

NOTICE OF PLANNING PERMISSION

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

To:

Miss Maureen Darrie
GP Planning Ltd
icon Innovation Centre
Eastern Way
Daventry
NN11 0QB

On Behalf Of:

Taiyo Power & Storage Ltd
10 St Giles Square
London
WC2H 8AP

PART 1 - Particulars of Application

Application Number: 71888

Date of Registration: 22/05/2025

Proposal:

Construction, operation and
decommissioning of a Battery Energy
Storage System (BESS) facility and
associated infrastructure

Location:

Shore Top Farm, Kearsley Road, Radcliffe,
Manchester, M26 1FA

PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 Permission is hereby granted for a limited period only, namely for a period expiring 40 years from the date of first operation of the development. Written confirmation of the first import of electricity date shall be provided to the Local Planning Authority within one month after the event. The facility/structures, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period.
Reason. In view of the temporary nature of the development and in order to retain control over its continued use having regard to the particular nature of the site and surroundings pursuant to The National Planning Policy Framework.
- 3 Not later than 12 months before the expiry of the permission, a decommissioning and site restoration scheme shall be submitted for the written approval by the Local Planning Authority. The scheme shall make provision for the removal of the development and the subsequent restoration of the site. The scheme shall include but not be limited to details of:
 - the extent of equipment and foundation removal and the site restoration to be

carried out

- the management and timing of any works
- a traffic management plan, access arrangements and timings of vehicle movements
- an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitats and tree features
- location of materials lay down areas
- full details of the site restoration.

The approved scheme shall be implemented in full accordance with the agreed details and agreed decommissioning programme.

Reason. To ensure safe and satisfactory procedures and operations are in place to protect the site, surrounding environment and amenities of nearby occupiers and ensure the site is returned to an acceptable condition pursuant to policies JP-S1, JP-P1 and the principles of the NPPF.

- 4 In the event the development ceases to export electricity to the grid for a continuous period of 2 years, a scheme for the restoration of the site in accordance with the details required under condition 3 of this permission for the decommissioning of the site, shall be submitted to and approved by the Local Planning Authority within 3 months of the end of the 2 year period. The approved scheme of restoration and decommissioning details shall thereafter be fully implemented in accordance with an agreed timetable.

Reason. To ensure the site is returned to an acceptable condition within reasonable timescales and ensures

safe and satisfactory procedures and operations are in place to protect the site, surrounding environment and amenities of nearby occupiers and ensure the site is returned to an acceptable condition pursuant to policies JP-S1, JP-P1 and the principles of the NPPF.

- 5 This decision relates to drawings and supporting documents/reports -

Location plan 121-10014 rev 14

Proposed site layout compound area 121-10002 rev 014

Proposed site layout 121-100003 rev 016

Proposed site layout with construction compound area 121-100024 rev 014

Transformer Station 121-10011 rev 002

Fire sprinkler tank dated 8/10/24

Proposed elevations and floor plan - Customer sub-station 121-10009 rev 002

Proposed elevations and floor plan - BESS battery container 121-10010 rev 002

Proposed elevations and floor plan - DNO substation 121-100014 rev 002

Proposed elevations and floor plan - Storage container 121-10009 rev 002

Landscape masterplan 1120099-ADAS-XX-XX-DR-L-8000 02

BESS cross section 121-10007 rev 003

BESS cross section north-south 121-100017 rev 001

Palisade fence and CCTV 121-10005 rev 001

Heras fencing gate 121-10015 rev 001

Access track 121-10008 rev 004

Topographical survey NE001445_0021_A_Figure_2

Topographical survey GPP1011-001

Topographical survey GPP1011-002

Topographical survey GPP1011-003

Landscape and Visual Appraisal 1120099-L-RP-01 dated March 2025

Flood Risk Assessment and Drainage Strategy 8/4/2025

Outline SUDS Design NE001445_0031_A_Figure_4

Updated Construction Traffic Management Plan July 2025 issue 2

Arboricultural Impact Assessment 10 April 2025 ref 1765-AIA-V1-A

Invasive Non-Native Species Survey dated April 2025 version 3.0

Preliminary Ecological Appraisal 1052520 / WNT69105-1860 (00) version 4

Site selection Assessment 31st March 2025

Noise Impact Assessment project no. 784-B065648 dated 4/4/25

Outline Battery Safety Management Plan dated 14th August 2025

and the development shall not be carried out except in accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.

- 6 The removal of two oaks may have the potential to cause harm to bats as identified in the Preliminary Ecological Appraisal ADAS ref: 1052520/WNT69105-1860 (00) section 7.3.2. The removal of the oaks shall not in any circumstances occur unless and until a further survey is carried out and a report submitted to and agreed in writing by the local planning authority including any mitigation measures to be approved and any such mitigation measures shall be fully implemented prior to the commencement of the works. The mitigation works shall remain in situ on the site for an approved period of time thereafter.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policy EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.

- 7 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a precautionary working method statement for nesting birds by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policy EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 8 Prior to any machinery on-site a precautionary working measures method statement for mitigating the transportation of invasive species, Himalayan balsam, giant hogweed and japanese knotweed, including biosecurity protocols and an eradication plan and timetable for all invasive species within the site area, shall be submitted to and agreed in writing by the LPA . The approved eradication plan shall be carried out in accordance with the approved details and timetable, and the approved precautionary measures shall be implemented prior to the commencement of the development and the precautionary methods thereafter maintained for the duration of the construction works and employed following any subsequent visits for maintenance purposes post construction.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant

to policy EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.

- 9 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
1. a non-technical summary;
 2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- has been submitted to, and approved in writing by, the local planning authority.
Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.
- 10 Notwithstanding the details indicated on the approved plans and 'Construction Traffic Management Plan' (24-0306 Issue No. 2 dated July 2025), no development shall commence unless and until
- a) a dilapidation survey of the Public Rights of Way leading to, abutting and crossing the proposed site access route in the event that subsequent remedial works are required following construction of the development. Any required remedial works and details subsequently approved shall be implemented to an agreed programme.
 - b) a dilapidation survey of Wood Street in the event that subsequent remedial works are required following construction of development. Any required remedial works and details subsequently approved shall be implemented to an agreed programme.
- Reason. To ensure good highway design and to maintain the integrity of the adopted highway pursuant to Policies EN1/2 and JP-C8.
- 11 The site access arrangements, measures, including pedestrian signage, and facilities detailed in the approved 'Construction Traffic Management Plan' (24-0306 Issue No. 2 dated July 2025), along with measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations, shall be adhered to throughout the construction period.
- Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent Public Rights of Way, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Policies EN1/2 and JP-C8.
- 12 Notwithstanding the submitted Outline Safety Battery Management Plan Issue 2 dated 14/8/25, prior to the commencement of development, a detailed Safety Management Plan shall be submitted for approval. The approved mitigation measures and recommendations of the Plan shall thereafter be implemented prior to first use of the development and retained for the duration of the development hereby approved.

Reason. To ensure the safe and satisfactory development of the site and future operations of the site pursuant to policies JP-P1, JP-S1 and JP-C8 and the principles of the NPPF.

- 13 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing NEO01445_003I_A_Figure_4, Rev A - Dated 03/03/2025 which was prepared by Neo Environmental. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason. To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding pursuant to PfE Policy JP-S4 and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 14 The development hereby approved within any approved phase shall not be brought into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);
- II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

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

Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to the Local Planning Authority for approval prior to any soil or soil forming materials being brought onto site.

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

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 16 No external lighting shall be installed on the site unless and until details of the lighting including intensity of illumination and predicted lighting contours have 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 the site and surround environment are not adversely affected by unnecessary or harmful light pollution pursuant to policies EN1/2, JP-P1 and the principles of the NPPF.

- 17 The development hereby approved shall be carried out in accordance with the landscape mitigation strategy outlined in chapter 9 of the Landscape and Visual Impact Assessment and in accordance with the Landscape Masterplan (1120099-ADAS-XX-XX-DR-L-8000 rev 02). The existing trees and vegetation on site shall be retained and protected in accordance with BS 5837:2012, the proposed hedge shall be of a native type and a bat and bird box should be provided on retained trees prior to first use of the development and thereafter maintained. The approved landscaping shall be implemented not later than 12 months from the date the development is first brought into use or within the first available tree planting season; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. In the interests of visual amenity and to secure the satisfactory development of the site pursuant to Policies JP-G1, EN1/1 and EN8/2 – Woodland and Tree Planting

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

NPPF	National Planning Policy Framework
EN1/1	EN1/1 - Visual Amenity
EN1/2	EN1/2 - Townscape and Built Design
EN1/3	EN1/3 - Landscaping Provision
EN1/5	EN1/5 - Crime Prevention
EN4/1	EN4/1 - Renewable Energy
EN6/4	EN6/4 - Wildlife Links and Corridors
EN8/2	EN8/2 - Woodland and Tree Planting
EN6/3	EN6/3 - Features of Ecological Value
OL1/2	OL1/2 - New Buildings in the Green Belt
OL5/2	OL5/2 - Development in River Valleys
RT3/1	RT3/1 - Protection of Existing Recreation Provision in the Countryside
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
JP-S3	Heat and Energy Networks
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
JP-G1	Landscape Character
JP-G2	Green Infrastructure Network
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G9	The Green Belt
JP-P1	Sustainable Places
JP-C2	Digital Connectivity

JP-C5 Streets For All
JP-C6 Walking and Cycling
JP-C8 Transport Requirements of New Development

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

This decision relates to drawings and supporting documents/reports -

Location plan 121-10014 rev 14
Proposed site layout compound area 121-10002 rev 014
Proposed site layout 121-100003 rev 016
Proposed site layout with construction compound area 121-100024 rev 014

Transformer Station 121-10011 rev 002
Fire sprinkler tank dated 8/10/24
Proposed elevations and floor plan - Customer sub-station 121-10009 rev 002
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Landscape masterplan 1120099-ADAS-XX-XX-DR-L-8000 02

BESS cross section 121-10007 rev 003
BESS cross section north-south 121-100017 rev 001

Palisade fence and CCTV 121-10005 rev 001
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Outline Battery Safety Management Plan dated 14th August 2025

NOTES TO APPLICANT

Coal Authority

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

<https://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 Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at:

www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here -

<https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: <https://www.gov.uk/government/organisations/mining-remediation-authority>

Electricity North West

There is Electricity North West Ltd (ENWL) infrastructure located on land associated with the above application.

The applicant should be advised that great care should be taken at all times to protect electrical apparatus and any personnel working in its vicinity. Anyone working in proximity to any of our apparatus (whether above or underground) should be referred to two relevant documents produced by the Health and Safety Executive (available from The Stationery Office Publications Centre and The Stationery Office Bookshops), and advised to follow the guidance given.

The documents are as follows:-

HS(G)47 - Avoiding danger from underground services

GS6 - Avoidance of danger from overhead electric lines

ENWL offer a fully supported mapping service, providing up to date information about the location and status of our apparatus. Further information can be found at <https://www.enwl.co.uk/advice-and-support/line-search-before-you-dig>, alternatively you can call us on 0800 195 4141.

It is advisable that the developer and/or their contractors make contact with ENWL as soon as reasonably practicable to discuss the location of our assets and their proposals, to ensure there is no unnecessary delay to any works they wish to carry out.

- Bury Council's Developers Guide for Contaminated Land provides an overview of the assessment of contaminated land in Planning and developing potentially contaminated land.
- The Environment Section has used all reasonable endeavours to determine the risk from contaminated land and ground gas based upon the information available to it. However, the comments made above should not be taken to imply that the land is safe or otherwise suitable for this or any other development. The ultimate responsibility for safe implementation of the development scheme resides entirely with the landowner and/or Planning Applicant.
- Developments that are brought into use prior to the requirements of pre-occupation conditions being satisfied, would be result in breach of condition and could result in the site being considered under Part 2A.
- All parties involved with waste and soil movement at the site should be aware that materials illegally deposited or deposited at inappropriate sites may be subject to relevant landfill taxes, payable by all parties. Only robust due diligence is a defence against joint liability. Illegal deposits can include moving waste soil material on sites, or between sites, without the appropriate permits, exemptions or duty of care.

In relation to conditions 3 and 4, the following information needs to be submitted to the Council for approval:

(i) After completion of site works, a verification statement is required to validate that the work undertaken conforms to the remediation proposals received and agreed by this Section. The report would be expected to include the following:

" Confirmation that no unforeseen contamination was encountered during the development. This should include a photographic record of the development and should focus particularly on the excavations for the foundations in order to illustrate the ground conditions encountered.

" Details of any soil material excavated and removed from site, or soil material brought to site during the development, including copies of waste management records.

The local planning authority considers that approval of a BIODIVERSITY GAIN PLAN WILL BE REQUIRED BEFORE DEVELOPMENT COMMENCES

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority,
- and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bury Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).]

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not ‘major development’ (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the

adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

. This recommendation relates to the revised plan received by this section on 7 August 2025

. The applicant's attention is drawn to the existence of Public Rights of Way No.'s 7, 9 & 10 St. Saviours, Radcliffe, that form the access to/abut/cross the site. No development should take place which affect the Rights of Way in the absence of an appropriate closure or diversion order

. The applicant must be made aware of the need to safeguard people using public rights of way and that no public rights of way are damaged, widths altered (without permission), gates erected across their width (unless authorised by Bury Council the Highway Authority) or obstructed by any other means either during or as a result of development. The applicant must ensure that no changes to land levels/surface water runoff affects a public right of way. If a temporary obstruction of public rights of way is unavoidable, no development must take place until a temporary closure order has been made by Bury Council and a suitable temporary alternative route(s) made available.

. The applicant's attention is drawn to the need to consult the Department of Place regarding the specification for and implementation of any required highway remedial works. The cost of the works will be the responsibility of the applicant/developer.

. The applicant is reminded of their responsibilities under the Wildlife & Countryside Act 1981, as amended, that no harm is caused to a Protected Species. Should Protected Species be found then works should stop immediately and Natural England and a professional ecologist consulted.

Signed:

A handwritten signature in black ink, appearing to read 'P. H. H.', written in a cursive style.

13 of 13

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On behalf of the Council

Date of Decision: 20/11/2025