

NOTICE OF PLANNING PERMISSION

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

To:

Mr. Andrew Martin
44 Cramer Street
Stafford
ST17 4BX

On Behalf Of:

G Hathern
Hathern Property Ltd
Unit 1 - The Tipi Company
Jubilee Works
Vale Street
BL2 6QF

PART 1 - Particulars of Application

Application Number: 72520

Date of Registration: 17/11/2025

Proposal:

Installation of freestanding external biomass boiler to provide heating & hot water to existing building

Location:

Unit 1, Jubilee Works, Vale Street, Radcliffe, Bolton, BL2 6QF

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:

Drawing no. 01: Location Plan,

Drawing no. 02: Site Plan, and

Drawing no. 03: Building Plan, except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of development pursuant to the policies of the Bury Unitary Development Plan, Greater Manchester Places for Everyone Joint Development Plan and National Planning Policy Framework.

- 3 The Biomass Boiler and Flue shall be painted black or other dark colour.

Reason. In the interests of securing well-designed development and visual amenity in accordance with Policies EC4/1: Small Businesses, EC6/1: Assessing New

Businesses, Industrial and Commercial Development and EN1/2: Townscape and Built Design of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 4 The development shall be implemented and operated in full accordance with the following:
- Only fuels that are authorised by Defra for use in smoke control areas shall be used.
 - The Biomass Boiler should be operated in accordance with the Operator Manual.

Reason. To safeguard amenity, public health and quality of life with respect to Local Air Quality, in accordance with Policy JP-S5 (Clean Air) of the Greater Manchester Places for Everyone Joint Development Plan and paragraphs 187e and 199 of the National Planning Policy Framework (December 2024).

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:

EC4/1	EC4/1 - Small Businesses
EC6/1	EC6/1 - New Business, Industrial and Commercial Development
EN1/2	EN1/2 - Townscape and Built Design
EN6/4	EN6/4 - Wildlife Links and Corridors
EN7/2	EN7/2 - Noise Pollution
HT2/4	HT2/4 - Car Parking and New Development
JP-C2	Digital Connectivity
JP-C8	Transport Requirements of New Development
JP-S2	Carbon and Energy
JP-S5	Clean Air
JP-C6	Walking and Cycling
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:

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>

2. The Control of Pollution Regulations 1974, Section 60. Control of Noise on Constriction 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.

3. Smoke control

The borough of Bury is covered by a Smoke Control Order, which makes it an offence for smoke to be emitted from chimneys. Any heating appliance in a building with a chimney or flue is covered by the Order, including domestic fireplaces, wood-burning stoves, range cookers and boilers etc. To comply: (i) Only use an "exempt appliance" which is approved for use in a Smoke Control Area, and only use the type of fuel and operating conditions permitted under the exemption and (ii) Only use "authorised fuels" in a Smoke Control Area which are either inherently "smokeless" such as gas and electricity, or fuels which have been tested to show they can burn without producing smoke. For a list of exempt appliances, authorised fuels and further information on Smoke Control, visit the DEFRA web-site: <https://www.gov.uk/smoke-control-area-rules>

4. Biodiversity Net Gain - Statutory Requirement

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 Fylde 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 not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements listed below is/are considered to apply.

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.

This application is unlikely to need to provide a 10% gain to biodiversity as one of the exemptions applies to this development, namely the one specified with section 4.2 above.

Signed:

A handwritten signature in black ink, appearing to read 'Paul Harte', is positioned in the upper left area of the page.

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On behalf of the Council

Date of Decision: 17/03/2026