

4. For the reasons given below, the Secretary of State agrees with the Inspectors' conclusions, except where stated, and agrees with their recommendation. He has decided to grant planning permission. A copy of the Inspectors' report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Having taken account of the Inspectors' comments at IR9, the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Policy and statutory considerations

6. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
7. In this case the development plan consists of the adopted Bolton's Core Strategy 2011(CS) and the adopted Bolton's Allocations Plan 2014 (BAP). The Secretary of State considers that relevant development plan policies include those set out at IR27.1-27.11.
8. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Community Infrastructure Levy Regulations 2010 ('the CIL regulations').

Emerging plan

9. Following the decision of 3 December 2020 by Stockport Metropolitan Borough Council to withdraw from the Greater Manchester Spatial Framework (GMSF) the Association of Greater Manchester Authorities (AGMA) has decided not to progress the GMSF. The Secretary of State thus gives no weight to the provisions of the GMSF. However, noting that the AGMA intends to use the same evidence base to underpin its Development Plan Document 'Places for Everyone', Secretary of State agrees with the Inspectors for the reasons given in IR28, that the GMSF evidence base with respect to employment needs is material to the present case.

Main issues

10. The Secretary of State agrees that the main issues are those set out by the Inspectors at IR219.

Policy

11. For the reasons given at IR221 and IR308, the Secretary of State agrees with the Inspectors that Policy CG7AP of the BAP is strictly inconsistent with the NPPF because it omits express reference to allowing inappropriate development in very special circumstances. Accordingly the national Green Belt policy of the Framework is applicable. He has taken into account that there is cross-reference in the supporting text to the Framework and clearly no intention of the part of the Council in practice to resist such

development without applying that proper test, and also that otherwise the relevant policies of the development plan are consistent with the Framework (IR222).

Notwithstanding his conclusion on Policy CG7AP, overall he considers that the policies which are most important for determining the application are not out-of-date, and therefore the tilted balance does not apply in this case.

Green Belt

12. The Secretary of State notes that the entire application site is located within the adopted Greater Manchester Green Belt (IR15). As such, the Secretary of State has given careful consideration to the Inspectors' analysis at IR224-226.
13. For the reasons given at IR224 the Secretary of State agrees with the Inspectors that the proposed development would be inappropriate in its Green Belt location, giving rise to harm by definition.
14. For the reasons given at IR224-226 the Secretary of State agrees with the Inspectors' conclusions at IR226 that overall the harm to the Green Belt, by definition and in relation to its essential openness is in conflict with adopted BAP Policies CG7AP and OA3 and the Framework. He considers that this harm carries substantial weight. He further agrees that considerations mitigating the impact of the development on Green Belt purposes are material factors, but gives no weight to the site's draft allocation in the GMSF, given his conclusions at paragraph 9 above.

Employment Need and Supply

15. For the reasons given at IR227-232 the Secretary of State agrees with the Inspectors that there is persuasive evidence that a substantial planning need exists for major logistics and associated industrial development of the kind proposed in this application (IR232). The Secretary of the State further agrees that whilst no weight can be given to the specific draft allocation in itself, the broad evidence of need for the type of employment land represented by the application site is material to the consideration of this application.
16. The Secretary of States agrees for the reasons given at IR233-234 that while approval of the present application would produce a numerical exceedance of the quantum of employment development allocated for the M61 corridor by Policy P1 and the BAP (IR234), such development plan provisions are not to be regarded as ceilings to development. He further agrees with the Inspectors (IR234) that while there is some conflict with Policy P1, the salient question is whether the unallocated application site is justified by other considerations.
17. He further agrees, for the reasons given at IR235-237, that the recorded deprivation level within Bolton is further evidence of need for the development and notes that there is evidence of unfulfilled enquiries for development of the kind proposed here. Overall the Secretary of State agrees with the Inspectors at IR237 that the evident need for development of the type proposed carries substantial weight in the planning balance.

Economy

18. For the reasons given, the Secretary of State agrees with the Inspector at IR238 that the proposed development would contribute substantially to the national policy imperative, expressed in paragraphs 80 and 82 of the Framework, to promote and support a strong

competitive economy, as particularly with regard to the need for storage and distribution facilities, at a variety of scales, in accessible locations.

Highway Network and Access

19. For the reasons given at IR239-244, the Secretary of State agrees with the Inspectors that subject to the improvements set out, the proposed development would comply with the requirement of BAP Policy P7AP to safeguard the Strategic Route Network (IR244).
20. The Secretary of State agrees for the reasons given at IR245-246 that the development would comply with BCS Policy P5 to ensure that accessibility by different kinds of transport development is taken into account, prioritising pedestrian and cycle use over motorised travel.

Environmental Impact

Landscape and Visual Amenity

21. For the reasons given at IR247-255, the Secretary of State agrees with the Inspectors at IR254 that the proposed development would give rise to substantial harm to the landscape of the application site and surrounding area, contrary to the relevant provisions of BCS Policies CG1, CG3 and OA3. He further agrees the comparatively minor effects on the wider landscape of the M61 corridor would not undermine the equivalent aims of BCS Policy M7 in this respect.
22. Overall, the Secretary of State agrees with the Inspectors at IR255 that the substantial level of landscape harm carries significant weight in the overall planning balance.

Residential Amenity

23. Overall, for the reasons given at IR256-259 the Secretary of State agrees with the Inspectors at IR258 that there is no evidence that the development would cause unacceptable impact on surrounding land uses and occupiers with regard to privacy, safety or security, and on balance the proposals comply with the aims of BCS Policy CG4 with regard to safeguarding residential amenity (IR259).

Public Rights of Way

24. The Secretary of State agrees for the reasons given at IR260-262 that the proposals are compliant with BAP Policy P8AP.

Ecology, Trees and Biodiversity Enhancement

25. For the reasons set out at IR263-270 the Secretary of State agrees at IR270 that whilst there would be initial adverse impacts arising from the construction of the proposed development, there is credible evidence that full mitigation would ultimately be achieved, including a material level of net biodiversity enhancement. He agrees that the proposals comply with the protective provisions of Policy BCS Policy CG1-2, such that considerations of biodiversity are neutral in the overall planning balance (IR270).

Air Quality and Noise

26. For the reasons given at IR271-274, the Secretary of State agrees with the Inspectors that the development would be compliant with BCS Policy CG4 in connection with the

protection of amenity, resulting in no residual harm to be taken into the overall balance (IR274). The Secretary of State therefore considers that the matter is neutral in the planning balance.

Benefits

27. For the reasons given at IR275-278, the Secretary of State agrees with the Inspectors that the development would contribute substantially to the supply of employment land evidently necessary to the economic recovery and well-being of Bolton. He has taken into account the absence of any alternative sites of sufficient size and accessibility in the M61 (IR276), and the fact that the development would directly and indirectly generate up to 2,500 jobs and other economic benefits in an area of severe economic deprivation and unemployment, encouraging business commitment and creating opportunities for enhancement of skills among the workforce (IR277). He agrees that that the economic benefits carry very substantial weight in the planning balance (IR279).
28. For the reasons given at IR280-281 the Secretary of State also considers that landscape mitigation, a net gain in biodiversity, sustainable drainage, off-site highway works, new or diverted footpaths, improved bus services and enhanced pedestrian and cycle access to the site each carry limited weight in favour of the proposal.

Cross-boundary Considerations

29. The Secretary of State has given careful consideration to the Inspectors' analysis at IR298-302 and agrees, for the reasons given, that the present application may appropriately be determined independently by the Secretary of State on the basis of this IR alone.

Planning conditions

30. The Secretary of State has given consideration to the Inspectors' analysis at IR293-297, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework and the relevant Guidance and that the conditions set out at Annex A should form part of his decision.

Planning obligations

31. Having had regard to the Inspector's analysis at IR10, IR282-293, the planning obligation of 2 December 2020, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspectors' conclusion for the reasons given at IR292 that, with the exception set out at paragraph 32 below the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.
32. He further agrees with the Inspectors, for the reasons given at IR290-291, that the Schedule 4 Local Enhancement Contribution requiring a contribution to upgrade a pedestrian and cycle route to the site via Long Lane from Westhoughton railway station is neither directly nor fairly and reasonably related in scale and kind to the proposed development. As such the Secretary of State agrees with the Inspectors that it fails the tests of CIL Regulation 122 and should not be counted as a material consideration to the application. Pursuant to the Conditionality Clause 4.1.3 of the Agreement, the obligation to pay the Local Enhancement Contribution therefore has no effect.

Planning balance and overall conclusion

33. For the reasons given above, the Secretary of State considers that the application is not in accordance with Policies CG7AP, CG1, CG3 and OA3 of the development plan, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
34. The material considerations which weigh against the proposal are the harm to the Green Belt and the landscape and visual impacts. The Secretary of State affords the Green Belt harm substantial negative weight and the landscape and visual harm significant negative weight.
35. The Secretary of State considers that the evident need for development of the type proposed carries substantial weight, and the economic benefits of the proposal carry very substantial weight in favour of the scheme. He considers that the benefits of effective landscape mitigation, a net gain in biodiversity, sustainable drainage to obviate flooding concerns, off site highway works to accommodate generated traffic, new or diverted footpaths where affected by the development, improved bus services and enhanced pedestrian and cycle access to the site each carry limited weight.
36. The Secretary of State has considered whether the harm to the Green Belt by reason of inappropriateness, and the other harms he has identified, are clearly outweighed by other considerations. Overall, the Secretary of State considers that the economic and other benefits of the proposal are collectively sufficient to outweigh the harm to the Green Belt and to the landscape such that very special circumstances exist to justify permitting the development.
37. For the reasons given above the Secretary of State considers that the material considerations in this case indicate a decision other than in accordance with the development plan.
38. The Secretary of State therefore concludes that planning permission should be granted.

Formal decision

39. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex A of this decision letter for:
- PART A: Outline planning application [but with means of access in detail] for strategic employment development for industrial (Class B1c/B2), storage and distribution (Class B8) and/or research and development (Class B1b) uses each with ancillary office space (Class B1a), yards, parking and associated facilities; associated education/training space (Class D1); ancillary food & drink (Class A3/A4/A5); and associated roads, drainage and utilities infrastructure; and landscape works;
 - PART B: Full planning application for demolition of building/structures, upgrade to highway infrastructure, creation of new accesses to Wimberry Hill Road, drainage and utilities infrastructure, formation of development platforms, boundary landscaping and ecological enhancement area;

in accordance with reference 04766/18 dated 12 October 2018.

40. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

41. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

42. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

43. A copy of this letter has been sent to Bolton Metropolitan Borough Council and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Phil Barber

This decision was made by the Minister of State for Regional Growth and Local Government on behalf of the Secretary of State, and signed on his behalf

A. CONDITIONS APPLICABLE TO OUTLINE PLANNING PERMISSION

1. TIMESCALE FOR RESERVED MATTERS SUBMISSION/APPROVAL/COMMENCEMENT OF DEVELOPMENT

Application for the approval of 'Reserved Matters' for each phase of development must be made not later than the expiration of ten years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters for that phase, and in the case of approval on different dates, the final approval of the last such matter to be approved for each phase.

2. RESERVED MATTERS DETAILS

Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development of that phase begins and the development shall be carried out as approved.

3. PHASING

The first reserved matters application shall be accompanied by a site-wide phasing plan that shall define the extent of each development phase for the written approval by the local planning authority. The reserved matters application for each subsequent phase shall be accompanied by an updated version of the phasing plan and the development shall be carried out only in accordance with the latest approved site-wide phasing plan.

4. DEVELOPMENT PARAMETERS

Planning permission is hereby granted for the overall development parameters shown in Tables 1 (Floorspace Parameters), Table 2 (Use parameters), Table 3 (Siting parameters), Table 4 (Height parameters) and Table 5 (Parcel B Roof Design Parameters) of the Development Parameters document reference JM/DP001 revision 1 and the parameters as identified on Drawing No. NK018161_SK062 Rev H. No part of the development shall exceed the approved development parameters.

5. APPROVAL OF LEVELS - FUTURE RESERVED MATTERS SUBMISSION

The reserved matters for each phase shall provide for the written approval by the Local Planning Authority details of the existing and proposed ground levels including spot heights, cross sections and finished floor levels of all buildings and structures. The development hereby approved shall be carried out only in accordance with the approved details.

6. WIMBERRY HILL ROAD / A6 JUNCTION IMPROVEMENT

Prior to the commencement of development details of the works to upgrade to the junction of Wimberry Hill Road and Chorley Road in accordance with drawing NWK 180009-BED-EX-00-DR-C-0260-P01, including details of any proposed retaining structure to the Chorley Road frontage (as indicated on Drawing No.

NWK 180009-BED-EX-00-DR-C-0220-P02) shall be submitted to and approved in writing by the local planning authority. No building hereby permitted shall be occupied until the said works have been completed in accordance with the approved details.

7. VEHICULAR ACCESS

Prior to the commencement of development details of the highway upgrade works to Wimberry Hill Road including the means of vehicular access to the site labelled 'Access 1' in accordance with drawing ref NWK 180009-BED-EX-00-DR-C-0261-P02 shall be submitted to and approved in writing by the local planning authority. No building hereby permitted shall be occupied prior to the completion of the said works in accordance with the approved details.

8. SITE-WIDE SUSTAINABLE DRAINAGE STRATEGY

Prior to the commencement of development, a site-wide surface water drainage strategy in accordance with the principles set out in the Flood Risk Assessment and Drainage Strategy (ref. LE14325 0002 Rev 3.0) and associated plans and data (submitted on 3 September 2019) shall be submitted to and approved in writing by the local planning authority. The surface water drainage systems for all phases of the development the development shall accord with the approved strategy.

9. SURFACE WATER REGULATION FOR EACH PHASE OF DEVELOPMENT

The reserved matters for each phase shall be accompanied by a scheme for surface water drainage of that phase shall be submitted to and approved in writing by the local planning authority. The scheme shall include design details in accordance with the site-wide surface water drainage strategy. The development of that phase shall be carried out only in accordance with the approved scheme for that phase.

10. LANDSCAPING AND PLANTING

The reserved matters for each phase shall be accompanied by a detailed landscaping plan and planting scheme for that phase shall be submitted to and approved in writing by the local planning authority. The details shall be in accordance with the Landscape Strategy (6474.02.025 V3.0) and shall include a delivery schedule and maintenance plan.

The development of that phase shall be carried out only in accordance with the approved details.

11. NOISE ASSESSMENT

The reserved matters for each phase shall be accompanied by an assessment of expected on-site noise emission and its potential to affect surrounding sensitive residential uses. The assessment shall ensure that the background sound levels (LA90) that are specified in the Noise Assessment, by WYG, dated October 2018, ref: A107193, Section 6, Table 6.2 (daytime and night time) are not exceeded and shall recommend operational noise mitigation measures as appropriate. The development shall be carried out in accordance with the details submitted to and approved in writing by the Local Planning Authority.

12.SUSTAINABILITY MEASURES

The reserved matters for each phase shall be accompanied by a Sustainability Statement for that phase which confirms that the development can achieve the following:

- i. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter.
- ii. BREEAM rating of the proposed building/development shall achieve a BREEAM (Industrial) Very Good standard (or such national measure of sustainable design that replaces that rating). Within 3 months of the occupation of the relevant building a Final BREEAM Certificate has been issued for it certifying that the approved scheme/standard has been achieved.

13. ELECTRIC VEHICLE CHARGING POINTS

The reserved matters for each phase shall include a scheme for the provision for electric vehicle charging points within the proposed car parking layout. The electric vehicle charging scheme shall make provision for a minimum of 1 EV charge point for every 10 parking spaces which are provided within a plot. Charge points to be 'Fast' (2020 categorisation) unless otherwise agreed in writing by the local planning authority. Prior to the occupation of any plot developed pursuant to this permission the approved electric vehicle charging points and cabling shall be provided and retained as such thereafter.

14.CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (BUILDING)

Prior to the commencement of any phase of the development hereby permitted, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP in relation to each phase shall include details of:

- i. The phase of development to which the CEMP is applicable;
- ii. Access arrangements and parking for contractors and construction workers;
- iii. Working hours;
- iv. Screening, fencing and measures for the protection of pedestrians, cyclists and other road users around the site;
- v. Contractors compound and provisions for the storage and movement of materials, plant and equipment around the site;
- vi. Precautions to prevent the deposit of mud and debris on the adjacent highway including wheel washing facilities;
- vii. Air quality (dust suppression) management measures in line with the recommendations set out in Table 8.1 and 8.2 of the Air Quality Assessment (ES Appendix 6.1; WYG, October 2018);

- viii. Site lighting including a Sensitive Lighting Strategy where applicable to protect bat habitat as described in ES paragraph 7.154;
- ix. The best practical means to minimise noise and vibration;
- x. Pollution control measures including the use of oil interceptors and bunds to storage tanks;

The approved details shall be complied with throughout the duration of the earthworks or construction works.

15. EMPLOYMENT AND SKILLS STATEMENT (BUILDING)

Prior to:

- i) Commencement of construction for any phase of development hereby approved, an Employment and Skills Statement (including a timetable for implementation) for that phase shall be submitted to and approved in writing by the Local Planning Authority.
- ii) Undertaking of the internal fit-out works of any building hereby approved, an Employment and Skills Statement for the fit-out shall be submitted to and approved by the Local Planning Authority.
- iii) Occupation of any building hereby approved, an Employment and Skills Statement for the occupier of the respective building be submitted to and approved by the Local Planning Authority.

Once approved the measures shall be implemented in full in accordance with the agreed timetable.

16. TRAVEL PLAN / SUSTAINABLE TRANSPORT

No building hereby permitted shall be occupied until a detailed Travel Plan for that building has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be developed in accordance with the Framework Travel Plan dated October 2020 (reference 18007_FTP_Rev 1).

17. FRAMEWORK DELIVERY NOISE MANAGEMENT PLAN

Prior to the occupation of any building hereby permitted, a Framework Delivery Noise

Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include measures required to control and minimise noise associated with the delivery / collection of goods to/from the building, yard activity movement and staff training and instruction to ensure that noise output from these activities is controlled. The Framework Delivery Noise Management Plan shall be implemented in full at all times the building is in use.

18. BUILDING SERVICES PLANT NOISE

The rating level (LAeqT) from all sources associated with the building services plant when operating simultaneously or individually shall not exceed the background sound levels (LA90) that are specified in the Noise Assessment, by WYG, dated October 2018, ref: A107193 , Section 6, Table 6.2 (daytime and night time) when measured in freefield conditions at the boundary of the nearest residential noise sensitive receptors. Noise measurements and assessments shall be carried out in accordance with BS4142:2014.

19. EXTERNAL LIGHTING

Prior to any phase of development being first brought into use, a scheme for external lighting of that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before that phase of development is first brought into use and retained thereafter. No external lighting other than that shown in the approved scheme shall be installed thereafter.

20. OPEN STORAGE

Open storage shall only take place in areas and at maximum heights to be defined on plans submitted to and approved in writing by the Local Planning Authority.

B. CONDITIONS APPLICABLE TO FULL PLANNING PERMISSION

21. TIMESCALE FOR COMMENCEMENT OF DEVELOPMENT

The development for which full planning permission is hereby granted shall be begun before the expiration of three years from the date of this permission.

22. APPROVED PLANS LIST

The development hereby permitted shall be carried out only in accordance with the following approved plans, subject to any revision to the plans submitted to and approved in writing by the Local Planning Authority pursuant to the conditions of this planning permission:

- Drawing No. NWK 180009-BED-EX-00-DR-C-0200-P05 Proposed Earthworks Plateaux
- Drawing No. NWK 180009-BED-EX-00-DR-C-0205-P05 - Proposed Earthworks Section - Sht 1
- Drawing No. NWK 180009-BED-EX-00-DR-C-0206-P04 - Proposed Earthworks Section - Sht 2
- Drawing No. NWK 180009-BED-EX-00-DR-C-0207-P04 - Proposed Earthworks Section - Sht 3
- Drawing No. NWK 180009-BED-EX-00-DR-C-0208-P03 - Proposed Earthworks Section - Sht 4
- Drawing No. NWK 180009-BED-EX-00-DR-C-0209-P03 - Proposed Earthworks Section - Sht 5
- Drawing No. NWK 180009-BED-EX-00-DR-C-0210-P04) - Proposed Section Location Plan
- Drawing No. NWK 180009-BED-EX-00-DR-C-0260-P01 - A6 Highway Works
- Drawing No. NWK 180009-BED-EX-00-DR-C-0261-P02 - Wimberry Hill Road Highway Works
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23. TREE PROTECTION MEASURES

Prior to the commencement of any phase of works hereby permitted an Arboricultural Method Statement setting out details of tree and hedgerow

protection measures (including protective fencing) shall be submitted and approved in writing by the local planning authority 5. The development shall only be carried out in accordance with the approved Arboricultural Method Statement.

24. VEGETATION CLEARANCE 1

Prior to the commencement of any phase of works hereby permitted, a Vegetation Clearance Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include details of:

- i. Pre-commencement inspection of trees to be felled for bat roost potential by a licensed ecologist, with works applicable done under the supervision of an ecologist;
- ii. A clearance programme (including grassland, tree and scrub vegetation removal) and Reasonable Avoidance Measures Method Statement to protect species as detailed in ES paragraphs 7.155 to 7.159.
- iii. A Non-Native Species Strategy as detailed in ES paragraph 7.160.

The approved details shall be complied with throughout the duration of the vegetation clearance works.

25. VEGETATION CLEARANCE 2

No vegetation clearance or demolition of buildings should take place between the months of March and July unless nesting birds have been shown to be absent by a suitably qualified ecologist.

26. LANDSCAPE BUFFER AND ECOLOGICAL ENHANCEMENT AREAS

Prior to the commencement of development full details of the areas identified for landscape planting, buffers and ecological enhancement as shown on Drawing No. NK018161_SK062 Rev H and set out in the Landscape Strategy (6474.02.025 V3.0) and Chapter 7 of the Environmental Statement, including a delivery schedule and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The delivery schedule shall ensure that formation of the Chorley Road landscape buffer area and the ecological enhancement area is undertaken in the first practicable phase of the earthworks programme. The development shall be carried out only in accordance with the approved details.

27. PHASING/EXTENT OF WORKS

Prior to the commencement of any phase of works hereby permitted, details to define the extent of the area of works and the anticipated duration/ phasing of the works shall be submitted to and approved by the local planning authority. No works shall take place beyond the extent of the approved area.

28. DETAILS OF EARTHWORKS

Prior to the commencement of any phase of earthworks hereby permitted, details of the works shall be submitted to and approved in writing by the local planning authority. These details shall include:

- i. The nature of the works to be undertaken including cut/fill, compaction, stockpiling, import and export of materials.
- ii. The proposed finished ground levels with detail including adjacent off-site ground levels.
- iii. The means of surface water attenuation, drainage and silt management during and following the earthworks.
- iv. The surface treatment (e.g. compaction, seeding) following completion of the earthworks.
- v. The provisions for management and maintenance of the site and drainage infrastructure during and following the earthworks.

The earthworks shall be carried out only in accordance with the approved details.

29. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (EARTHWORKS)

Prior to the commencement of any phase of works hereby permitted, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP in relation to each phase shall include details of:

- i. The extent of the area/phase of works to which the CEMP is applicable;
- ii. Access arrangements and parking for contractors and construction workers;
- iii. Working hours;
- iv. Screening, fencing and measures for the protection of pedestrians, cyclists and other road users around the site;
- v. Contractors compound and provisions for the storage and movement of materials, plant and equipment around the site;
- vi. Precautions to prevent the deposit of mud and debris on the adjacent highway including wheel washing facilities;
- vii. Air quality (dust suppression) management measures in line with the recommendations set out in Table 8.1 and 8.2 of the Air Quality Assessment (ES Appendix 6.1; WYG, October 2018);
- viii. Site lighting including a Sensitive Lighting Strategy where applicable to protect bat habitat as described in ES paragraph 7.154;
- ix. The best practical means to minimise noise and vibration;
- x. Pollution control measures including the use of oil interceptors and bunds to storage tanks;

The approved details shall be complied with throughout the duration of the earthworks or construction works.

30. GROUND CONDITION / CONTAMINATION

Prior to the commencement of any phase of the development hereby permitted, the following shall be submitted to and approved in writing by the Local Planning Authority, having regard to the preliminary risk assessment that has been submitted to and approved by the Local Planning Authority, namely the reports by RSK: Ref: 322362-R02 (01) (March 2018), Ref: 322362-R03 (00) (September 2018) and Ref: 322362-R03 (00) RSK - Scope of Works ref: 322362TL06A (March 2019):

- i. A methodology for the assessment of the nature and extent of contamination affecting the site (if any) and the potential for off-site migration (if any);
- ii. A site investigation and risk assessment examining potential pollutant linkages identified in the Preliminary Risk Assessment;
- iii. Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment.

No phase of development shall be occupied until a verification/completion report demonstrating that the remediation scheme (if required) has been implemented and that phase is suitable for its intended end use has been submitted to and approved in writing by the Local Planning Authority.

31. GROUND CONDITION / CONTAMINATION

Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remediation scheme to address it shall be submitted to and approved in writing by the Local Planning Authority. Upon completion of any approved remediation schemes, and prior to occupation, a verification/completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

32. SOIL MANAGEMENT PLAN

Prior to the commencement of any phase of works hereby permitted, a Soil Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include details of:

- i. The reuse of materials onsite and any importation, storage or export.
- ii. The soil testing methodology to include testing schedules, sampling frequencies, allowable contaminant concentrations and source material information. The approved testing methodology shall be implemented in full during the importation of soil or soil forming material.

33. COAL MINING MITIGATION

Prior to the commencement of development, a scheme of intrusive site investigations to assess the ground conditions and the potential risks posed to the development by past mining activity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i. The submission of a report of findings arising from the further intrusive site investigations, including details of any remedial works for approval for both mine entry and shallow mine workings, if necessary; and
- ii. A timetable for the Implementation of those remedial works;

The development hereby permitted shall be carried out only in accordance with the approved scheme. Prior to any phase of the development being first brought into use a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm that the approved remedial measures for that phase have been implemented in full.

34.ARCHAEOLOGICAL INVESTIGATION/WORKS

Prior to commencement of development (including groundworks), an Archaeological Written Scheme of Investigation (WSI) shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall cover the following:

1) A phased programme and methodology of site investigation and recording to include:

- Nomination of a competent person or persons/organisation to undertake the works set out within the WSI;
- A Background desk based documentary study;
- A targeted evaluation; and
- Open Area Excavation (only where evaluation requires).

2) A programme of post investigation assessment to include:

- Analysis of the site investigation records and findings; and
- Production of a final report on the significance of the archaeological, historical and architectural interest represented.
- Deposition of the final report with the Greater Manchester Historic Environment Record and dissemination of the results commensurate with their significance.
- Provision for archive deposition of the report or persons/organisation to undertake the works set out within the approved WSI.

No below ground development shall commence unless and until the approved site investigation and recording has been submitted to and approved in writing by the Local Planning Authority. The approved scheme under 2) shall be implemented in full in accordance with an agreed timetable.

35. EMPLOYMENT AND SKILLS STATEMENT (EARTHWORKS)

Prior to the commencement of the works hereby permitted, an Employment and Skills Statement

(including a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. Once approved the measures shall be implemented in full in accordance with the agreed timetable.

Reason

To ensure that local employment benefits are addressed and secured and to comply with Strategic Objective 3 of Bolton's Core Strategy.



Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.