NOTICE OF PLANNING PERMISSION

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

To:
Miss Rhian Chitty
P4 Planning Limited
113 Timber Wharf
40 Worsley Street
Castlefield
Manchester
M15 4LD

On Behalf Of:
Mr Anthony Harris
Crown Gas & Power Limited
113 Timber Wharf
40 Worsley Street
Castlefield
Manchester
M15 4LD

PART 1 - Particulars of Application

Application Number: 72790

Date of Registration: 27/01/2026

Proposal:
Erection of office HQ with ancillary sport facilities (use class E(g)(i)) and mixed-use employment units (use classes B2, B8 and E(g)(ii) and (iii)) including associated parking, access and landscaping

Location:
Chamberhall Business Park, Magdalene Road, Bury, BL9 0JU

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 This decision relates to drawings and documents -

Plans - 24.180.02-BA-00-DR-A -

Location plan 1001 P03
Proposed site plan 1003 rev P15
Development areas site plan 1004 P04
Key floor plans 2001 P08
Unite A-D plans and elevations 2003 P04
Unit E plans and elevations 2004 P01
Proposed roof plans 2005 P03
Proposed elevations 3001 P08
Proposed visuals 3002 P03
Proposed site sections 4001 P02

Proposed site phasing plan 1005 P01

Others

Proposed 12 no. cycle store - 24.180.02-7004-P01
Proposed 48 no. cycle store - 24.180.02-7006-P01
Site plan - padel courts - 4.180.01-BA-XX-DR-A-1105 P01
Soft works plan (1 of 2) 5648 01 rev C
Soft works plan (2 of 2) 5648 02 rev C
Impermeable area plan 24312-PWA-00-XX-DR-C- 1001 P02
Foul & Surface Water Drainage Design Drawing 24312-PWA-00-XX-DR-C-1002, Rev P02 - Dated 22.08.25 prepared by PWA

Supporting documents

Revised transport assessment report 3700225 rev B March 26
Amended statutory BNG rev D
BNG letter statutory units 16 Feb 26
Invasive species survey
Bat survey 2025
Preliminary Ecological appraisal rev C 2025
Energy statement office unit 6342-KGA-XX-XX-RP-ME -0001 P02
Energy statement Units A-E 6342-KGA-XX-XX-RP-ME-0002 P02
Digital connectivity statement
Civic Earth Phase 1 Desk Study E1006-CE-XX-XX-R-G-1000 P02 dated 9 Jan 2024

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.

3 No development hereby permitted (except site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:
With consideration to human health, controlled waters and the wider environment, the following documents shall be completed to characterise potential risk to sensitive receptors and submitted to the Local Planning Authority for approval:

I. Generic Quantitative Risk Assessment (GQRA). Submission of this document only if PRA requires it.
II. Detailed Quantitative Risk Assessment (DQRA). Submission of this document if GQRA requires it.
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).

This condition can be satisfied in phases.

4 No development hereby permitted (except site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:
In accordance with the findings of site characterisation and risk assessment as previously approved, documents from the following shall be submitted to the Local Planning Authority for approval:

I. Remedial Options Appraisal.
II. Remediation Strategy.
III. Verification Plan.

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).

This condition can be satisfied in phases.

5 The development hereby permitted within any approved phase shall not be occupied/brought into use until the works relating to land contamination detailed below are fully completed:
I. Where remediation is required, it shall be carried out in full accordance with the approved Remediation Strategy.
II. A Verification Report must be submitted to the Local Planning Authority for approval upon completion of remediation works.
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).

This condition can be satisfied in phases.

6 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).

This condition can be satisfied in phases.

7 New buildings other than residential or mixed use and more than 10 spaces
- A minimum of 1 no. electric vehicle (EV) charging point (minimum 7kW*) and at least one in every five remaining parking spaces must be provided with cable routes.

Certification and photographic evidence of the installation of the agreed electric

vehicle charge points shall be submitted to Local Planning Authority for approval prior to the development being brought into use. The infrastructure shall be maintained and operational in perpetuity.

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at https://www.gov.uk/transport/low-emission-and-electric-vehicles.

Reason. To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life with respect to Local Air Quality, in accordance with paragraphs 112e, 117e, 187e and 199 of the National Planning Policy Framework (December 2024) and Places for Everyone Policy JP-S5 (Clean Air).

8 No development shall commence unless and until a scheme to minimise dust emissions has been submitted to the Local Planning Authority for approval. The scheme shall include details of all dust control measures and the methods to monitor emissions of dust arising from the development. The development shall be implemented in accordance with the approved scheme with the approved dust control measures being retained and maintained in a fully functional condition for the duration of the development hereby approved.
Reason. To reduce the impacts of dust disturbance from the site on the local air quality and the environment in accordance with paragraph 187e of the National Planning Policy Framework (December 2024) and Places for Everyone Policy JP-S5 (Clean Air).

This condition can be satisfied in phases.

9 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
(i) An investigation of the hierarchy of drainage options in the National Standards for Sustainable Drainage Systems (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
(v) Foul and surface water shall drain on separate systems.

The approved schemes shall be in accordance with the National Standards for Sustainable Drainage Systems (2025) or any subsequent replacement national standards.
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. Information not submitted at application stage. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies EN7/3 - Water Pollution, EN7/5 - Waste Water

Management, JP-S4 and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

This condition can be satisfied in phases.

10 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.

11 The felling of T6 shall be carried out as proposed in section 5.1.1 of the Bat Surveys report by Rachel Hacking Ecology, reference RHE.4607.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6/3 – Features of Ecological Value and Chapter 15 of the National Planning Policy Framework.

12 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 policies EN6/3 - Features of Ecological Value and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

13 Prior to any machinery on-site, vegetation clearance or earthworks a method statement for the control of and biosecurity protocols for himalayan balsam shall be provided to and agreed in writing by the LPA. The approved method statement shall thereafter be implemented in accordance with the approved details.
Reason. To ensure the safe and satisfactory development of the site pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

14 No development shall commence unless and until a detailed Construction Environment Management Plan, including measures to protect the lake from dust, debris, run-off and pollution, have been submitted to and approved by the Local Planning Authority. The approved measures only shall be implemented prior to the commencement of development and retained throughout the construction period.
Reason. To ensure the safe and secure development of the site in relation to the nature conservation of particular ecological significance of the lake pursuant to Bury

Unitary Development Plan Policies EC6/3 - Features of ecological interest and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

This condition can be satisfied in phases.

15 The development hereby approved shall be carried out in accordance with the softworks plans dwg 01 rev C and dwg 2 rev C and the provision of the bat boxes as detailed on the proposed plans. In addition to the bird boxes detailed on the approved plans, a further two bird boxes shall be provided over the site and the head office building shall incorporate swift bricks.
The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied 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. The bat and bird boxes shall thereafter be maintained.
Reason. To secure the satisfactory development of the site and secure ecological enhancements pursuant to policies EN6/3 - features of Ecological Value, EN8/2 - Woodland and Tree Planting and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

16 The development hereby approved shall be carried out in accordance with the materials detailed on the proposed elevations plans dwg no. 24.180.02-BA-00-DR-A-2003 P04, dwg no. 24.180.02-BA-00-DR-A-2004 P01 and dwg no. 24.180.02-BA-00-DR-A-3001 P08.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design

17 Notwithstanding the details indicated on approved plan reference 24.180.02-BA-00-DR-A-1003 Revision P15, no development shall commence unless and until full details of the following have been submitted to the Local Planning Authority on a topographical survey of the site and adjacent adopted highways:

1. Formation of the site access onto Magdalene Road serving Units A - E (mixed-use employment units), incorporating adequate kerb radii that ensures entering HGV's do not encroach on the opposing side of the road whilst manoeuvring (supported by a revised swept path analysis), rising arm barrier set back a minimum of 5.0m from the back of the footway/adopted highway boundary and tactile paved crossing points.
2. Formation of the site access onto Harvard Road serving the 'office HQ', incorporating adequate kerb radii that ensures entering HGV's do not encroach on the opposing side of the road whilst manoeuvring (supported by a revised swept path analysis), rising arm barrier set back in the position shown relative to the back of the footway/adopted highway boundary and tactile paved crossing points.
3. Provision of 2.4m x 33m visibility splays at the junctions of the two site accesses with no obstructions above the height of 0.6m within them, incorporating any alterations to the boundary treatments proposed.
4. Replacements of the boundary knee rail shown including foundation details confirming no projections under the adjacent adopted highway.
5. All associated highway remedial/accommodation works required as a result of the proposed development and statutory undertakers connections to the site.
6. Measures and scheme of works to ensure that surface water is not discharged from the private shared access roads/car park accesses onto the adjacent adopted highways.

The details subsequently approved shall be implemented to an agreed programme with all highway works completed prior to the development hereby approved being brought into use.
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure the intervisibility of the users of the site and the adjacent adopted highways, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to policies EC6/1, JP-C5, JP-C6 and JP-C8.

This condition can be satisfied in phases.

18 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

1. Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of statutory undertakers connections to the site.
2. Access route for all vehicles to the site from the Key Route Network.
3. Access point(s) for construction traffic from Harvard Road/Magdalene Road and all temporary works required to facilitate access for ground works/construction vehicles.
4. If proposed, details of site hoarding/gate positions clear of required visibility splays onto the adjacent adopted highway.
5. The provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway.
6. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access(es) onto Harvard Road/Magdalene Road.
7. Confirmation of hours of operation and number of vehicle movements.
8. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres.
9. Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials.
10. Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented of the Local Planning Authority prior to the development hereby approved being brought into use
Reason. To maintain the integrity of the adopted highway, mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and ensure 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.

This condition can be satisfied in phases.

19 The vehicular and pedestrian access arrangements, turning facilities and bin

storage/collection arrangements within the curtilage of the site indicated on the approved plans shall be provided before the development is brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to policies EC6/1, JP-C5, JP-C6 and JP-C8.

This condition can be satisfied in phases.

20 The car and two wheeled vehicle parking and cycle storage arrangements indicated on the approved plans shall be surfaced, demarcated (as appropriate) and made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

This condition can be satisfied in phases.

21 Prior to first occupation of the mixed employment phase of development (Units A-E) a 'Delivery Management Plan' for that phase shall be submitted to and approved in writing by the Local Planning Authority confirming that delivery vehicles to the mixed-use employment units (Units A - E) once occupied shall not exceed the size of a 10m rigid type (HGV) vehicle. The approved plan shall only be implemented and maintained thereafter.
Reason. In the interests of highway safety and to ensure that no Heavy Goods Vehicles larger that the proposed servicing design vehicle will serve the site pursuant to policies EC6/1, JP-C5, JP-C6 and JP-C8.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the 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
EC1/3	Land Suitable for Business (B1), Office and Hotel/Conference Facility Uses
EC6/1	EC6/1 - New Business, Industrial and Commercial Development
EN1/2	EN1/2 - Townscape and Built Design
EN1/5	EN1/5 - Crime Prevention
EN6/3	EN6/3 - Features of Ecological Value
EN7/2	EN7/2 - Noise Pollution
EN8/2	EN8/2 - Woodland and Tree Planting
HT2/4	HT2/4 - Car Parking and New Development
HT6/3	HT6/3 - Cycle Routes
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
JP-P1	Sustainable Places
JP-S1	Sustainable Development

JP-S4 Flood Risk and the Water Environment
JP-S5 Clean Air
JP-G7 Trees and Woodland
JP-G8 A Net Enhancement of Biodiversity and Geodiversity
JP-C1 Our Integrated Network
JP-S2 Carbon and Energy
JP-C5 Streets For All
JP-C6 Walking and Cycling
JP-C8 Transport Requirements of New Development
JP-C2 Digital Connectivity
JP-J1 Supporting Long-Term Economic Growth
JP-J3 Office 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:
Plans - 24.180.02-BA-00-DR-A -

Location plan 1001 P03
Proposed site plan 1003 rev P15
Development areas site plan 1004 P04
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Unite A-D plans and elevations 2003 P04
Unit E plans and elevations 2004 P01
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Others

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Foul & Surface Water Drainage Design Drawing 24312-PWA-00-XX-DR-C-1002, Rev P02 - Dated 22.08.25 prepared by PWA

Supporting documents

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Digital connectivity statement
Civic Earth Phase 1 Desk Study E1006-CE-XX-XX-R-G-1000 P02 dated 9 Jan 2024

NOTES TO APPLICANT

1. **Coal Authority informative**
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

2. **Environment Agency position**

Advice to applicant
The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales. The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: https://www.gov.uk//uploads/system/uploads/attachment_data///waste-duty-care-code-practice-2016.pdf If you need to register as a carrier of waste, please follow the instructions here:
https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales

If you require any local advice or guidance please contact your local Environment Agency office: Richard Fairclough House, Knutsford Road, Warrington, WA4 1HT

To meet the applicant's objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood-based products) may be either a hazardous or non-hazardous waste dependent upon whether they have had preservative treatments. Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here: https://www.gov.uk/how-to-classify-different-types-of-waste Where a development involves any significant construction or related activities, we would recommend using a management and reporting system to minimise and track the fate of construction wastes, such as that set out in PAS402: 2013, or an appropriate equivalent assurance methodology. This should ensure that any waste contractors employed are suitably responsible in ensuring waste only goes to legitimate destinations.

3. In order to discharge conditions, the actions required by Conditions CL01 - CL06 shall be completed in full accordance with the following guidance: Land Contamination Risk Management (Environment Agency, 2023).

The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2023 and the Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

Purchasers, where applicable, are advised that they should satisfy themselves that land contamination issues, if present, have been satisfactorily discharged given that the Council expects full compliance with any contaminated land requirements prior to

the occupation of the site. Upon occupation such matters could then be the responsibility of the owner to remedy.

4. In accordance with S93G of the Town and Country Planning Act 1990 (As amended by Section 111 Levelling Up & Regeneration Act 2023) there is a legal requirement for you to inform the Council of the date when you intend to commence the development on site via submission of a Commencement Notice. This notice is mandatory for all developments and came into effect on 31 March 2024. You can find more information and download a copy of the Commencement Notice under the Before Starting Work section on our website at https://www.bury.gov.uk/planning-building-control/planning-permission/planning-application-process

5. ***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.

6. To discharge the statutory biodiversity gain condition the applicant will need to:

- Provide the biodiversity gain plan utilising the defra template,
- Have purchased the required number of off-site units and registered them with defra, (Note GMEU do not recommend early purchase in case the layout changes ie final registration of purchase with defra, should not occur until there are no likelihood of any further amendments to the on-site layout),
- Provide the final version of the statutory metric with the developers sections of the start page completed and

Provide the final pre-commencement HMMP. (Note the HMMP is not a fixed document and can be amended post permission as long as 10% net gain is still achieved).

7. Drainage informative from United Utllities - see attached notes.

8. The applicant should consider the recommendations outlined in section 4 of the Crime Impact Statement Version B 04/04/2025 ref 2025/0049/CIS/01

9. The applicant's attention is drawn to the existence of Public Right of Way No. 151, Bury, which abuts the site. No development should take place which affects the Right of Way in the absence of an appropriate closure or diversion order.

10. 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, 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.

11. The applicant's attention is drawn to the need to consult the Department for Place (Engineering & Streetscene) regarding the specification for and implementation of the required highway works. The cost of the works will be the responsibility of the developer

12. The applicant's attention is drawn to the need to enter into a Section 50 Licence and follow the Technical Approval process in respect of the works to be carried out on the highway in connection with the proposed development.

Signed:

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On behalf of the Council

Date of Decision: 22/04/2026