

NOTICE OF PLANNING PERMISSION

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

To:

Mrs Karen Shuttleworth
WBW Surveyors Ltd
Skipton Auction Mart
Gargrave Road
Skipton
BD23 1UD

On Behalf Of:

Mr Mark Falshaw
R & G & M Falshaw
Falshaws Farm
Rowlands Road
Bury
BL9 5LJ

PART 1 - Particulars of Application

Application Number: 71922

Date of Registration: 11/06/2025

Proposal:

Construction of a lined earth bank slurry lagoon and installation of a slurry separator

Location:

Falshaws Farm, Rowlands Road, Bury, BL9 5LJ

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 numbered OT173-4 Rev A, OT173-5 Rev B- Site Plan with Public Rights of Way, OT173-5 - Existing Site Plan, OT173-5 Rev A - Site Plan, OT173-5 - Site Plan 1:500, OT173-6 Rev D, OT173-7, OT173-8 Rev A, SDR18233 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 Work that will impact on habitats where nesting birds may be present (for example demolition of a building or works to trees and other vegetation including undergrowth like bramble), should not be undertaken in the main bird nesting season (March - August) unless suitable checks for active bird nests have been undertaken and agreed in writing by the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy

Framework Section 15 - Conserving and enhancing the natural environment.

- 4 The proposed impermeable floating synthetic cover shall meet the recommendations from Defra's guidance on the Code of Good Agricultural Practice (COGAP) for Reducing Ammonia Emissions (Defra, 2024) and The Industrial Emissions Directive 2010/75/EU Integrated Pollution Prevention and Control on the Best Available Techniques (BAT) Reference Document for the Intensive Rearing of Poultry or Pigs (European Union, 2017).

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Development Plan Policy JP-S5 Clean Air and JP-P1 Sustainable Places.

- 5 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 Public Right of Way (No. 174, Bury - Rowlands Road) leading to and abutting the site in the event that subsequent remedial works are required following construction of the development.
2. Access point for construction traffic from Public Right of Way (No. 174, Bury - Rowlands Road), including any measures required to ensure adequate visibility is provided at the site access so that users of the Public Right of Way can see and be seen by emerging construction vehicles;
3. Hours of operation, confirmation of delivery & construction vehicle sizes that can be accommodated on the Public Right of Way and number of vehicle movements;
4. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres.
5. Parking on site of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
6. If proposed, site hoarding/gate positions adjacent to the Public Right of Way;
7. Measures to ensure that all mud and other loose materials are not spread onto the adjacent Public Right of Way 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.

Reason. Information not submitted at application stage. To maintain the integrity of the highway, mitigate the impact of the construction traffic generated by the proposed development on the adjacent Public Right of Way, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and ensure that the adjacent highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 Streets for All, JP-C6 Walking and Cycling, RT3/3 Access to the Countryside and RT3/4 Recreational Routes.

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:

OL1/2	OL1/2 - New Buildings in the Green Belt
OL5/2	OL5/2 - Development in River Valleys
OL4/5	OL4/5 - Agricultural Development
EN1/2	EN1/2 - Townscape and Built Design
EN6/3	EN6/3 - Features of Ecological Value
EN7/2	EN7/2 - Noise Pollution
RT3/4	RT3/4 - Recreational Routes
RT3/3	RT3/3 - Access to the Countryside
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P1	Sustainable Places
JP-G9	The Green Belt
JP-S5	Clean Air
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy
JP-C8	Transport Requirements of New Development
JP-C5	Streets For All
JP-C6	Walking and Cycling
SPD8	Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt
SPD10	Development Control Policy Guidance Note 10: Planning for Equestrian Development.
NPPF	National Planning Policy Framework

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:

OT173-4 Rev A, OT173-5 Rev B- Site Plan with Public Rights of Way, OT173-5 - Existing Site Plan, OT173-5 Rev A - Site Plan, OT173-5 - Site Plan 1:500, OT173-6 Rev D, OT173-7, OT173-8 Rev A, SDR18233.

NOTES TO APPLICANT

1. **Environment Agency Position**

We have no objection in principle to the proposed development but take this opportunity to provide the following comments.

Agricultural Buildings

If the buildings are to be used for livestock housing, the operator must ensure that they comply with the relevant regulations regarding the storage of slurry and silage. Any increase in the numbers of livestock may require the construction or expansion of slurry and silage storage facilities. The operator should ensure that they comply with the requirements of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010, commonly known as the SSAFO regs, and the storage requirements of The Nitrate Pollution Prevention Regulations 2015, commonly known as the NVZ regs.

Slurry storage

If your livestock produces slurry, you must be able to store the slurry produced in accordance with the Regulations on capacity, construction, and the associated calculations and records.

Depending on the relevant regulations, slurry stores MUST have the capacity to store 4, 5 or 6 months slurry and:

- rainfall expected to enter the store during the storage period including yards and roofs; and
- any wash water or other liquids that enter the store during that period.

If you have poultry manure or other types of solid manure YOU MUST store them:

- in a vessel;
- on an impermeable base, with appropriate collection and containment of runoff;
- in a roofed building; or
- in an appropriately located temporary field heap.

If you build a new facility for storing organic manure (ie slurry stores or impermeable bases for solid manure) and/or if you substantially reconstruct or enlarge your existing facilities, YOU MUST:

- comply with standards set down in the SSAFO Regulations, and
- notify the Environment Agency in writing about your intention to build a new store, or substantially enlarge or reconstruct an existing store at least 14 days before you start construction or reconstruction works

Silage storage

All parts of a silo must be resistant to attack. Your silo must have:

- an impermeable base extending beyond any walls
- impermeable drainage collection channels around the outside, flowing into an appropriately sized effluent tank

Further guidance is available at

- <https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil#silage>
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<https://www.gov.uk/guidance/storing-organic-manures-in-nitrate-vulnerable-zones#constructing-or-enlarging-your-storage-facilities>

- Protecting our water, soil and air: A code of Good Agricultural Practice for farmers, growers and land managers

If you need any help or would like to talk to someone about your proposals, please contact your farming consultant, or your local Environment Agency officer if you know them, or the Environment Agency by email: enquiries@environment-agency.gov.uk, or by telephone: 03708 506 506.

2. Protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. An informative should be used so that the applicant is aware that they must seek ecological advice should they find or suspect that the proposals will impact on protected species.
3. 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>

4. ***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.

5. The applicant's attention is drawn to the existence of Public Rights of Way No.'s 172 and 174 (Rowlands Road), Bury that abut/forms the access to the site. No development should take place which affects the Rights of Way in the absence of an appropriate closure or diversion order.
6. 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.
7. 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.

Signed:



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On behalf of the Council

Date of Decision: 01/09/2025