

Nelson, Brierfield and Reedley Committee Update Report 05th October 2026

26/0105/CND Land To The South Of Halifax Road, Nelson

Public Responses

Additional responses received raising the following concerns:

- There is a well and spring located in the area of the site compound which has not been identified in the submitted details.
- There should be a buffer to the spring/well.
- Plans are marked not for construction.
- Proposed routing of spring water into United Utilities sewer.
- Financial impact of poor ground conditions of unstable and waterlogged land.
- No Environment Agency permit has been applied for / issued. The conditions should not be discharged before determination of the Environment Agency permit.
- It would not be acceptable to perform burials on the most of the areas shown because of water issues.
- Insufficient width of access.
- Gradients and visibility splays would be pedestrian and highway safety hazard.
- Insufficient details of swept path tracking.
- Concerns regarding retaining structures and stability of adjacent land.
- Impact of retaining walls on root zones of trees.
- Concerns regarding adequacy of access draining and sustainable urban drainage system to ensure runoff would be captured and not exceed greenfield levels.

Consultee Responses

LCC Highways:

Condition 10 - The proposed levels of the site access road as stated as 1:40 – 1:20 gradient for the first 10m and then a smooth transition to a maximum of 1:10 thereafter into the site. This is considered acceptable. There is no objection to the discharge of this condition.

Condition 16 - An amended Construction Phase Health & Safety Plan is submitted by Biba's Landscapes Ltd who are the principal contractor for 'Construction of new burial grounds and associated infrastructure – Works to include: - Tree removal, vegetation and site clearance, earthworks, drainage infrastructure, construction of new roads, footpaths and parking areas. Creation of a new entrance off Halifax Road'.

An updated logistics plan and programme is submitted 23.09.26 which the Highway Authority understands are the proposed measures to manage the construction traffic. The following items are considered to be agreed between the contractor Biba's Landscapes and the Highway Authority.

1. The site is proposed to be accessed temporarily from Edge End Avenue between 35-37 to allow only the delivery of plant (which will remain on site for the project) and to provide operative parking.
2. Residents on Edge End Avenue will be informed when plant delivery vehicles are planned so on-street parking can be minimised so access for large vehicles can be secured. Residents must move their vehicles from the turning head to allow the site to be accessed.
3. Clay Edge Farm access will not be used.
4. The formation of the permanent site access from Halifax Road will commence immediately and provide access for all deliveries of materials.
5. No deliveries of materials will access from Edge End Avenue. 6. No material/soil is being taken off site.
7. A compound will be formed with access on Halifax Road to provide operative parking, material store, HGV turning and wheel wash.
8. The wheels of all vehicles will be cleaned before entering the highway and all operative vehicles will be contained within the site. The public footpaths crossing the site must be temporarily diverted/closed or protected during the construction phase. The project is planned to commence 6th October 2026 until 24th September 2027, 26 weeks in total. There is no objection to the discharge of this condition.

Condition 18 - The bus stops shown on the submitted drawing are not those identified on the desire lines for the site which are (2 x Walverden Road near 247/Brier Crescent junction 250012580 & 250015574) and (2 x Halifax Road near 148 2500IMG2689 & 2500478). We can address this at detailed design stage of the S278 agreement and the LCC specification submitted is acceptable. No works can commence within the highway until the S278 agreement is signed with Lancashire County Council. The S278 agreement is progressing and the details will be subject to a technical approval process. Any diversions to the public rights of way will require a separate order. There is no objection to the discharge of this condition.

Condition 20 - The programme and additional details from the contractor allay the concerns. There is no objection to the discharge of the condition.

Officer Comments

Condition 16 (Construction Management Plan) – An acceptable construction management plan has now been submitted which demonstrates that the construction of the site would not result in unacceptable impacts in terms of highway safety and residential amenity and LCC Highways now have no objection to the discharge of the condition. The condition can be discharged subject to implementation.

Condition 10 (Existing and Proposed Levels and Retaining Structures) – Acceptable details of site access gradients have been submitted and LCC Highways now have no objection to the discharge of the condition. The condition can be discharged subject to implementation.

Condition 18 (Site Access and Off-Site Highway Works) – Acceptable details of bus stop improvements and access gradients have been submitted and LCC Highways

now have no objection to the discharge of the condition. The condition can be discharged subject to implementation.

Condition 20 (Phasing Plan and Timetable of Works) – The submitted phasing details are acceptable and LCC Highways have confirmed that they have no objection to the submitted details of phasing. The condition can be discharged subject to implementation.

Other matters

Concerns have been raised regarding the presence of wells/springs within the site and concerns of these being affected by the development and the construction compound and the risk of pollution from the compound.

There are no wells or springs within the site, there are springs on land to the south of the site, these were identified and considered in the Flood Risk Assessment, drainage design (condition 4) and construction surface water management scheme (condition 5).

The water that flows from those springs onto the site will be captured along the southern boundary and discharged together with other surface water from the development at rate restricted to the greenfield runoff rate. This will reduce the risk of flooding of adjacent land because those previously unmanaged flows will be managed and attenuated.

A public response has been received with details of what is claimed to be a well at the eastern end of the site, with concerns raised that this would be where the construction compound is proposed and this could lead to pollution of ground and surface water.

What is shown is not a well, it is an uncovered manhole to a United Utilities surface water drain which runs across the site. The drain and the parallel foul water sewer have been identified in the details submitted for condition 4, taken into account in the layout of the development, with no development affecting it, and United Utilities have raised no objection to the discharge of conditions. The proposed construction compound would not be located over that drain and would not impact upon it.

General concerns have also been raised regarding pollution of ground and surface water during construction.

The details submitted for condition 5 (construction surface water management) include measures to ensure that surface water flows are either retained within the site or their discharge is controlled and to ensure that pollutants do not enter ground or surface waters.

The Construction Management Plan (condition 16) shows that during construction water from the springs will be diverted along the southern boundary of the site and discharged via those controls. The proposed construction compound would be at the eastern end of the site, furthest away from the watercourse and surface water

collection and discharge points and would have an impermeable membrane and operational controls to ensure that potential pollutants are contained.

Concerns have also been raised regarding the submission of the Environment Agency Environmental Permit and that conditions should not be discharged prior to the submission and determination of the permit. This is not necessary as it is fully controlled by the Environment Agency in a separate process to the planning process required under non-planning legislation. The NPPF and National Planning Practice Guidance are clear that the planning system should not duplicate other legislative controls and that planning conditions cannot require that approvals under other legislation are given before conditions are discharged.

RECOMMENDATION: Approve Discharge of Conditions 3, 4, 5, 6, 10, 16, 17, 18, 19, 20 and Biodiversity Net Gain Condition, Refuse Discharge of Condition 7

Condition 3 (Surface Water Drainage Strategy) – The submitted surface water drainage strategy is acceptable. The condition is discharged subject to implementation.

Condition 4 (Surface and Foul Water Drainage Scheme) – The submitted details of foul and surface water drainage are acceptable. The condition is discharged subject to implementation.

Condition 5 (Construction Surface Water Management Plan) - The submitted construction surface water management plan is acceptable. The condition is discharged subject to implementation.

Condition 6 (Site- Specific Operation and Maintenance Manual) – The submitted details for management and maintenance of drainage are acceptable. The condition is discharged subject to implementation.

Condition 7 (Site-Specific Verification Report) – The condition requires that evidence is submitted to demonstrate that drainage has been correctly installed following the completion of those works and before commencement of the use. The condition cannot be discharged at this stage as the works to install drainage have not been completed. The discharge of the condition is refused.

Condition 10 (Existing and Proposed Levels and Retaining Structures) – The submitted details of proposed levels and retaining structures are acceptable. The condition is discharged subject to implementation.

Condition 16 (Construction Management Plan) – The submitted Construction Management Plan is acceptable. The condition is discharged subject to implementation.

Condition 17 (Highway Works) – The submitted details of highway works are acceptable. The condition is discharged subject to implementation.

Condition 18 (Site Access and Off-Site Highway Works) – The submitted details of access works are acceptable. The condition is discharged subject to implementation.

Condition 19 (Retaining Wall Alteration) – The submitted details of the retaining walls are acceptable. The condition is discharged subject to implementation.

Condition 20 (Phasing Plan and Timetable of Works) – The submitted details are acceptable. The condition is discharged subject to implementation.