It is a very significant new man made structure, primarily of steel and concrete, intruding on a naturalised landscape;
- The project is going to involve a major upheaval to our lives, both in the proposed lengthy build time and subsequent personnel and geographical/ environmental disturbance the build will cause.
- Loss of privacy as a result of overlooking;
- Security concerns;
- The cost of building this Bridge both Monetary and environmentally in the economic crisis that we are living in would seem to be completely wrong; and
- The environmental cost of building this bridge far outweighs the gains.

7. RESPONSES FROM CONSULTEES

- 7.1 Canal and River Trust
Offers no comment on the proposal. The Canal & River Trust is a statutory consultee under the Town and Country Planning (Development Management Procedure) (England) Order 2015. The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in 2011 under the organisation's former name, British Waterways. The 2011 issue introduced a notified area for household and minor scale development and a notified area for EIA and major scale development. This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.
- 7.2 TMBC Recreation and Play Space Team
No comments on the proposal.
- 7.3 The West Pennine Bridleway Association
No comments on the proposal.
- 7.4 TMBC Green Space Team
No objection to the proposal subject to conditions.
- 7.5 Sustrans
No comments on the proposal.
- 7.6 Peak and Northern Footpath Society

No comments on the proposal.

7.7 Lead Local Flood Authority (LLFA)
No comments on the proposal.

7.8 Local Highway Authority (LHA)
No objection to the proposal subject to conditions. Discussed in more detail below.

7.9 Greater Manchester Archaeological Advisory Service (GMAAS)
No objection subject to a condition requiring the submission and approval of a written scheme of Investigation and implementation of a programme of archaeological works.

7.10 Greater Manchester Ecology Unit (GMEU)
No objection to the proposal subject to conditions. Discussed in more detail below.

7.11 TMBC Estates
No comments on the proposal.

7.12 TMBC Environmental Health
No objection to the proposal subject to construction/working hours condition.

7.13 TMBC Contaminated Land
No objection to the proposal subject to condition requiring the submission of additional details. Discussed in more detail below.

7.14 Coal Authority
No objection to the proposal subject to relevant planning conditions being imposed on any planning permission granted. Discussed in more detail below.

8. ANALYSIS

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.

8.2 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision taking this means:-

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

8.3 The key issues raised by the proposal include:

- The principle of the development, with particular regard to the site's location within the designated Green Belt;
- Impact on the character and appearance of the area, with particular regard to the impact of the development on the non-designated heritage assets;
- Impact on existing residential amenities;

- Highway safety;
- Trees and Ecology; and
- Flood Risk.

These areas, and any other material planning considerations, are assessed in turn under the sub-headings below.

9. PRINCIPLE

- 9.1 The scheme proposes a new recreational cycle/pedestrian link between Ashton and Oldham. The Council will encourage and permit new, replacement, improved or extended provision for outdoor sport, recreation or play space purposes, subject to certain criteria.
- 9.2 Policy OL6 (7) within the UDP identifies the former Ashton to Oldham rail line for a leisure track. It states that the upgrading and opening up for public access of this former railway track will provide an attractive and convenient footpath, bridle path and cycling link from just north of Ashton town centre, through the residential areas of north Ashton and out into the Medlock valley. There are opportunities for connections into several other open spaces, footpaths and roads, and it would provide a further access to visitor facilities at Park Bridge, from where routes continue into Oldham. Natural vegetation has become established along the route and whilst it will be necessary to cut this back in places to create a suitable pathway, the objective should be to keep this wherever possible as a landscape setting and home for wildlife.
- 9.3 In addition to the above, the site lies within the designated Green Belt. At paragraph 137, the Framework establishes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 9.4 The five key purposes of the Green Belt are detailed within paragraph 138 of the Framework:
- a. to check the unrestricted sprawl of large built-up areas;
 - b. to prevent neighbouring towns merging into one another;
 - c. to assist in safeguarding the countryside from encroachment;
 - d. to preserve the setting and special character of historic towns; and,
 - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.5 Paragraph 147 of the Framework states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (p.148).
- 9.6 A local planning authority (LPA) should regard the construction of new buildings as inappropriate in the Green Belt. The Framework does, however, consider there to be exceptions to this including the following:
- the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (p.149b);
- 9.7 Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it,

including: local transport infrastructure which can demonstrate a requirement for a Green Belt location (p150c).

- 9.8 Policy OL1 (Protection of the Green Belt) also seeks to protect the Green Belt and states that approval will not be given, except in very special circumstances, for the construction of new buildings for purposes other than (a) agriculture and forestry, or (b) essential facilities for outdoor sport and outdoor recreation, or (c) cemeteries, or (d) other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it.
- 9.9 Presently, users of the existing Sustrans route NCN 626, which was constructed along the disused railway line connecting Oldham and Ashton-Under-Lyne, have to navigate the 30m deep Medlock Valley using local roads. The proposed scheme seeks to simplify and realign this cycle route, through the backing of the Mayor's Cycling and Walking Challenge Fund (MCF), and construct a new footbridge across the Medlock Valley, capable of accommodating pedestrians, cyclists and equestrians. The bridge is proposed to be approximately 130m long, 30m high and at least 5m in width with 1.8m high parapets.
- 9.10 The footbridge is a facility which would promote and support outdoor sport and recreation, for cyclists, equestrians and pedestrians in particular, by providing a flat, level surface connecting either side of the Medlock Valley. Similarly, it is recognised that the footbridge would form a key part of local transport infrastructure for improved, more inclusive and sustainable methods of transport between Oldham and Ashton, as the current route is not accessible to everyday cyclists or those with a buggy or mobility issues. It is noted that, its position is such that it could not be located outside of its Green Belt location.
- 9.11 Whether the proposal would be inappropriate development
The visual appearance of the structure will be considered in greater detail below; however in establishing whether the proposal is acceptable in principle, in consideration of paragraphs 149b and 150c as above, it can be noted that the development will only be considered 'not inappropriate' in the Green Belt provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including the land within it.
- 9.12 The effect on the openness of the Green Belt:
The openness of the Green Belt is considered to have both a spatial and visual aspect. By reason of its size, extending some 130m in length, 30m in height and 5m in width, the proposed footbridge would be perceived as a substantial structure which would be highly prominent and dominant within the landscape. The footbridge would command the space, both spatially and visually, within the Medlock Valley and would rise significantly above the trees below on the valley floor and sides.
- 9.13 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness and permanence are essential characteristics of the Green Belt. By reason of its substantial size, the proposal would fail to preserve the openness of the Green Belt and as such, is inappropriate development in the Green Belt and harmful by definition. The proposal should not be approved except in very special circumstances.
- Impact of Purposes of the Green Belt
- 9.14 In terms of the above, the development would not lead to unrestricted sprawl or lead to towns merging into one another. It would not lead to encroachment in the countryside or prevent the recycling of derelict or other urban land. It will not impact on the setting of a historic town.
- Proposed very special circumstances required to justify the proposal:
- 9.15 It has been initially identified that the scheme would provide significant benefits by allowing the enhanced use of the existing NCN 626 cycle route along the disused railway lines for a wider number of uses by a wider use of people - encouraging inclusivity. It is also recognised that the scheme would support healthy lifestyles, in line with paragraph 92c of the Framework,

and promote sustainable transport also in accordance with Section 9 of the Framework and policy T7 of the UDP.

9.16 Notwithstanding this, in support of the proposal, the applicant has presented the following case in light of the site's location within the Green Belt, with respect to p.150 of the Framework:

- 'Paragraph 150 of the NPPF sets out that local transport infrastructure which can demonstrate a requirement for Green Belt location can be considered "not inappropriate" in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it. In such circumstances, it is not necessary for Very Special Circumstances to be demonstrated.
- The Proposed Development needs to be located within the Green Belt to fulfil the connectivity requirements of the scheme. The design of the parapets allows views through and could be considered to preserve the openness of the Green Belt.
- The Greater Manchester Green Belt Assessment 2016 confirms that the site performs a moderate to strong function in terms of the following four Green Belt purposes.

9.17 The applicant goes on to say: 'However, appreciating the scale of the bridge and its location within the landscape, it is recognised that the it could be considered not to preserve the openness of the Green Belt and as such, would be considered to be inappropriate development in the Green Belt and harmful by definition – which should not be approved except in Very Special Circumstances'.

9.18 The applicant states that the following benefits are all entirely consistent with the aims and objectives of planning and transport policy at national, regional and local level and should be accorded very significant positive weight:

- 'Promote a modal shift for users of motorised vehicles who utilise the A627 (Ashton Road) or the B6194 (Lees New Road) to journey between the two boroughs by creating a key arterial route between the town centres of Oldham and Ashton-Under-Lyne.
- To deliver a key element of the Bee Network that will improve accessibility and connectivity between Oldham and Ashton-under-Lyne town centres for journeys on foot and by bike, complementing the neighbouring proposed Northern Roots development and bike hub.
- To enable an increased percentage of local journeys to be made on foot or by cycle by removing a 1 in 5 to 1 in 7 gradient climb on NCN626 route thus helping to reduce local traffic congestion, improve local air quality, and support active lifestyles which will deliver health benefits.
- To create a new landmark within the Medlock Valley and Park Bridge, which celebrates the local landscape and industrial heritage of the area.'

9.19 The applicant summarises that, as highlighted within the Landscape and Visual Impact Assessment (LVIA), 'the construction of the proposed development would have some localised adverse effects on the physical fabric and views from residential and recreational receptors in all directions from the site. However, it is noted that the scale and extent of change is contained within the context of the existing valley which tends to limit the significance of effects from those receptors not within immediate vicinity of the site'.

9.20 The Green Belt statement goes on to explain that: 'the LVIA concludes that once the site is operational and established the proposed development would be assimilated within the landscape and views, becoming more characteristic of the landscape character within which it is located. Accordingly, any visual harm to the Green Belt is considered to be limited. Furthermore, the development would not undermine any of the purposes of Green Belt against which the Site performs a moderate to strong function.'

9.21 The applicant subsequently concludes that: 'if the proposals are considered to be inappropriate development, the main harm to the Green Belt is definitional. As set out in the previous section, any other harm as a result of the scheme can be satisfactorily mitigated such that there is no residual harm to be added to the definitional harm in the Green Belt Assessment. Having regard to all of the above, it is considered that the benefits of the proposed development clearly and demonstrably outweigh any harm to the Green Belt, taken together with any other harm as a result of the scheme. Accordingly, it is considered that Very Special Circumstances exist and that the proposals accord with relevant local and national Green Belt policy.'

9.22 In summary and in reflection of the above, Officers' are of the view that:

- By reason of its size, the proposed bridge structure and ancillary works would constitute inappropriate development in the Green Belt, as the scheme would in strict terms fail to preserve openness (spatially and visually) – in conflict with paragraph 149b of the Framework.
- Spatially, with reference to paragraph 146 of the NPPF, it is not possible for the proposed structure to be relocated elsewhere, or at a different height, and is required to be sited in this specific location owing to the existing presence of the NCN 626 cycle route and topography of the land (to create a level landing point).
- Visually, the structure has been designed to be as slim line as possible whilst retaining the necessary safety features (high balustrade to bridge edges) retaining a sense of openness where possible. This mirrors through to the design of the platform and limited use of supporting pillars. Views of the bridge are primarily localised and limited to within the river valley owing to the existing topography of the land. However it is recognised that on the valley floor, by reason of its height and scale, the bridge structure would command/dominate the space.
- The scheme presents substantial benefits to the cycling and walking community by providing and enabling enhanced infrastructure for a sustainable mode of transport. The proposed development would make a significant improvement to the NCN 626 cycle route creating a more effective link between Oldham and Tameside Borough's. In this regard, the proposed would contribute significantly to the cultural life of the area with recreational and health benefits encouraging active travel. This falls in line with the aims and aspirations of the Framework, in particular paragraphs 92 (as above) and p.100 which establishes the need for development to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. Moreover, Paragraph 104 (c) encourages identifying and pursuing opportunities to promote walking and cycling and public transport use, and Paragraph 106 supports the provision for attractive and well-designed walking and cycling networks with supporting facilities.

9.23 Overall, the proposal supports the re-use of the former rail line from Ashton to Oldham and would provide a valued contribution to outdoor sport and recreation in support of policy OL6 (7).

9.24 However, the application proposes inappropriate development in the Green Belt, would have a significant impact on the openness, but would have minimal impact on the purposes. Substantial weight should be given to this harm. When assessing whether very special circumstances exist, it is also necessary to weigh any 'other' harm into the planning balance. This report will now consider the other impacts of the development.

10. CHARACTER AND APPEARANCE

10.1 Firstly it is recognised in the NPPF at paragraph 126 that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates

better places in which to live and work and helps make development acceptable to communities.

- 10.2 Amongst other matters, paragraph 130 of the National Planning Policy Framework states that new development should: function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and be sympathetic to local character and history
- 10.3 Policy C1 of the UDP states that in considering proposals for built development, the Council will expect the distinct settlement pattern, open space features, topography, townscape and landscape character of specific areas of the Borough to be understood, and the nature of the surrounding fabric to be respected. The relationship between buildings and their setting should be given particular attention in the design of any proposal for development. This is supported by Policy 1.3 which also states that “all developments must achieve high quality design which is sensitive to the character of the local area, particularly in the relationship between buildings, between buildings and adjoining spaces, and in associated landscaping”. Further to this, Policy OL10 states that “within the countryside, river valley and urban fringe areas, any development will be required to be sympathetic to its surroundings and high standards of siting, design, materials and landscaping will be expected.
- 10.4 In addition, Policy OL15 of the UDP advises that “The Council will not permit developments which would adversely affect the character of the Tame, Medlock and Etherow river valleys including their value for nature conservation, or the overall improvement of their appearance, or break the open parts of the valleys into further sections... Measures will be taken to enhance the built environment within the river valleys, through improving the appearance of industrial areas where necessary, screening unsightly or unduly prominent development, and making canal and riverside areas more attractive”. The Medlock valley is highly valued as a major resource for open space, informal recreation, education and nature conservation, which is closely accessible to a large proportion of the county’s population. Maintaining the predominantly open character of the river valleys is a critical element of the strategic policies for the Greater Manchester area as a whole, which the Council would wish to continue.

Bridge Design

- 10.5 The proposed bridge would span approximately 130m between approaches in order to cross the entire valley. As shown on the proposed plans, there is no requirement for any substantial changes to existing ground levels in that the structure will land at the existing ground level and tie directly into the approaches on both sides of the valley.
- 10.6 The proposed bridge comprises a composite weathering steel girder structure. In broad terms the appearance of the bridge is simple and adorned. The three span arrangement allows a valued sense of space immediately around the river Medlock and maximum tree coverage to be retained. The sense of openness above the deck provided by the lack of any overhead features minimises the perceived bulk and mass of the structure – appearing more subordinate to the surrounding trees and woodland which in parts would rise above it, particularly at the bridge landings to the valley sides (although it is accepted that some trees will need to be removed to facilitate the development).
- 10.7 The steel girder design with brick supports provides a small reference to the arches that characterised the former railway viaduct in this location. The curved soffits also reference the arches of the former viaduct, whilst the steel deck and brick-clad piers reflect the materials used in the surviving historic industrial buildings in the local area/viaduct.

Impact on Surrounding Landscape

- 10.8 The applicant has prepared a Landscape and Visual Impact Assessment (LVIA) of the likely effects on landscape character and visual amenity arising from the proposals across the Medlock Valley, considering the following two phases:

- Construction of the new pedestrian and cyclist bridge; and,
- Fifteen years post construction once any mitigation vegetation has established.

10.9 The supporting report identifies key landscape characteristics within the Medlock Valley and the landscape character types (LCT): many of landscape elements present within the site area are valued within the wooded valley, Green Belt and Heritage Centre setting. Most of this LCT also falls within the Local Landscape Character Area designation of Medlock Mixed Valley which is important to the local landscape setting of Park Bridge. Other valued elements within the study area include the wide-reaching views from elevated sections of the wider study area.

10.10 Eight viewpoint locations have been selected to represent the visual context of the site and form the basis of the visual assessment within the LVIA. These visual receptors are residential, recreational and commercial.

10.11 The visual sensitivity of the proposed development at each of the landscape and visual receptors is concluded within table 11 of the LVIA report at each stage of the construction period: during construction, operation (1 year) and operation (15 year).

10.12 During construction, the significance of effect of the proposed development on the following landscape character types/ viewpoints is judged to be moderate adverse:

- Landscape elements: Trees and woodland
- VP 1: Park Bridge Heritage Centre, Dean Terrace, Dingle Terrace
- VP 5 National Cycle Network Route 601
- VP 8: Waggon Road to Dean Terrace Junction

VP5 and VP8 reduce to minor adverse after 1/15 years of operation. Whilst VP1 and 'trees and woodland' are retained as being moderate adverse in years 1/15.

10.13 The following landscape character types/ viewpoints are judged to be major adverse:

- VP 2: Footpath 10 (Oldham)
- VP 6: Station House, National Cycle Network 601
- VP 7: Waggon Road

Following one and 15 years of operation, the significance of the effect at VP2 is defined as being 'minor beneficial' as the magnitude of change is only high during the construction phase. The established effects to the remaining two viewpoints would be reduced to 'moderate adverse'.

10.14 As concluded within the LVIA report, the bridge would have some localised adverse effects on the physical fabric and views from residential and recreational receptors in all directions from the site. However, officers agree that the scale and extent of change is contained within the context of the existing valley which tends to limit the significance of effects from those receptors not within immediate vicinity of the Site. Once the Site is operational and established the Development would be assimilated within the landscape and views.

10.15 Subject to the use of appropriate materials, including to the proposed deck area (as well as underneath) and sides/balustrades, the appearance and visual impact of the bridge is acceptable. It is therefore recommended that these details (colour, form, texture) are submitted to and approved in writing, prior to the commencement of the development.

10.16 It is also recommended that a condition is attached requiring the submission of the proposed material to the new foot and cycle path which extends to the north and approximately 200m

from the south bridge landing point to the existing NCN route 626 path to the south and details of boundary fencing.

- 10.17 Overall, it is accepted by officers' that during the course of operational development there would be significant adverse effects on the character of the locality. However subject to conditions controlling materials and tree planting, in particular, as well as the requirement for biodiversity enhancement measures, it is considered that on balance the proposal is acceptable in respect of policies C1, C10, C15 and 1.3 of the UDP and would change the character of the landscape, but not to its detriment.

11. IMPACT ON NON-DESIGNATED HERITAGE ASSET

- 11.1 This area of the Medlock river valley is rich with heritage. As can be seen on historic photographs the old railway line spanned across the river valley, with industrial mills and factories situated nearby. The heritage centre building remains, as well as characterful brick walls and chimney towers. These industrial heritage features contribute significantly towards the visual quality and historic character of the area. New development within the immediate context of these buildings and structures should therefore seek to integrate sympathetically, and either preserve or enhance the setting.
- 11.2 As set out within paragraph 203 of the Framework, the effect of the application on the significance of nearby listed buildings and non-designated heritage assets should be taken into account, as such the applicant has submitted an accompanying heritage statement.
- 11.3 Paragraphs 199 to 203 of the NPPF introduce the concept that heritage assets can be harmed or lost through alteration, destruction or development within their setting. This harm ranges from less than substantial through to substantial. With regard to designated assets, paragraph 199 states that great weight should be placed on its conservation, irrespective of whether any potential harm is considered to be substantial or less than substantial. The paragraph goes further to say that the more important the asset, the greater the weight should be on its conservation. In paragraph 200, a distinction is made in respect of those assets of the highest significance (e.g. scheduled monuments, Grade I and Grade II* listed buildings) where substantial harm to or loss should be wholly exceptional.
- 11.4 Paragraph 201 states that in instances where development would cause substantial harm to or total loss of significance of a designated asset, consent should be refused unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 202 says in instances where development would cause less than substantial harm to the significance of a designated asset, the harm should be weighed against the public benefits of the proposal to provide a balanced judgement.
- 11.5 With regard to non-designated assets, paragraph 203 states that the effect of the application on the significance of the asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 11.6 The applicant has argued that the proposed development will represent the reinstatement of a historic route across the Medlock Valley by providing a cycle and footbridge in the place of the demolished Victorian viaduct that previously occupied the Site. The proposed new bridge will be located within an area of industrial and railway heritage, which although non-designated, has architectural and historical interest as a Georgian and Victorian industrial hamlet set within a naturalised, steep sided river valley. The statement goes on to state that the reinstatement of a bridge spanning the valley will therefore provide positive heritage benefit to the industrial hamlet by reinstating a layer and level of its history.

- 11.7 The applicant has further stated that the bridge will also provide a vantage point from which to view the industrial hamlet from an elevated position, allowing the layered landscape to be appreciated and providing for greater understanding of both the gravity-aided industrial processes that were carried out at the works, and the social aspects of the industrial hamlet with the proximity of worker's housing and Dean House to the industrial remains.
- 11.8 Overall, the applicant considers that the bridge is designed in a manner that reflects and responds to the heritage significance of its location, and in a manner that provides positive heritage and historic landscape benefits. The assessment concludes that the proposed development will offer positive heritage and historic landscape public benefits through reinstating a historic access across the valley and offering a new vantage point from which to view and appreciate the heritage significance of the surrounding standing and buried industrial remains
- 11.9 Officers have considered the submitted Heritage Impact Statement and are satisfied that the proposal has been suitably considered in respect of paragraph 103 of the NPPF. Design cues have been taken from the former railway viaduct but yet has been designed to be as slim line and unobtrusive as possible to respect the industrial heritage located within the established river valley. Overall, the LPA are satisfied that the proposal would not have a significant detrimental impact on the character/setting of the nearby heritage assets.

12. RESIDENTIAL AMENITY

- 12.1 As outlined within paragraph 130 of the Framework, planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users.
- 12.2 The proximity of a number of residential properties to the proposed bridge and extended cycle route are noted, with the most affected property being Station House. This property is located to the south of the River Medlock on the elevated valley side – to the east of the proposed cycle route.
- 12.3 The proposed southern landing point of the bridge is around 45m in distance from the nearest northern corner of Station House. The proposed cycle path runs parallel with this neighbouring property, at a distance ranging between 14.5m – 26.5m at its widest point.
- 12.4 A site visit was undertaken to view the proposed site from the surrounding garden area of Station House to observe the relationship between these two sites. It can be noted that the neighbouring property and surrounding garden/land sits below the elevated former railway line, where the new foot/cycle path is proposed. As existing, the common boundary is marked by a timber fence extending to around 1.8m in height. Existing trees and their trunks provide some screening, although it is noted that some of these are to be removed.
- 12.5 When assessing general residential amenity issues, it is not considered that the proposed structure and ancillary works would result in a significant loss of light or outlook, given the oblique angle of the bridge and position north west of Station House. The structure would also not appear unduly overbearing (in its size) when viewed from the rear habitable rooms of this property. Views of the bridge would become more apparent moving towards the northern part of the plot to the neighbouring occupant's garden area; though this outlook would not be considered unacceptably detrimental given the additional tree screening to this part of the site/along the common boundary.
- 12.6 However, in order to ensure the occupiers of this property experience no substantial loss of amenity (privacy) as a result of overlooking from the proposed cycle path and/or new bridge (given the ground level changes), it is recommended that further details of the boundary

treatment indicated on the General Arrangement drawing be submitted to and approved in writing by the LPA to be retained as approved thereafter.

- 12.7 In considering the impact of the development on this property in respect of noise/disturbance, the applicant has concluded that, as outlined within paragraph 5.58 of the LVIA report: During the construction of the development, some construction activity in particularly vegetation clearance within the site, would take place within the fore and middle ground of the view but would, however, be partially screened by intervening retained vegetation. There would be some short-term visibility of construction activity, including the presence of the crane to the north of this view, and the widening and upgrading of the path, although this would be of a short duration and would be temporary in nature. This route would be the construction access route to the bridge location and be subject to heavy construction traffic and movement of materials. This would be viewed in the context of retained woodland trees further from the path edges, and particularly in between the property of Station House and the Site. Overall, the construction would result in a worsening in the balance and composition of features in the view. On balance the magnitude of change is considered to be high. The magnitude of change assessed against the sensitivity of receptor would result in a major adverse effect, which is considered significant.
- 12.8 Post-completion of the development, at operation (year 1), the report concludes that the widened and upgraded path would be visible in the fore and middle ground of the view, along with new tree planting that would have been implemented. The impacts of additional tree cover and screening would remain minimal, and consist of newly planted whips, feathered, and standard trees along with the presence of associated tree and shrub shelters, tree stakes and accessories. Bare ground, made good, following the removal of construction access routes, and widening and upgrade of the path would be present. The magnitude of change would be Medium. The magnitude of change assessed against the sensitivity of receptor would result in a Moderate adverse effect, which is considered significant.
- 12.9 Paragraph 5.60 of the report concludes that once the development is operational and by year 15 when mitigation planting in the fore and middle ground of the view would be established and beginning to mature there would be relatively limited change to the existing view, with elements of the bridge deck and parapets being visible but at an oblique angle of view. Therefore, the magnitude of change is Low. The magnitude of change assessed against the sensitivity of receptor would result in a Minor adverse effect, which is not considered significant.
- 12.10 Officers' agree with the above findings and given the topography and elevated nature of the new cycle path, disturbance during the construction period is expected and considered to be significant. Environmental Health have been consulted on the proposed development and recommend that in order to protect the amenities of the occupants of the nearby properties/ dwelling houses, during demolition / construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays. A condition is recommended on this basis.
- 12.11 Subject to conditions, the proposal is acceptable in respect of neighbour amenity and compliant with policy C1 of the UDP and paragraph 130 of the NPPF. It is not considered that any additional residential properties would be adversely affected by the proposed development once complete, including those on Dean Terrace (when considering light, outlook, privacy etc.).

13. ACCESS/HIGHWAY SAFETY

- 13.1 Paragraph 92 of the NPPF states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: "promote social interaction, including opportunities

for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages” and “enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling”.

- 13.2 Further to the above, Chapter 9 of the NPPF supports the promotion of sustainable transport. In particular, paragraph 104 of the NPPF states that opportunities to promote walking, cycling and public transport are identified and pursued.
- 13.3 The Local Highway Authority has been consulted on the proposed development and are satisfied that the additional vehicle trips due to the development would be minimal and could be accommodated on the existing highway network. The proposed pedestrian/cyclist bridge would encourage users to travel to the site by sustainable modes of transport as part of a wider active travel network and therefore reduce the number of vehicle journeys to the development.
- 13.4 The current level of off street parking provision within the vicinity of the development is deemed to be acceptable, with car parking at the Park Bridge Heritage Centre being available and any additional overflow on street parking being accommodated on Waggon Road.
- 13.5 In order to ensure that the development would not result in harm to highway safety or the future users of the bridge, the LHA have recommended conditions relating to the following:
- Submission of a construction method statement, including details of surface water run off;
 - Submission of a construction environment management plan;
 - A condition controlling access routes to the site along Oldham Road/ Waggon Road travelling to and from the development;
 - Details of the external lighting strategy for the pedestrian and cyclist bridge across the Medlock Valley and access paths to be submitted for approval; and,
 - Details of the proposed arrangements for future management and maintenance of access routes to the pedestrian and cyclist bridge across the Medlock Valley.
- 13.6 Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111 of the NPPF). Subject to the above conditions, Officers’ are satisfied that construction phase and maintenance of the development can be suitable controlled and would not an unacceptable impact on highway safety.
- Pedestrian Connectivity
- 13.7 On approach to the proposed bridge structure, a 3m wide shared use path is proposed. The Local Highway Authority advises that LTN 1-20 (6.5) recommends 3m as the minimum width for shared use routes for up to 300 cyclists per hour. Considering the potential attractiveness of the route for leisure, as well as the direct nature of the route between Oldham and Ashton, the combined pedestrian, cycle and equestrian use and the proposed 5m width across the bridge structure, it is appropriate that, upon the approach to the bridge structure, the path should also be widened. On this basis, the plans were revised and the width of the path on the approach to the bridge structure has been tapered and widened as indicated on the updated landscape layout plan.
- 13.8 The Local Highway Authority have reviewed the revised plans and have no objections to the proposal in regards to pedestrian connectivity. The scheme is therefore acceptable.

14. FLOODING

- 14.1 The proposed bridge crosses above the River Medlock and its associated flood zones. However, the development spans flood zones 2 or 3 rather than being located within them. A drainage system will be incorporated to capture bridge deck surface water run-off and full details will be required by planning condition.

15. TREES

- 15.1 Policy N4 within the UDP advises that the Council will not permit the felling of protected trees and woodlands, or other trees of amenity value, unless:

- a. the removal of a tree has been considered appropriate in connection with an approved development, or
- b. good arboricultural practice requires that the tree should be felled, or
- c. the condition or safety of structures is conclusively proven to be adversely affected by the presence or growth of a tree, or
- d. a serious risk to public safety is presented by the tree. Where a tree is removed the Council will require appropriate replacement planting.

Tree and woodland planting should make use of locally native species wherever appropriate and the implications for nature conservation should always be taken into account.

- 15.2 Policy N5 goes on to state that where the quality and location of existing trees, whether individually, in groups or in woodlands, are of significant value to the appearance and amenity of a site, the Council will not permit development proposals which would:

- a. result in unnecessary loss of, or damage to, such existing trees, or
- b. not allow for successful retention of such existing trees, or
- c. not make adequate provision for replacement planting.

- 15.3 Much of the woodland now present within the Medlock Valley has grown up since the late 1960s' and comprises a mix of self-sown trees and planted trees, although parts of the Valley are assumed to support the original tree cover and may constitute Ancient woodland.

- 15.4 To accompany the application, an Arboricultural Impact Assessment (AIA), Arboricultural Survey and Arboricultural Constraints Assessment, tree clearance plan and landscape plans have been submitted.

- 15.5 A total of 115 tree features are included in the submitted survey which is comprised of 88 individual trees, 24 tree groups and three woodland groups. The AIA indicates that the proposed development will require the removal of 54 individual trees, seven groups, three partial woodlands and eight partial groups; this includes 18 tree features classed as moderate quality (Category B) and 44 tree features classified as low quality (Category C). In addition, 10 individual trees of very low quality (Category U) are also recommended for removal.

- 15.6 In lieu of the trees to be lost as a result of direct conflict with the proposed development, there will be mitigation in the form of new tree planting and associated landscaping works which is shown on the submitted landscape plans. The scheme comprises the addition of 277 replacement trees as far as is possible within the constraints of the site, retained vegetation and other landscape/heritage features important to the setting.

- 15.7 Replacement native broadleaf woodland planting would be incorporated to the valley sides southwest of the bridge, and individual native trees are located along the upgraded footpaths to reincorporate screening to nearby properties, including the immediately neighbouring

residential property, Station House, in order to enhance the footpath/cycleway experience for users on approach to the bridge.

- 15.8 It is acknowledged that some tree loss would be unavoidable and therefore mitigation measures are considered to be important. The Council's Green Space team have been consulted on the proposal and have identified that the proposed 3:1 ratio of replacement tree planting is sufficient to mitigate the proposed losses over time. The extent of tree loss is not likely to be of more than local impact on biodiversity.
- 15.9 In order to ensure that appropriate tree protection measures are implemented for the trees to be retained and to manage the phasing of site operations, it is recommended that an Arboricultural Method Statement is submitted to and approved in writing by the LPA.

16. ECOLOGY

- 16.1 The application spans the Bankfield Clough Site of Biological Importance (SBI) and the Rocher Valley Local Nature Reserve (LNR), which are both designated sites within Greater Manchester. Other woodland in the area although not necessarily encompassed within these designations is likely to be identified as Priority Woodland Habitat (NERC 2016 [Natural Environment and Rural Communities Act]).
- 16.2 Greater Manchester Ecology Unit (GMEU) have been consulted on the proposed development and have reviewed the following primary documents:
- Ecological Appraisal (GMEU, May 2021, v1.0)
 - Preliminary Bat Roost Assessment (Aecom, April 2022)
 - Along with other documents that make up the submission such as the Design & Access Statement, Landscape Layout and Visualisations.
- 16.3 GMEU raise the following:
- 16.4 INNS Species were identified within the Ecological Appraisal, but no details of species or locations were noted. GMEU consider that it is essential that this survey is undertaken and appropriate measures put in place to deal with the species during construction, enabling works and reinstatement. If it is found that Japanese knotweed is present within the footprint of the working area this will require specialist treatment, will potentially delay construction/implementation timescales and may require costly interventions. A suitable pre-commencement condition is therefore recommended on this basis which will be required to secure works for the specific species found. The applicant is agreeable to a condition on this basis.
- 16.5 The report indicates that there is badger activity in the vicinity of the proposal. A latrine – which usually marks a boundary/ is close to a sett – was located within the working area. As the Report's survey work was undertaken over a year ago and an extant permission – should approval be granted – can be last for 3 years, GMEU recommend that a pre-commencement condition be used to secure an updated badger survey. This survey should be undertaken in the period 3 months prior to the planned commencement of works. Commencement works to include vegetation clearance, enabling works or any pile driving activity. The survey should encompass an area 30m from any active clearance, haul road, crane platform, or works compound. If evidence of badger setts are found then the report will need to include details of restrictive working methods and consideration of the need for a Natural England licence to close/temporary disturbance. Details of working methodology and RAMS (Reasonable Avoidance Measures) should be provided even where no setts are located within this footprint. A condition is recommended on this basis.

- 16.6 A lighting proposal has been submitted by the applicant for review of GMEU for security and safety reasons, because as existing there is no lighting within the woodland area and surrounding footpaths. It is recommended by GMEU that notwithstanding the submitted details, a full lighting specification and contour light spillage plan is submitted to the LPA for approval. The light spillage contour plan should also provide a cross sectional approach so it is possible to consider the light spillage under the bridge footbed down towards the valley floor, as well as vertical spillage above the hand rail/parapet. A condition is therefore recommended on this basis, in accordance with Policy N7 and 1.10 of the UDP.
- 16.7 GMEU have reviewed the updated landscape proposals and are content with the detail and the introduction of the ground flora seed mix. It is recommended that a condition is attached requiring additional enhancement for bats and birds. Following this preliminary bat roost assessment, one tree (T1), a semi mature sycamore located on the edge of the area identified for tree clearance and which is intended to be protected, was identified as having moderate suitability to support roosting bats. The remaining trees within the survey area had negligible bat roost suitability. Should further tree removal be subsequently identified, further surveys will be required. Subject to the above, the proposal would comply with the provisions of national and local planning policy.

17. GROUND CONDITIONS

Contaminated Land

- 17.1 The Council's Environmental Protection Unit (Contaminated Land) (EPU) have been consulted on the proposal and advise the following in respect of contaminated land:
- 17.2 Historical mapping confirms that the site was part of a railway line and numerous old coal shafts are located within the vicinity of the site. Industrial uses have occurred in close proximity, this includes a cotton mill, boiler works and an iron works. Part of the proposed new footpath area is located in close proximity to an area deposited with waste materials in the early/middle of the twentieth century.
- 17.3 It is noted that a new footpath is to be constructed with the new bridge and any made ground located in landscaped areas adjacent to this path may contain contaminants that could pose a risk to future users of the site. In addition, part of the proposed path is located close to a former tipped area, which could contain soils that are impacted by contamination. The site is located in a former coal mining area and the Coal Authority confirmed in their consultation that the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth.
- 17.4 The CGL report included an assessment of the potential contamination risks and they concluded that ground gas risk to future users is unlikely. CGL confirmed that this is because future end use of the development will be well ventilated, as it is an open air structure. In addition, they stated that there is no recorded history of ground gas incidences related to coal workings at site or within 500m.
- 17.5 In regards to the chemical suitability of soils at the site, CGL confirmed that future site users would be exposed very short term and pollution linkage pathways will be broken by hard standing path/cycle ways. Therefore, they confirmed that risk soil contamination risk to future users is also unlikely. However, they stated that during site investigations, geoenvironmental sampling and testing of soils to assess if they are impacted with contaminants associated with the former coal mining and railway infrastructure will be required. In addition, CGL confirmed that a human health risk assessment should be completed.
- 17.6 On the basis of the above, the EPU have recommended a condition requiring the submission of additional information, including further site investigations and a verification/completion report. Subject to this, in order to ensure that any unacceptable risks posed by contamination

are appropriately addressed, the site is suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework.

Coal Mining Risk

- 17.7 The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. In this light, the Coal Authority have been consulted on the proposal and advise the following:
- 17.8 The Coal Authority records indicate that mine shafts 393402- 018 and 393402-019 and their associated potential zones of influence are present within the application site. In addition, the potential zones of influence off-site mine shafts 393402-017 and 393402-034 extend into the site. Due to potential plotting inaccuracies, the actual positions of these former coal mining features could depart/deviate from their plotted positions by several metres. The Coal Authority hold no details of any past treatment of the shafts. An untreated or an inadequately treated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety. Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities.
- 17.9 In addition to the above, the Coal Authority's information indicates that the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.
- 17.10 Upon initial submission, a Ground Investigation Report, Geotechnical Site Investigation and Interpretative Report (March 2021, prepared by GeoCon) was submitted for consideration, although the Coal Authority's Planning & Development Team did not consider that this adequately addressed the impact of coal mining legacy on the proposed development. In order to address the concerns raised, a Coal Mining Risk Assessment was submitted to identify and assess the risks posed to the proposed development by coal mining legacy.
- 17.11 Based on a review of relevant sources of coal mining and geological information, the submitted report considers that recorded underground mine workings are unlikely to pose a risk to the footbridge. However, it does conclude that there exists the potential for shallow workable coal seams beneath the site, and that the unrecorded mining of these seams pose a moderate risk to the proposed development.
- 17.12 The report indicates that previous ground investigations carried out at the site did not extend to sufficient depth to confirm the absence of coal shallow coal mining legacy. Accordingly, it recommends that further intrusive ground investigation is required to investigate whether unrecorded shallow coal mine workings are present and to confirm assumptions made regarding the adequacy of cover over recorded mine workings. It advises that the results of these investigations will inform any necessary remedial mine working stabilisation measures (drilling and grouting) and the piled foundation design of the bridge.
- 17.13 The Coal Authority welcomes the recommendation for the undertaking of further intrusive site investigations. These should be designed and carried out by competent persons, in cognisance of the conclusions of the Preliminary Sources Study Report, and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development. The results of the investigations should be interpreted by competent persons and used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the development as a whole.
- 17.14 The submitted report acknowledges the presence of recorded mine entries within the wider area surrounding the bridge position, but does not provide any further assessment of the

risks posed by these features. The Coal Authority acknowledges that the bridge structure appears to be located clear of the zones of influence of the shafts, but we must highlight that the shafts lie within Protecting the public and the environment in mining areas 3 and immediately adjacent to the triangular parcel of land within the application site to the south of the River Medlock, i.e. in the Tameside LA Area.

- 17.15 However, it is understood that no development is proposed in the vicinity of the shafts, with works in this area limited to tree clearance and new planting. We understand that development beyond the southern end of the bridge, beyond the shaft positions but in an area of probable shallow workings, would be limited to new cycle route surfacing, which is unlikely to require significant groundworks or foundations.
- 17.16 On the basis of this advice given above, officers are satisfied that the scheme is acceptable in respect of coal mining subject to a condition requiring the submission of a scheme of intrusive investigations and a strategy for any remediation works, if necessary, be submitted to and approved in writing by the Local Planning Authority. The proposal would thus comply with the provisions of local and national planning policy in this regard.

18. ARCHAEOLOGICAL REMAINS

- 18.1 Greater Manchester Archaeological Advisory Service (GMAAS) have been consulted on the proposal and advise the following:
- 18.2 The application is supported by a Heritage Statement (HS) compiled by AECOM (November 2021), which provides a comprehensive overview of potential impacts to both the above and below-ground heritage environment within the scheme boundary. In correspondence between AECOM and GMAAS in February 2022, AECOM were informed that the HS meets the equivalent requirements of both a built heritage and archaeological desk-based assessment.
- 18.3 A map regression exercise and consideration of relevant documentary source data show that the wider site was heavily developed from the onset of the industrial period, with coal mining and colliery workings operating in this part of the Medlock Valley from the 17th century. Numerous other industrial buildings developed in the area across the 18th and 19th centuries alongside expansion of the ironworks and the onset of mechanised transportation, including the Park Bridge railway and construction of a brick-built viaduct (begun in 1859), which necessitated the demolition of the former 18th century Park Bridge packhorse bridge across the Medlock that was first depicted on the 1765 Ashton estate plan. The Victorian viaduct was demolished in 1971, although a modern low-level bridge across the river is carried on truncated stone foundation piers of the former viaduct.
- 18.4 GMAAS agree with the conclusions of the HS that there is the potential for below-ground remains to have survived that may be revealed during construction-related activities of the proposed scheme. Remains are likely to relate to the former 18th century Park Bridge packhorse bridge across the Medlock, and remains of the Park Bridge Railway Station and associated railway causeway to the south of the newly proposed bridge's southern landing point.
- 18.5 Following the above, GMAAS advise that an archaeological watching brief should be maintained during groundworks in sensitive areas so that remains can be exposed and recorded prior to their eventual loss. If unexpected and significant remains are identified, then a contingency should be built into the scheme of archaeological works for further investigation. A condition is therefore recommended on this basis. Following the second round of consultation, the initial comments remain unchanged.

19. PLANNING BALANCE & CONCLUSION

- 19.1 Paragraph 148 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 19.2 The proposed development would cause harm to the Green Belt by reason of its inappropriateness, it would have a significant impact on the openness of the Green Belt and would have minimal impact on the five purposes of including land within the Green Belt. This harm should be given substantial weight against the proposed development.
- 19.3 The re-alignment and simplification of the existing NCN 626 route would provide welcomed health and cultural benefits through promoting and supporting outdoor sport and recreation for cyclists, equestrians and pedestrians in particular. The existing NCN route would become more accessible to new and existing users whilst also creating a landmark structure within the historic Medlock Valley.
- 19.4 The proposed development would form a key part of local transport infrastructure for improved, more inclusive and sustainable methods of transport between Ashton and Oldham. The scheme would encourage active travel with wider environmental benefits through the reduction in traffic and air quality improvement.
- 19.5 The scheme would inevitably result in the removal of existing trees within the area in order to facilitate the development, however would contribute to the replanting of over 250 replacement trees contributing to the sustainable preservation of the existing woodland, offering environmental and biodiversity enhancements to the Medlock Valley.
- 19.6 In addition to the harm caused to the Green Belt, by reason of its inappropriateness, it is recognised that significant harm to openness would also arise from its overall scale (height, length and resultant mass of the structure) and elevated position within the immediate landscape. The scheme would not undermine the five purposes of the Green Belt, as outlined within paragraph 138 of the NPPF, as such it is found that limited harm would arise in this regard.
- 19.7 In relation to other harm, there would be a localised impact on the landscape. There would be a change to the setting of a non-designated heritage asset, potential for harm to ecological interests as well as contaminated land and coal mining risk. There would be harm to residential amenity during the construction phase in particular, although it would be minimised once in place. Similarly there would be some harm as a result of impact on the local highway as well as an increase in activity as a result of pedestrians, cyclists and equestrians visiting the area.
- 19.8 On the basis of the above, it is found that the potential harm to the Green Belt and other harm resulting from the proposal is clearly outweighed by the public benefits of the scheme such that very special circumstances have been demonstrated as per paragraph 148 of the National Planning Policy Framework. The proposed development complies with the development plan, is a sustainable development, such that planning permission should be granted.

RECOMMENDATION

Grant planning permission, subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following submitted drawings:
 - N0210132-0000-A-001-D Site Location Plan
 - N0210132-0100-A-002 Existing General Arrangement
 - N0210132-0100-A-0001-A Proposed General Arrangement
 - 783-029-SK01 Proposed Bridge Layout
 - 783-029-SK02 Proposed Bridge Sections
 - N0210132-0000-A-003-A Tree Clearance Plan
 - 60653244-ACM-00-01-SE-0001-P04 Landscape Layout Plan (Sheet 1 of 3)
 - 60653244-ACM-00-01-SE-0002-P04 Landscape Layout Plan (Sheet 2 of 3)
 - 60653244-ACM-00-01-SE-0003-P04 Landscape Layout Plan (Sheet 3 of 3)
 - June 2022 Landscape and Visual Impact Assessment
 - May 2022 Arboricultural Impact Assessment New Pedestrian and Cyclist Bridge, Park Bridge AECOM
 - 7 April 2022 Tree Survey Report
 - June 2021 Arboricultural Survey and Arboricultural Constraints Report November 2021 Heritage Statement
 - March 2021 Ground Investigation Report
 - March 2022 Consultation Report
 - January 2022 Road Safety Audit
 - May 2021 Ecology Appraisal
 - April 2022 Bat Report
 - October 2021 Crime Impact Assessment- Waggon Road
 - March 2021 Photo Schedule

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. No above ground development shall take place until a design and specification for the materials to be used in the construction of the external surfaces of the bridge, including the anti-climb parapet, has been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is acceptable and to minimise the potential for anti-social behaviour having regard to Policies 1.3, C1 and OL10 of the Tameside Unitary Development Plan.

4. No development shall be commenced until a scheme in the form of a Construction Environmental Management Plan (CEMP), including details of construction vehicle access routes, identification of works compounds, storage of machinery, materials and spoils, pollution prevention measures and construction surface water management - particularly on cleared steep slopes on thin soils, construction lighting measures, and measures to protect wildlife from uncovered excavations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details for the methods to be employed to control and monitor noise, dust, and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the construction works.

Reason: Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the ecological value of the site and the amenities of

the area having regard to Policies 1.3, 1.10, C1, N2, N3 and OL10 of the Tameside Unitary Development Plan.

5. Prior to the commencement of the construction of the bridge structure, a scheme to mitigate any impact of crime and anti-social behaviour, including measures to prevent access to the bridge by unauthorised motor vehicles, and safety lighting, shall be submitted to and approved in writing by the Local Planning Authority. The proposed measures shall be implemented before the bridge is first brought into use and shall be retained at all times thereafter.

Reason: In the interests of the amenity of the local area having regard to Policy 1.12 and T8 of the Tameside Unitary Development Plan.

6. No development shall commence until:

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that risks to the development have been adequately assessed in the interests of public safety, having regard to section 15 of the NPPF.

7. Prior to the bridge being first brought into use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that risks to the development have been adequately assessed in the interests of public safety, having regard to section 15 of the NPPF.

8. Prior to the use of the site, contaminated land reporting that confirms that the development is suitable for its proposed use will be submitted to, and approved in writing by the Local Planning Authority (LPA). The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing

1. The findings of the site investigations and detailed risk assessment referred to in the CGL Preliminary Sources Study Report dated November 2022 (reference: CG/39351) including all relevant soil / water analysis and ground gas / groundwater monitoring data.
2. Based on the site investigation and detailed risk assessment referred to in point (1) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented. This will include a verification plan confirming how the remedial measures are to be installed and verified.
3. A verification / completion report demonstrating all remedial works and measures detailed in the scheme(s) have been fully implemented shall be submitted to, and approved in writing by, the LPA. The report shall also include full details of the arrangements for any long term monitoring and maintenance as identified in the approved verification plan. The long term monitoring and maintenance shall be undertaken as approved.

The reports shall also include full details of the arrangements for any long term monitoring and maintenance. The long term monitoring and maintenance shall be undertaken as approved.

If, during development, contamination not previously identified is encountered, then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)), shall be undertaken at the site until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved.

The discharge of this planning condition will be given in writing by the LPA on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the LPA and occupation of the development shall not commence until this time unless otherwise agreed in writing by the LPA.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework.

9. No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following:
 - a. Informed by the updated North West Regional Research Framework, a phased programme and methodology of investigation and recording to include:
 - i. an archaeological watching brief; and
 - ii. informed by the above, further archaeological investigation and recording.
 - b. A programme for post investigation assessment to include:
 - i. analysis of the site investigations records and finds; and,
 - ii. production of a final report on the investigation results.
 - c. Deposition of the final report with the Greater Manchester Historic Environment Record.
 - d. Dissemination of the results commensurate with their significance.
 - e. Provision for archive deposition of the report and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible, in accordance with section 16 of the NPPF.

10. No development, including site clearance, excavation or construction works or the entry of vehicles or plant into the site shall commence until a detailed survey of the site for the presence of invasive plant species has been undertaken and a method statement for removing or for setting out the long-term management / control of the identified species on the site has been 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 the invasive species during any operations and shall also contain measures to ensure that any soils brought into 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 prevent the spread of invasive plant species having regard to section 15 of the NPPF.

11. No development shall be commenced, until a scheme and timetable showing how the development helps contribute towards the achievement of Biodiversity Net Gain, has been submitted to and approved in writing by the Local Planning Authority. The development shall be fully implemented in accordance with the approved details and timescale.

Reason: To ensure that the proposals result in enhancement of biodiversity having regard to paragraph 174 of the NPPF.

12. All soft landscape works shall be carried out in accordance with the approved plan Ref: 60653222-ACM-00-01-SE-0001 P04, 0002 P04 and 0003 P04 prior to the first use of the bridge or in accordance with the programme agreed with the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 1.3, C1, OL10 of the Tameside Unitary Development Plan.

13. Prior to the commencement of any development an updated bat survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of protected species having regard to Policy N7 of the Tameside Unitary Development Plan.

14. Prior to the commencement of any development an updated badger survey shall be submitted to and approved in writing by the Local Planning Authority. This survey should be undertaken in the period 3 months prior to the planned commencement of works and should encompass an area 30m from any active clearance, haul road, crane platform, or works compound, and details of working methodology and RAMS (Reasonable Avoidance Measures) even where no setts are located within this footprint.. If evidence of badger setts are found then the Report will need to include details of restrictive working methods and consideration of the need for a Natural England licence to close/temporary disturbance.

Reason: To ensure the protection of protected species having regard to Policy N7 of the Tameside Unitary Development Plan.

15. No works to trees or shrubs shall take place 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: To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981, having regard to Policy N7 of the Tameside Unitary Development Plan.

16. Prior to the commencement of construction of the bridge hereby approved, a specification for the provision of a drainage system for the disposal of surface water from the bridge deck shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to ensure a satisfactory form of drainage in the interests of the amenity of the area having regard to Policies 1.3, 1.10, MW11 and N7 of the Tameside Unitary Development Plan.

17. During demolition / construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.

Reason: To protect the amenities of occupants of nearby properties/dwelling houses in accordance with UDP policies 1.12 and E6.

18. No development shall take place in respect to each phase of the approved development until a method statement detailing how that phase of the development will be constructed (including demolition, site clearance, levelling and earth moving operations) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:

- i. A detailed construction phase layout plan for that phase / element of works
- ii. A development / construction timetable
- iii. Details of access arrangements, haul roads, loading / unloading areas and turning / manoeuvring facilities to be provided
- iv. Details of vehicle movements, vehicle routing and traffic management arrangements
- v. Details of temporary road and footpath closures / diversions
- vi. Details of parking requirements and provision for contractors / site staff
- vii. Details of site cabins, welfare facilities and temporary buildings
- viii. Details of the construction site boundary treatment, including hoardings, temporary fencing and gates
- ix. Details of where materials will be loaded, unloaded and stored
- x. Details of measures to be implemented to prevent mud and other debris being deposited on the public highway (including details of wheel wash facilities and road sweeping measures)
- xi. Details for the prevention of surface water runoff from the development during the construction phase onto existing highway/footpaths within the vicinity of the development.
- xii. Each phase of the approved development shall not proceed except in accordance with the approved method statement for that phase of the development.
- xiii. Route of any abnormal loads delivered to the site would need to be agreed in advance and structural design checks provided to ensure any structures on the adopted highway affected could adequately support the additional loading.

Reason: In the interests of highway safety, in accordance with paragraph 111 of the National Planning Policy Framework.

19. All construction traffic must be routed along Oldham Road/Waggon Road travelling to and from the development.

Reason: In the interests of highway safety, in accordance with paragraph 111 of the National Planning Policy Framework.

20. Details of the external lighting strategy for the pedestrian and cyclist bridge across the Medlock Valley and access paths shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a scale plan indicating the proposed stages of the roll out of the lighting to be installed, a LUX contour plan indicating the levels of light spillage and scaled elevations of lighting columns/supporting structures and how they will be fed and the arrangements for future maintenance/servicing fees. The external lighting scheme shall be implemented in accordance with the approved details prior to the opening of the

footbridge and shall be retained as such thereafter. No additional lighting shall be added to the bridge structure or deck without the prior written approval of the Local Planning Authority

Reason: To ensure the protection of protected species having regard to Policy N7 of the Tameside Unitary Development Plan In the interests of highway safety, in accordance with paragraph 111 of the National Planning Policy Framework.

21. Prior to the commencement of the development hereby approved, details of the proposed arrangements for future management and maintenance of access routes to the pedestrian and cyclist bridge across the Medlock Valley shown on approved plan N0210132-0100-A-0001 Rev D shall be submitted to and approved in writing by the Local Planning Authority. The access routes to the pedestrian and cyclist bridge shall thereafter be maintained in accordance with the approved management and maintenance details. The access routes/paths shall be constructed in accordance with the details set out within CD143 Table 5.29 to be used to inform the detail design of the path construction and retained as such thereafter.

Reason: In the interests of the safety of the users of the bridge in accordance with Policies T8 and 1.12 of the Tameside Unitary Development Plan.

22. Prior to first use of the bridge and paths hereby approved, full details including specification, height and materials of the proposed security fencing identified on the General Arrangement plan (Dwg No. N0210132-0100-A-0001_A) shall be submitted to and approved in writing by the Local Planning Authority. The fencing as approved shall be carried out in accordance with the approved details and retained thereafter.

Reason: in order to ensure that the fencing is visually appropriate to the locality and in the interests of amenity, in accordance with policies 1.3, C1, C10 of the Tameside Unitary Development Plan and Section 12 of the NPPF, in particular paragraph 130.

23. Notwithstanding the submitted details, prior to the commencement of development, full details and specification of the path structure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans and retained as approved thereafter.

Reason: To ensure that the proposed path can accommodate the anticipated loading in the interests of highway/pedestrian safety and stability in accordance with T8 of the UDP.

24. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard. Where protection is not feasible, soil amelioration or replacement works will be required to ensure suitable growing conditions for new trees to fully establish.

Reason: To safeguard the trees to be retained in accordance with Policy N4 of the Tameside Unitary Development Plan.

25. Prior to the commencement of development, an Arboricultural Method Statement as outlined within section 6 of the submitted Arboricultural Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall set out the phasing of site operations, finalised tree protection measures for the site and provide detail on how sensitive elements of work are to be achieved in proximity to the retained trees. All tree work carried out by suitably qualified and insured contractors.

Reason: To safeguard the trees to be retained in accordance with Policy N4 of the Tameside Unitary Development Plan.

26. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard. Where protection is not feasible, soil amelioration or replacement works will be required to ensure suitable growing conditions for new trees to fully establish.

Reason: To safeguard the trees to be retained in accordance with Policy N4 of the Tameside Unitary Development Plan.

Informative Notes

1. REASON FOR GRANTING PLANNING PERMISSION

Statement under Article 35 (2) of the Town and Country Planning (Development Management Procedure) England Order 2015 (as amended): The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

2. PUBLIC RIGHT OF WAY

The applicant's attention is drawn to the existence of Public Right of Ways across part of the site. No development must take place which affects the right of way in the absence of an appropriate closing or diversion order.

3. GENERAL ADVICE - TIDY SITE

One of the Council's objectives through town planning is to create and maintain an attractive borough and it expects that all applicants/developers/landowners will act in a responsible manner with regard to the maintenance of development sites and buildings under their control. The planning and building control service regularly monitors the condition of development sites and buildings. In relevant circumstances the Council has the power under section 215 of the Planning Act 1990 (and related legislation under the Building Act 1984) to issue notices requiring applicants/developers/landowners to take remedial action to maintain their sites and buildings in a reasonable and safe condition.

4. DEVELOPMENT IN HIGH RISK COAL AREAS

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental

risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

5. JAPANESE KNOTWEED

The applicant's attention is drawn to Sections 33 and 34 of the Environmental Protection Act 1990 which makes it an offence to fail to appropriately dispose of any material containing Japanese Knotweed.