

NOTICE OF PLANNING PERMISSION

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

To:

Mr Gareth Salthouse
Emery Planning
1-4 South Park Business Court
Hobson Street
Macclesfield
Cheshire
SK11 8BS

On Behalf Of:

Silletts Funeral Service
C/O Agent

PART 1 - Particulars of Application

Application Number: 72399

Date of Registration: 23/10/2025

Proposal:

Extension at side to form additional garage and conversion of existing parking area to workshop; single storey extension at side to form chapels of rest and new reception / Wc area; alterations to existing building to form new dormer at front / gable windows and new entrance; render to existing ground floor front elevation and formation of car parking area and courtyard garden together with landscaping

Location:

Silletts Funeral Service, Kelsil, Spring Lane, Radcliffe, Manchester, M26 2TQ

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 permission relates to the following plans and documents:

Drawing no. 216 (10) 101 P01: Location Plan;
Drawing no. 216 (20) 102 P02: Proposed Site Plan;

Drawing no. 216 (20) 103 P02: Proposed Ground Floor;
Drawing no. 216 (20) 104 P01: Proposed Ground Floor Enlarged (Part);
Drawing no. 216 (20) 105 P01: Proposed Ground Floor (Part);
Drawing no. 216 (20) 106 P02: Proposed First Floor;

Drawing no. 216 (20) 107 P01: Proposed First Floor Plan enlarged

Drawing no. 216 (20) 108 P02: Proposed Parking Layout;

Drawing no. 216 (20) 109 P01: Proposed Roof;

Drawing no. 216 (200) 01 P01: Existing & Proposed Elevation [Front Elevation];

Drawing no. 216 (200) 02 P01: Existing and Proposed Elevation [Front Elevation (part)];

Drawing no. 216 (200) 04 P01: Existing and Proposed Elevations [Front Elevation (part)];

Drawing no. 216 (200) 03 P01: Existing and Proposed Elevations [East Elevation (Part)];

Drawing no. 216 (200) 05 P01: Existing and Proposed Elevations [West Elevation (Part)];

Drawing no. 216 (200) 06 P01: Existing and Proposed Elevations [West Elevation (Part)]

Drawing no. 216 (200) 07 P01: Existing and Proposed Courtyard Elevation;

Drawing no. 216 (200) 08 P01: Proposed Section; and,

Document ref. Cheshire Woodlands Tree Consultants, Arboricultural Statement, reference: CW/11748-AS, dated 14 July 2025.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings and documents.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 3 Notwithstanding the vehicular access alterations shown indicatively on the approved plans, no development shall commence unless and until full details of the following have been submitted to the Local Planning Authority to a scope and specification to be agreed with the Highway Authority on a topographical based survey of the site and adjacent highways:
 1. Formation of the new vehicular access onto Spring Lane incorporating the demarcation of the limits of the adopted highway and provision of tactile paved pedestrian crossing points at the junction.
 2. Reinstatement of the redundant westerly vehicular/maintenance access to adjacent footway levels, incorporating the demarcation of the limits of the adopted highway, re-location/replacement of the existing BT footway chamber/infrastructure and replacement boundary in-fill wall with foundations that do not encroach under the adjacent adopted highway.
 3. Review of the existing Traffic Regulation Orders in the vicinity of the site, with a view to introducing additional parking restrictions as appropriate, including, if required, all necessary road markings and signage, in addition to ensuring that existing parking restrictions remain in place and are refreshed accordingly.
 4. Measures to prevent the discharge of surface water from the proposed access/car park onto the adjacent adopted highway.
 5. Adequate transfer spaces provided to the side and rear of all disabled parking

bays, including, if required, bay relocation within the car park.

The details subsequently approved shall be implemented to an agreed programme and fully completed to the satisfaction of the Local Planning Authority 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 good highway design, satisfactory drainage, ensure adequate off street car parking arrangements for disabled and non-disabled users and maintain the integrity of the adopted highway, in accordance with Policies JP-C8: Transport Requirements of New Development and Policy JP-S4: Flood Risk and the Water Environment of the Greater Manchester Places for Everyone Joint Development Plan and the National planning Policy Framework.

- 4 No development shall commence until details of surface water drainage proposals have been submitted to and approved by the Local Planning Authority. The scheme must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or subsequent revisions of it. This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Design details should comply with guidance contained in the Greater Manchester's Sustainable Drainage Design Guide, March 25. Details of proposed maintenance arrangements should also be provided.

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

Reason. The current application contains insufficient information regarding the proposed drainage scheme, to promote sustainable development and satisfactory drainage to minimise flood risk, in accordance with Policies EN7/3 - Water Pollution and EN7/5 - Waste Water Management of the Bury Unitary Development Plan, Policy JP-S4: Flood Risk and the Water Environment of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 5 Prior to commencement of development, and notwithstanding the Tree Protection Plan within the approved Arboricultural Statement, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include:
- Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of trees within the site to be retained and those bordering the site including the neighbours hedgerow;
 - Details of the Tree Protection Measures around T1. These shall be in accordance with BS5837: Trees in relation to design, development and construction;
 - Details of the engineer designed construction specification referenced within paragraph 10.4 of the Cheshire Woodlands Arboricultural Statement relating to T1, the Copper Beach, and shown on the Tree Protection Plan contained within Appendix 2 of the Arboricultural Statement
 - Details of any excavation to take place within the root protection areas of trees within the site or bordering the southern and western boundaries of the site;
 - Details of the foundations of any building, hardstandings and/or boundary

treatments to be constructed within the root protection areas of all neighbouring trees bordering the site; and,

- A scheme of works relating to any underground services to be installed within the Root Protection Area (RPA) of T1 and any trees bordering the southern boundary of the site, has been submitted to and approved in writing by the Local Planning Authority.

Any works within or adjacent to the Root Protection Area of T1, as shown on Drawing no. CW/11748-P-TP: Tree Protection Plan and the trees bordering the southern and western boundaries of the site, shall be carried out in accordance with any subsequently approved details and the identified tree protection measures shall be implemented before any development takes place and maintained as such thereafter for the entirety of the construction period.

Reason. To ensure that appropriate mitigation measures are put in place to safeguard the health of the Category A tree within the site in the interests of visual amenity in accordance with the requirements of EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and Policy JP-G7: Trees and Woodland of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 6 Development shall not commence until a Biodiversity Gain Plan (including condition assessment sheets) has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Gain Plan must include details of the following:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) the pre-development biodiversity value of the onsite habitat (with the baseline tree inputted as large);
- c) the post-development biodiversity value of the onsite habitat;
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development; and,
- e) any biodiversity credits purchased for the development.

Reason. A pre-commencement condition is required in the interests of mitigating ecological harm and providing for a measurable biodiversity net gain following the development and to accord with the requirements with Schedule 7A of the Town and Country Planning Act 1990 and Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 7 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.

- 8 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.

Reason. To ensure adequate off-highway materials storage arrangements for the duration of the construction period, in the interests of highway safety to accord with Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict of Bury Unitary Development Plan and Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

- 9 If development has not commenced within 6 months of the date of this permission, then no development shall take place until further survey(s) have been undertaken to establish whether features/habitats on the site are utilised by bats and the results submitted to and approved in writing by the Local Planning Authority. Any further survey(s) shall take place during the optimum period for bat activity (between May and August). If such a use is established, then no development shall take place until a comprehensive method statement indicating how bats are to be safeguarded during the construction period and how appropriate mitigation measures (including habitat compensation and enhancement) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. The duly approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before any of the development hereby approved is brought into use and retained as such thereafter.

Reason. To ensure that appropriate measures are taken to establish whether habitats on the site which are suitable to support protected species are (or become) used by these species in cases where development is delayed, and to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint Development Plan and the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

- 10 Notwithstanding any description of materials in the application and the requirements of condition no. 2 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason. No material samples have been submitted and are required to ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Policy EN1/2: Townscape and Built Design of the Bury Unitary Development Plan and Policy JP-P1: Sustainable Places of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 11 Notwithstanding any description of materials in the application and the requirements of condition 2 [approved plans] of this permission, the elevation of the garage facing Spring Lane shall not be fully rendered, only the concrete block infills shall be rendered.

Reason. To ensure the brick elevation of the existing garaging is not fully rendered use, in the interests of the visual amenities of the street scene in the interests of visual amenity in accordance with the requirements of Policy EN1/2: Townscape and Built Design of the Bury Unitary Development Plan and Policy JP-P1 Sustainable Places of the Places for Everyone Plan and the National Planning Policy Framework.

- 12 Notwithstanding any details shown on the approved plans and the requirements of condition no. 2 of this permission, prior to any above-ground works taking place a hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason. To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Policies EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan, Policy JP-P1: Sustainable Places, JP-G7: Trees and Woodland and JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 13 Prior to any above ground works a scheme for the provision of electric vehicle charging point infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented. The approved scheme shall thereafter be retained and maintained for the lifetime of the development.

Reason. To encourage the uptake of ultra-low emission vehicles and to promote sustainable modes of travel to accord with Policies JP-C1: An Integrated Network, JP-C5: Streets for All, JP-C8: Transport Requirements of New Development and JP-S5: Clean Air of the Greater Manchester Places for Everyone Joint Development Plan, SPD11: Parking Standards in Bury and the National Planning Policy Framework.

- 14 The development hereby approved 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 of the National Planning Policy Framework and Policy JP-S4: Flood Risk and the Water Environment of the Places for Everyone Joint Development Plan.

- 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 and approved in writing by the Local Planning Authority 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 and approved in writing by the 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 The development hereby approved shall not be occupied unless and until:

1. the habitat creation and enhancement works set out in the approved Habitat and Monitoring Plan (HMMP) have been completed; and
2. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

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.

- 17 Notwithstanding the details within the submitted Sustainability Appraisal by Vision Energy, no air source heat pump(s) shall be installed until full details of their specification, siting, design, and noise output have been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include:

- The make, model, and technical specifications, including noise output levels (measured in dB(A));
- The location, siting and orientation of the unit(s);
- Details of any acoustic mitigation measures, such as enclosures, screening, or positioning relative to neighbouring properties;
- Details of any external housing or screening, including materials, design, and colour;
- Details of any associated equipment, including pipework, cabling and ancillary infrastructure; and,
- Confirmation that the installation will comply with permitted development noise standards (e.g. MCS 020) or equivalent

The air source heat pump(s) shall be installed in accordance with the approved details and thereafter retained as such for the lifetime of the development.

Reason. The submitted Sustainability Appraisal states an Air Source Heat Pump will be installed however no details of its siting, appearance or noise output have been submitted, in order to protect the residential amenity of neighbouring occupiers, visual amenity of the area, and to ensure an appropriate standard of design, in accordance with Policies EN1/2: Townscape and Built Design and EN7/2: Noise Pollution of the Bury Unitary Development Plan.

- 18 Notwithstanding the details shown within the submitted Sustainability Appraisal by Vision Energy, no solar panels shall be installed until details of their siting, design, and external appearance have been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include:

- The location, extent, and layout of the panels on the building/land;
- Details of the type, size, and finish of the panels, including colour and reflectivity;
- The method of fixing and projection above the roof slope or ground level;
- Details of any frames, supports, or housing; and
- Details of any associated equipment, including inverters, cabinets, and cabling routes.

The solar panels shall be installed in accordance with the approved details and thereafter retained as such for the lifetime of the development.

Reason. In the interests of the visual amenity of the area and to ensure a satisfactory appearance of the development, in accordance with Policy EN1/2 of the Bury Unitary

Development Plan and Policies JP-S1: Sustainable Development, Policy JP-S2: Carbon and Energy of the Places for Everyone Plan and the National Planning Policy Framework.

- 19 The turning facilities within the curtilage of the site indicated on the approved plans shall be provided before the access and car park 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, in accordance with Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict of Bury Unitary Development Plan and Policy JP-C8: Transport Requirements of New Development of the Greater Manchester Places for Everyone Joint Development Plan.

- 20 Subject to the requirements of the above condition, condition no. 19, the car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority 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 highway safety, in accordance with Policy JP-C8: Transport Requirements of New Development of the Greater Manchester Places for Everyone Joint Development Plan.

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:

RT1/1	RT1/1 - Protection of Recreation Provision in the Urban Area
EC4/1	EC4/1 - Small Businesses
EN1/2	EN1/2 - Townscape and Built Design
EN1/5	EN1/5 - Crime Prevention
EN7/2	EN7/2 - Noise Pollution
EN7/3	EN7/3 - Water Pollution
EN7/4	EN7/4 - Groundwater Protection
EN7/5	EN7/5 - Waste Water Management
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development

JP-S1	Sustainable Development
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-P1	Sustainable Places
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

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:

Drawing no. 216 (10) 101 P01: Location Plan;
 Drawing no. 216 (20) 102 P02: Proposed Site Plan;
 Drawing no. 216 (20) 103 P02: Proposed Ground Floor;
 Drawing no. 216 (20) 104 P01: Proposed Ground Floor Enlarged (Part);
 Drawing no. 216 (20) 105 P01: Proposed Ground Floor (Part);
 Drawing no. 216 (20) 106 P02: Proposed First Floor;
 Drawing no. 216 (20) 109 P01: Proposed Roof; Drawing no. 216 (200) 01 P01: Existing & Proposed Elevation [Front Elevation]; Drawing no. 216 (200) 02 P01: Existing and Proposed Elevation [Front Elevation (part)]; Drawing no. 216 (200) 04 P01: Existing and Proposed Elevations [Front Elevation (part)]; Drawing no. 216 (200) 03 P01: Existing and Proposed Elevations [East Elevation (Part)]; Drawing no. 216 (200) 05 P01: Existing and Proposed Elevations [West Elevation (Part)]; Drawing no. 216 (200) 07 P01: Existing and Proposed Courtyard Elevation; and, Drawing no. 216 (200) 08 P01: Proposed Section

NOTES TO APPLICANT

1. Commencement of Development Notice
 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>
3. The applicant's attention is drawn to the need to consult the Department for Place regarding the specification for, technical approval and implementation of the required highway works, and TRO review. The cost of the physical and legal works will be the responsibility of the applicant. Details are available on the Council's website under Apply for a Permit.
2. The Control of Pollution Regulations 1974, Section 60. Control of Noise on Construction Sites
 Works carried out in connection with the planning permission shall comply with the above regulations which require the following:
 1. All works and ancillary operations which are audible at the boundary of the

nearest house or noise receptor, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1400 on Saturdays and at no time on Sundays and Bank Holidays.

2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.

3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions.

4. Any emergency deviation from the above (1 – 3) shall be notified to Bury Council without delay.

Any contravention of these requirements will trigger the serving of a Notice under Section 60 of The Control of Pollution Regulations 1974.

4. Bat and Owl Protection

If bats and/or owls are utilising trees/ buildings a Licence will be required from Natural England for any felling of trees or demolition or part demolition of buildings to occur.

Whilst the site has been assessed as low risk for bats and owls, the applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats and owls. If a bat is found during demolition or within any trees all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

6. Ground Conditions - Contaminated Land

In order to satisfy condition nos. 13 and 14 to be satisfied that this development does not pose a risk to human health or the environment, the following information needs to be submitted to the Council for approval:

(i) After completion of site works, a verification statement should be provided which provides details of any contamination encountered during the development or confirms 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.

(ii) Details and testing results of any imported material for use in landscaped and garden areas, in order to ensure that it is clean and suitable for use:

- Details of the total amount of material installed in order to determine if the amount of sampling is sufficient (1 per 50m³ for topsoil, 1 per 250m³ for subsoil, minimum of 3 samples per source).
- Details of the source of the imported material.
- Chemical analysis certificates.
- Details of where samples were taken from.
- Photographic record of the installation of the cover material.
- Details and justification for the chosen assessment criteria.

5. Statutory Requirements: 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.

For the purposes of determining whether to approve a Biodiversity Gain Plan, the planning authority in respect of this permission is Bury Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. However, 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.

Permissions for phased developments falling within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990

Where the permission 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).

4.6 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 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.

Signed:

A handwritten signature in black ink, appearing to read "for haw", written in a cursive style.

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On behalf of the Council

Date of Decision: 11/06/2026