

Application Number:	2026/0277	Application Type:	S96A. Non-Material Amendment
Proposal:	The alteration of existing ground levels and the construction of new earth retaining structures along the northern boundary of site adjacent to the River Irwell.	Location:	Plot 4 Futures Park Bacup Lancashire OL13 0BB
Report of:	Head of Planning and Building Control	Status:	For publication
Report to:	Development Control Committee	Date:	1 st September 2026
Applicant:	Rossendale Borough Council	Determination Expiry Date:	19.08.2026
Agent:	Caulmert Ltd		

Contact Officer:	Claire Bradley
Email:	clairebradley@rossendalebc.gov.uk

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	Council application on Council owned land
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

Approval

2. APPLICATION SITE

The application site is Plot 4 at Futures Park, where planning permission has been granted for the erection of a Waste Transfer Station.

The Site is bound by the River Irwell to the north, to the east is a wooded area with Stubbylee Park beyond. To the south is the Orthoplastics manufacturing facility and to the west an existing access road.

Rossendale Borough Council offices are located 80m to the north of the site, a children's day nursery is located 50m to the northwest of the site, with the nearest residential property located on Flagg Street some 75m to the southwest.

The site is located in the Urban boundary and is designated as a mixed use allocation (M3) in the Rossendale Local Plan

3. RELEVANT PLANNING HISTORY

2021/0305: S.73 Application: variation of condition 2 (approved plans) pursuant to planning approval 2020/0137, to permit alterations to the external appearance of the building, amendments to raised decking structure, raised roof height, reductions to external retaining structures and an increase to the external canopy size.

2021/0298: Application for discharge of planning condition 6 (site investigation) pursuant to planning application 2020/0137.

2021/0117: Provision of timber cabin for use as outdoor clothing store and changing room (associated with the approved nursery development) - Approved (relates to plot 1).

2021/0077: Approval of details reserved by condition 9 (Construction Environmental Method Statement), 12 (Reasonable Avoidance Measures Method Statement) and 24 (Construction Method Statement) - pursuant to planning approval 2020/0137 - Approved (relates to plot 1).

2020/0137: Construction of nursery building, with associated works, parking and access - Approved (relates to plot 1)

2020/0062: Approval of details reserved by Condition 4 (detailed scheme of landscaping, planting and boundary treatments) pursuant to Planning Approval 2019/0102 – Approved (relates to plot 5)

2020/0036: Approval of details reserved by conditions 8 (surface water drainage scheme) and 9 (management and maintenance plan for the sustainable drainage system) pursuant to Planning Approval 2019/0102 – Approved (relates to plot 5)

2019/0511: Approval of Details Reserved by conditions 5 (remediation strategy), 6 (verification report), 7 (piling), 14 (site access) and 16 (construction method statement) pursuant to Planning Approval 2019/0102 - Split Decision (relates to plot 5)

2019/0102: Full: Erection of industrial / manufacturing building (Use Class B2) incorporating ancillary office and storage space. Development also includes creation of service yards (with associated gates / fencing, sprinkler tank and cooling towers), parking facilities, hard and soft landscaping, access and associated works – Approved (relates to plot 5)

2013/0450: Construction of Trail Centre Building Associated with Lee Quarry Bike Trails, Comprising Shop, Cafe, Showers, Workshop, Classroom/Function Space and Associated Parking – Approved

2006/0256: Erection of a Building for Class B1/B2 Business/General Industrial Use – Approved (relates to plot 3)

4. PROPOSAL

The proposal is for a non-material amendment under S96A of the Town and Country Planning Act which allows amendments to existing permissions that are non-material. This application provides details of the alteration of existing ground levels and the construction of new earth retaining structures along the northern boundary of site adjacent to the River Irwell and relates to approval 2025/0378

5. POLICY CONTEXT

Policy Considerations

National Planning Policy Framework

Section 3	Decision Making Policies
Section 4	Achieving Sustainable Development
Section 12	Making Effective Use of Land
Section 14	Achieving Well Designed Places
Section 20	Conserving and Enhancing the Historic Environment
Section 19	Conserving and enhancing the natural environment

National Planning Policy for Waste

The National Planning Policy for Waste (NPPW) was published in 2014. The document sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management, and states that positive planning plays a pivotal role in delivering this country's waste ambitions through the delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy.

Appendix B of the NPPW sets out the criteria against which the likely impact on the local environment and on amenity of new waste management facilities should be considered, these are:

- a. protection of water quality and resources and flood risk management;
- b. land instability;
- c. landscape and visual impacts;
- d. nature conservation;
- e. conserving the historic environment;

- f. traffic and access; and
- g. air emissions, including dust.

Development Plan

In the case of this application, the development plan comprises the Rossendale Local Plan 2019 to 2036, the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (Core Strategy), Adopted February 2009 and the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies (SADMP), adopted September 2013.

Rossendale Local Plan Policies

Policy SD1: Presumption in Favour of Sustainable Development

Policy SD2: Urban Boundary and Green Belt

Policy EMP4: Development Criteria for Employment Generating Development

Policy M3: Futures Park

ENV1: High Quality Development in the Borough

Policy ENV2: Historic Environment

Policy ENV6: Environmental Protection

Policy ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality

Policy ENV10: Trees and Hedgerows

Policy TR4: Parking

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

The Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (Core Strategy) was adopted in February 2009.

Core Strategy Policy CS8 states that “*Provision will be made for sufficient new waste management facilities to meet predicted waste capacity requirements for the Plan area to 2020*”.

Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies – Part One

The Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies – Part One (SADMP) was adopted in September 2013.

The SADMP provides site specific policies and allocations, and detailed development management policies for minerals and waste planning in the areas covered by the Councils of Lancashire, Blackpool and Blackburn with Darwen and should be read together with the Core Strategy and the individual local plans of the two unitary authorities and the twelve districts which make up the Plan area, including Rossendale.

Policy DM2 states that “*Development for ... waste management operations will be supported where it can be demonstrated to the satisfaction of the mineral and waste planning authority, by the provision of appropriate information, that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals account will be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together*

with the extent to which its impacts can be controlled in accordance with current best practice and recognised standards”.

Other material considerations

National Planning Practice Guidance
National Design Guide
RBC Climate Change SPD

6. CONSULTATION RESPONSES

Consultee	Response
Environment Agency	No objection but have made relevant comments

7. REPRESENTATIONS

No consultations are required

8. ASSESSMENT

The local planning authority has to decide whether the proposed change is non-material based on the context of the approved scheme. There is no statutory definition of “non-material”, so the decision is context-specific.

The assessment relates to whether the details of the retaining wall amount to a non-material amendment to the original application.

Whilst land levels were submitted on the proposed site plan on the original approval, there were not plans of the actual retaining walls.

The proposed retaining wall will support the footway around the building on the northern elevation and provide stability for the land.

It is considered that the retaining wall on the northern elevation is a non-material amendment consisting of the alteration of existing ground levels and the construction of new earth retaining structures along the northern boundary of site adjacent to the River Irwell and is accepted as an amendment to the original permission

9. CONCLUSION

That the non-material amendment consisting of the alteration of existing ground levels and the construction of new earth retaining structures along the northern boundary of site adjacent to the River Irwell is approved.

10. RECOMMENDATION

That the proposed amendment is approved, and is limited to the following:

- the alteration of existing ground levels and the construction of new earth retaining structures along the northern boundary of site adjacent to the River Irwell.

The amendment is detailed on the following documentation received 15.07.2026:

- Submitted Application Form
- Drawing No: RBC-HOH-XX-XX-DR-A-1201-C02 - Proposed Site Plan
- Drawing No: RBC-HOH-XX-XX-DR-A-1220-C02 - Proposed Boundary Treatments, Barriers, And Bollards Layout
- Drawing No: 6663-CAU-XX-XX-SK-C-0111-C01 – River Cross Sections Sheet 1 of 3
- Drawing No: 6663-CAU-XX-XX-SK-C-0112_C01 - River Cross Section 2 of 3
- Drawing No: 6663-CAU-XX-XX-SK-C-0113_C01 – River Cross Section 3 of 3
- Drawing No: RBC-CAU-XX-XX-DR-S-1800_C01 – Retaining Wall Layout and Section Sheet 1 of 2
- Drawing No: RBC-CAU-XX-XX-DR-S-1801_C01 – Retaining Wall Layout and Section Sheet 2 of 2

11 INFORMATIVES TO BE INCLUDED IN DECISION LETTER

Environment Agency

Biodiversity

The River Irwell is an important ecological receptor and the proposed works should be undertaken in a manner that avoids adverse impacts on the river corridor.

The applicant should have regard to the environmental protection and pollution prevention measures identified through the associated Flood Risk Activity Permit process (EPR/WB3746UB).

A Construction Environmental Management Plan (CEMP), should be secured where appropriate.

The applicant is reminded that the determination of this planning application does not remove the need to obtain and comply with any relevant environmental permits and associated requirements.

Environmental permit – Flood risk activities - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any of the following activities:

- *erecting any temporary or permanent structure in, over or under a main river, such as a culvert, outfall, weir, dam, pipe crossing, erosion protection, scaffolding or bridge*
- *altering, repairing or maintaining any temporary or permanent structure in, over or under a main river, where the work could affect the flow of water in the river or affect any drainage work*
- *building or altering any permanent or temporary structure designed to contain or divert flood waters from a main river*
- *dredging, raising or removing any material from a main river, including when you are intending to improve flow in the river or use the materials removed*
- *diverting or impounding the flow of water or changing the level of water in a main river*
- *quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert*
- *any activity within 8 metres of the bank of a main river, or 16 metres if it is a tidal main river*

- any activity within 8 metres of any flood defence structure or culvert on a main river, or 16 metres on a tidal river
- any activity within 16 metres of a sea defence structure
- activities carried out on the floodplain of a main river, more than 8 metres from the river bank, culvert or flood defence structure (or 16 metres if it is a tidal main river), if you do not have planning permission (you do not need permission to build agricultural hay stacks, straw stacks or manure clamps in these places)

For further guidance please visit *Flood risk activities: environmental permits* - GOV.UK or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.



C01	CONSTRUCTION ISSUE		TWW	PF	DE	03.07.26	
T01	TENDER ISSUE		TWW	PF	DE	12.01.26	
P03	STAGE 4 ISSUE		TWW	DE	PF	19.11.25	
P02	CO-ORDINATION UPDATE		TWW	PF	DE	08.09.25	
P01	PRELIMINARY ISSUE		TWW	PF	DE	29.08.25	
REV	MODIFICATIONS		BY	RE	AP	DATE	
PURPOSE OF ISSUE					STATUS		
CONSTRUCTION					A1		
CLIENT							
ROSSENDALE BOROUGH COUNCIL							
PROJECT							
FUTURES PARK, BACUP							
TITLE							
RETAINING WALL LAYOUT AND DETAIL SHEET 1 OF 2							
DRAWN BY TWW		REVIEWED BY PF		APPROVED BY DE		SCALE (@ A1) As indicated	
DATE AUG 25				JOB REF 6663		REVISION C01	
DRAWING NUMBER							
RBC-CAU-XX-XX-DR-S-1800							
							

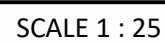
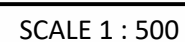
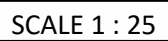
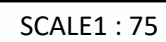
1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
2. DO NOT SCALE FROM THIS DRAWING OR THE COMPUTER DIGITAL DATA, ONLY FIGURED DIMENSIONS ARE TO BE USED, IF IN DOUBT ASK.
3. WORKMANSHIP AND MATERIALS ARE TO BE IN ACCORDANCE WITH ALL RELEVANT AND STATUTORY AUTHORITY REQUIREMENTS, BRITISH STANDARDS, CODES OF PRACTICE AND ASSOCIATED AMENDMENTS.



SCALE1 : 75



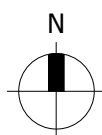
SCALE1 : 75



SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION	
IN ADDITION TO THE HAZARDS/RISKS NORMALLY ASSOCIATED WITH THE TYPE OF WORKS DETAILED ON THIS DRAWING, NOTE THE FOLLOWING	
CONSTRUCTION	
•	NONE
MAINTENANCE / CLEANING	
•	NONE
DECOMMISSIONING / DEMOLITION	
•	NONE
IT IS ASSUMED THAT ALL WORKS WILL BE CARRIED OUT BY A COMPETENT CONTRACTOR	

REGISTERED OFFICE: INTEC, PARC MENAI, BANGOR, GWYNEDD, LL57 4FG COMPANY REGISTERED NO: 06716319

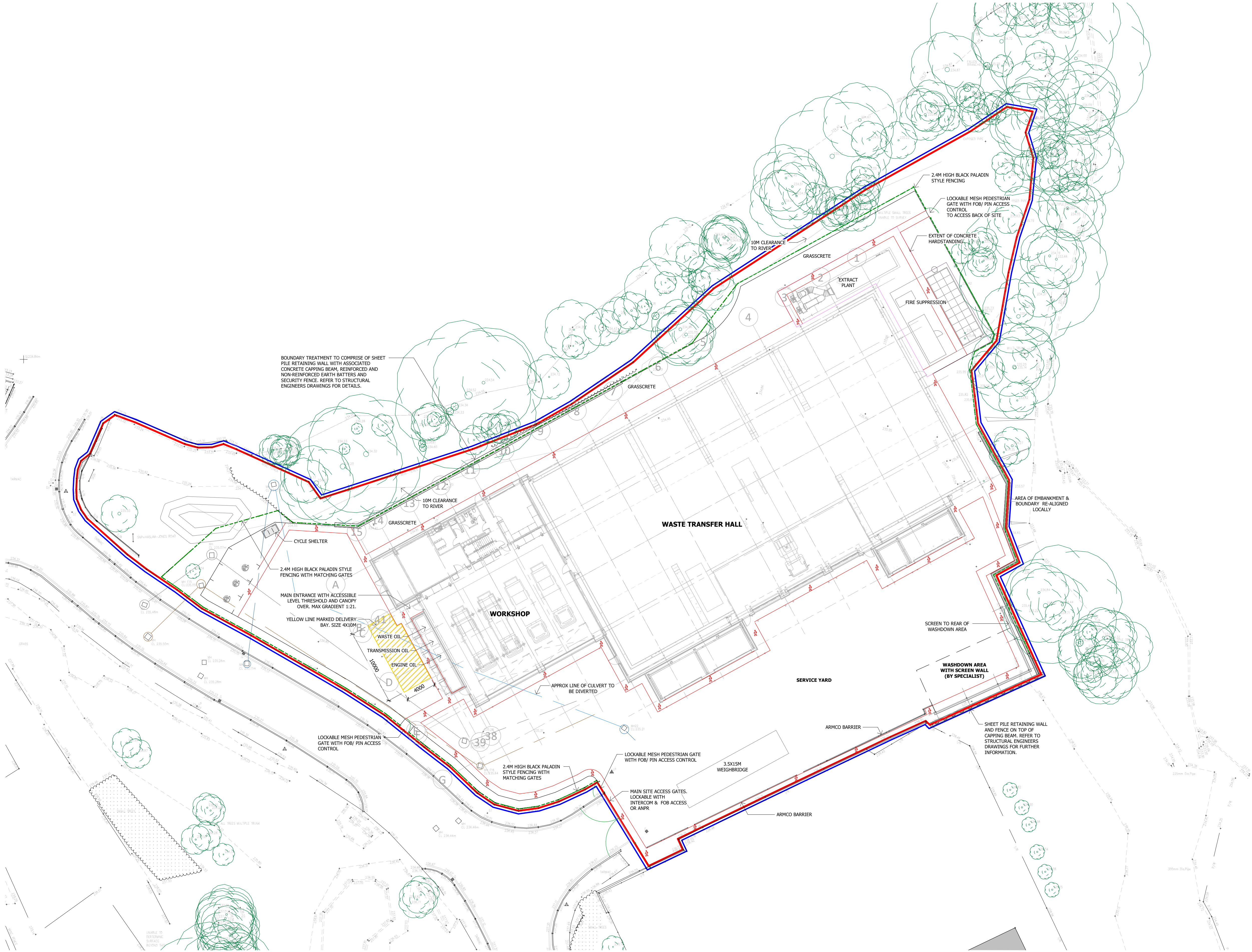
GENERAL NOTES
Drawings to be read in conjunction with all other consultant/ specialist drawings.



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SITE BOUNDARY (6025.646M²)

ADJACENT LAND IN SAME OWNERSHIP
(ROSSENDALE BOROUGH COUNCIL)



PROPOSED - SITE PLAN
1 : 250

C02	UPDATED NORTH SITE BOUNDARY NOTE TB TB	15/07/26
C01	CONSTRUCTION ISSUE TB KOH	15/06/26
T03	UPDATED BOUNDARY TREATMENTS TB KOH	21/01/26
T02	UPDATED FENCELINE & DRAINAGE TB KOH	15/01/26
T01	TENDER ISSUE TB KOH	09/01/26
P14	FIRE ENGINEER ISSUE TB KOH	08/01/26
P13	UPDATED PLANNING ISSUE TB KOH	03/12/25
P12	FULL STAGE 4 ISSUE TB KOH	20/11/25
P11	UPDATED REAR TRACK AND PLANT TB KOH	19/11/25
P10	UPDATED BOUNDARY TB KOH	05/09/25
P09	STAGE 3 ISSUE TB KOH	29/08/25
P08	EXTERNAL PLANT INDICATED KOH	21/08/25
P07	WALKWAY, FENCE, GATE, RETAINING WALL ADDED AS INSTRUCTED KOH	08/08/25
P06	LAYOUT FURTHER REFINED KOH	06/08/25
P05	SUB-STATION OMITTED KOH	17/07/25
P04	REV'D AS DTM COMMENTS KOH	23/06/25
P03	GENERAL REV'S FOLLOWING CLIENT MEETING KOH	17/06/25
P02	MINOR REV'S KOH	27/05/25
P01	INITIAL ISSUE KOH	23/05/25
REV	DESCRIPTION DRAWN BY CHECKED BY APPROVED BY DATE	

PROJECT TITLE
WASTE TRANSFER STATION, FUTURES PARK

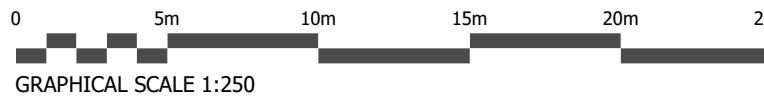
CLIENT
ROSSENDALE BOROUGH COUNCIL

DRAWING TITLE
PROPOSED SITE PLAN

DO NOT SCALE	Any discrepancy or query concerning this drawing should be referred to the Architect.	SCALE @ A1 1 : 250
PROJECT No	DRAWING No	REVISION
23750	RBC-HOH-XX-XX-DR-A-1201-	C02



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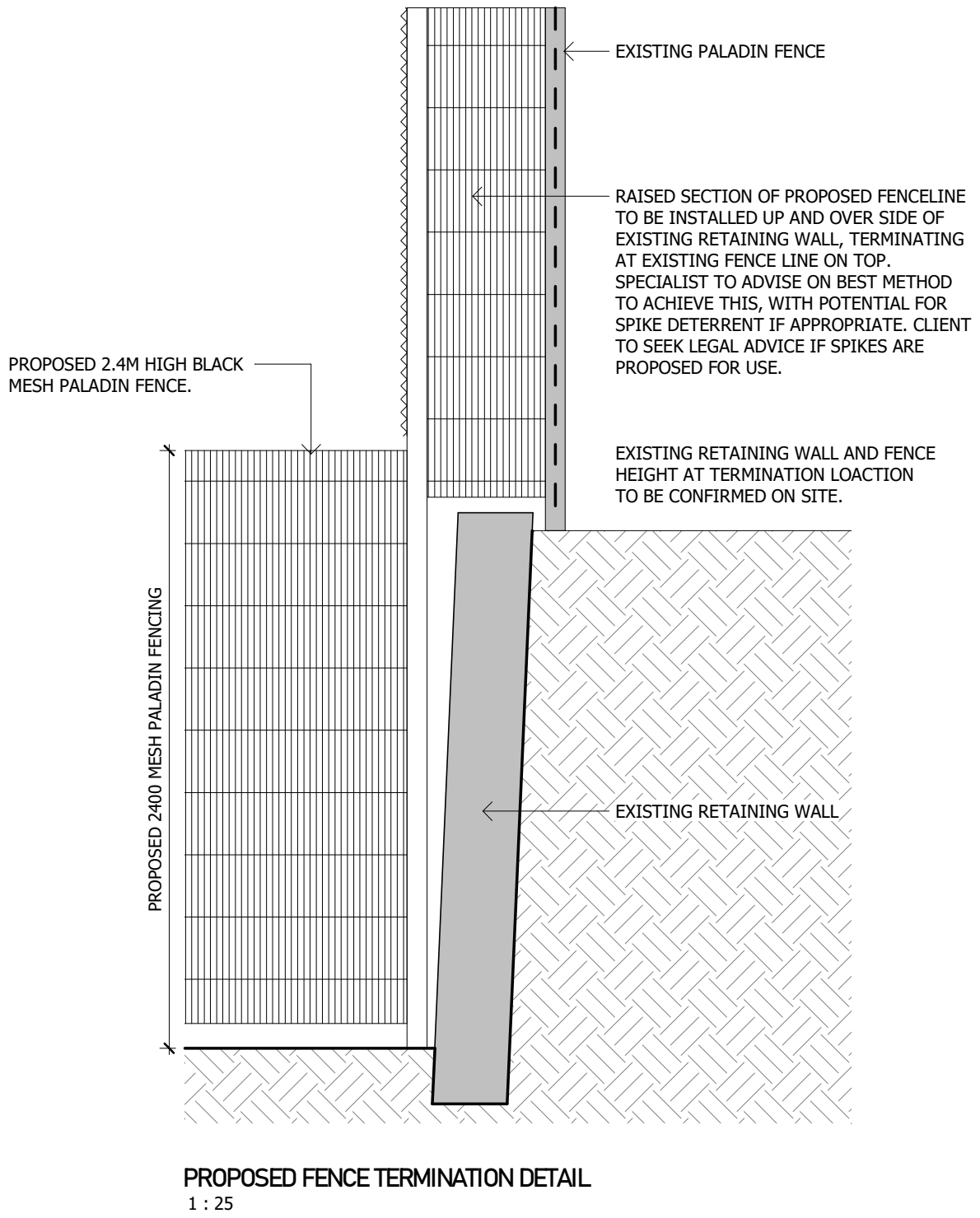
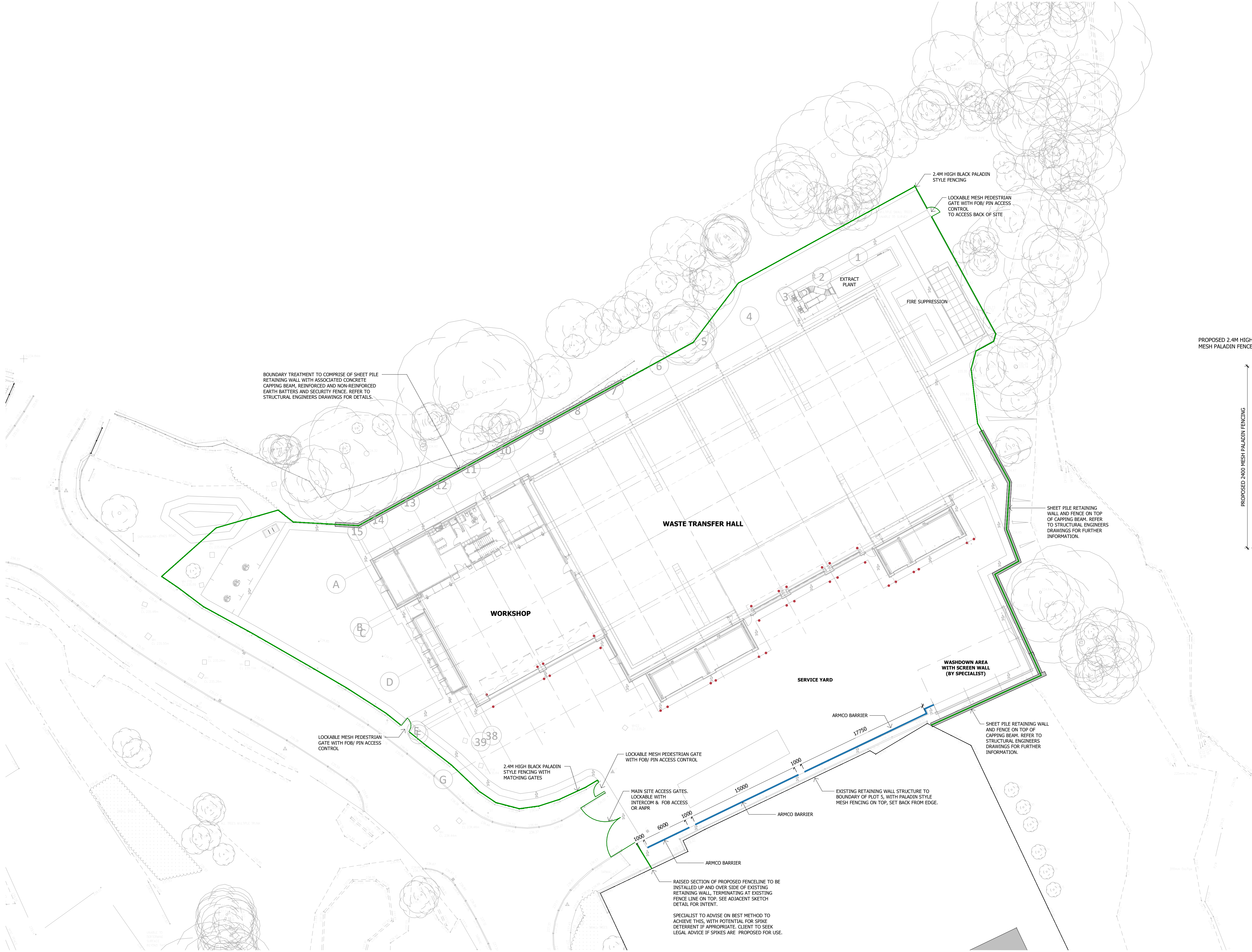
SITE BOUNDARY, BOLLARD & BARRIER LEGEND

2.4M HIGH BLACK MESH PALADIN FENCE.

GALV. VEHICLE BARRIER SYSTEM, ARMCO OR SIMILAR.

GALV. STEEL HIGH VISIBILITY BOLLARDS.

REFER TO STRUCTURAL/ CIVIL ENGINEERS DRAWINGS FOR DESIGN, DETAILS, AND LOCATION OF PROPOSED RETAINING WALL STRUCTURE.



PROPOSED - BOUNDARY TREATMENTS, BARRIERS, AND BOLLARDS LAYOUT
1 : 250

C02	UPDATED NORTH SITE BOUNDARY NOTE TB TB	15/07/26
C01	CONSTRUCTION ISSUE TB KOH	15/06/26
T02	UPDATED BOUNDARY TREATMENTS TB KOH	21/01/26
T01	INITIAL ISSUE TB KOH	20/01/26
REV DESCRIPTION DRAWN BY CHECKED BY APPROVED BY DATE		
PROJECT TITLE		

CLIENT
ROSSENDALE BOROUGH COUNCIL

DRAWING TITLE
PROPOSED BOUNDARY TREATMENTS, BARRIERS, AND BOLLARDS LAYOUT

DO NOT SCALE		Any discrepancy or query concerning this drawing should be referred to the Architect.	SCALE @ A1 As indicated
PROJECT No	DRAWING No	PROJECT - ORIGINATOR - DESIGNER - LAYOUT - FORTH - DISSEMINATE - NUMBER	REVISION
23750	RBC-HOH-XX-XX-DR-A-1220-	C02	

