

TECHNICAL NOTE

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Re: Application Ref: 70903 Land at Pyramid Park, Market Street, Bury, BL9 0BG

Townside Site of Biological Interest (SBI) Review

Introduction

This technical note is given in response to comments received by Greater Manchester Ecology Unit (GMEU) (dated 20/11/2024) and meeting attended with Bury Council planning officers on 04/12/2024, which relates to the planning application supported for land remediation works, construction of vehicular access road and footway from Market Street with associated infrastructure and structural works.

Currently, the Bury Unitary Development Plan (UDP) forms the basis for the Council's decisions on planning applications. The current Bury UDP was adopted by the Council on 29th August 1997. The Council is now working to replace the adopted UDP with a new Bury Local Plan, which is still under review.

In 2012, the Government published the National Planning Policy Framework (NPPF) which also provides policies for due consideration for planning decisions. This has been reviewed and amended on four occasions since then with the most up to date version released in 2023.

In the time since the Bury UDP and the NPPF were published, Biodiversity Net Gain (BNG) policy also emerged in February 2024, which is now of mandated material consideration for all planning applications.

Currently the site known as Pyramid Park is designated within the UDP as Area BY7 (Town Centre Policy Areas); Community Facilities Provision (CF2/1/2) and Employment Land: Business and Offices (EC1/2/6). A portion of the site is also designated as a site of biological interest, known as Townside SBI.

Townside SBI was designated originally in 2005 for important habitats, including swamp and marsh (listed under Greater Manchester Biodiversity Priority Habitat) and for important amphibian and invertebrate populations. The most recent surveys, conducted in 2012, also found an exceptional population of smooth newts and a high species diversity of important swamp and marsh flora.

SBI Designation

In 2012, Townside SBI was assessed by GMEU as Grade B (district importance), although it was acknowledged that the quality of the site was declining. It is understood that the site has not been managed since 2010.

The Environment Partnership (TEP) have conducted several ecological surveys since 2022 on the site, with the most recent suite of surveys conducted in 2024. Surveys most closely related to the designation of the SBI include a National Vegetation Classification (NVC) survey and a BNG Assessment of the site. It was noted during these surveys that the site has dried out considerably and unlikely to support breeding amphibians, although it is acknowledged that there were suitable habitats within the site for foraging and commuting amphibians (EcIA Report Ref: 9302.02.005).

The NVC survey was required to re-assess the habitats currently present on the site, to re-affirm the SBI designation by GMEU, in 2012. The NVC Survey Report (Report Ref: 9302.02.003) assessed the marshy grassland area currently designated under the SBI as swamp and marsh.

The NVC assessment confirmed that the best-fit community for this area is swamp and tall fen. However, none of the individual quadrats on the site achieved more than a very poor 'goodness-of-fit' affinity for this identified NVC community. It can therefore be concluded that the area does not represent a high-quality example of swamp and marsh habitats for which the SBI is designated for.

It is likely that the poor-quality goodness of fit affinity is due to the site beginning to dry out and successional scrub encroaching onto the marshy grassland area. There was also some affinity of the quadrats to neutral and acidic grassland habitat types which could also be because of the successional drying of the site and a reflection of different soil conditions.

When compared against the habitat descriptions for SBI selection, areas of marshy grassland, can qualify either under grassland guidelines or under the fen and swamp guidelines¹.

For grassland, two or more of the listed features should be exhibited to be considered SBI selection and the marshy grassland on site does exhibit this. This is based on supporting enough species from the guideline list (Table 2, Page 31) and the sward including a good distribution of forbs.

However, to be selected under fen and swamp, for which it is currently designated, one of the listed features should be exhibited to be considered SBI selection. The habitat on site does not meet this criterion. This is based on not supporting enough indicator species from the list (Table 3, Page 37). Therefore, the site, in its current state, would not be designated under fen and swamp within the SBI guidelines.

Moreover, the site in its current state, without intervention and management will likely dry out and become succeeded by scrub and eventually self-set trees, resulting in woodland. This would further result in the swamp and marsh habitats on site, for which the site was originally designated for, being lost.

Mitigation Strategy

Whilst acknowledging that the site is still currently designated as an SBI, a strategy has been devised to ensure that, although there will be some residual loss of the once priority swamp and marsh habitat, there will be some retention and enhancement of some of the SBI area. Mitigation for this loss of habitat has been addressed by the BNG Assessment.

Discussions with GMEU, throughout the application process, have formed the completion of the finalised BNG Assessment (Report ref: 9302.02.006 (V2)). Originally, TEP had classified the marshy grassland habitats on site to be other neutral grassland (ONG) due to species composition, referring to the UKHab Definitions V2. This was assessed to be in moderate condition according to the Statutory Condition Assessment Sheets.

Comments from GMEU on 24/09/2024 stated that it was thought that the habitats on site did not neatly fit into any UK Habitat Classification but most closely matched 'lowland fen' rather than ONG. This was therefore carried forward into the updated metric which has affected the baseline of

¹ <https://www.tameside.gov.uk/ecologyunit/sbi/guidelines.pdf>

the site, and has added more weighting to this habitat, with a bespoke compensation required for this loss due to lowland fen's very high distinctiveness category.

The BNG Strategy also involves the retention and enhancement of an area within the SBI to the east of Market Street. As part of the mitigation strategy, it is proposed that this area is enhanced via planting and translocation of marshy grassland lost to the development in the west of the site, to the area in the east. This was included as part of the on-site biodiversity gain strategy to achieve a gain where possible.

Furthermore, to achieve a 10% net gain, owing to a shortfall of units still on site, it has been agreed that the client will purchase biodiversity units from a local habitat provider. These units will be like for like lowland fen/swamp and marsh habitats, due to the trading rules and very high distinctiveness category, and therefore mitigation in the way of providing these habitats, albeit offsite, has been applied as part of this strategy.

The site currently would likely, as stated above, degrade to a state of successional scrub/woodland habitat and the swamp and marsh habitat would be lost, without proper intervention and management. This is unlikely to occur and be implemented by the council (as landowners) in the near future, due to lack of funding.

However, a portion of this habitat and the designated SBI site, as included with the BNG assessment for retention and enhancement, would be subject to a detailed 30-year management and monitoring plan should this application receive permission. This plan will include a specific management plan which will cover the chosen enhancement area to the east and will aim to achieve the specific target condition for the lowland fen habitat. The plan will include the methods and reporting processes to be used for monitoring the success of habitat enhancement and creation along with options for remedial intervention, where needed, if a habitat is not achieving its targeted condition. Roles and responsibilities, along with financial and legal requirements will also be included. Should the site be brought forward for development, following remediation, these roles and responsibilities will be passed on to ensure that the developer retains and manages this area for the stated 30 years.

To conclude, this application presents a unique opportunity to intervene and to create betterment via a £1.73m Brownfield Land Release Funding (which differs from previous development attempts) which will in turn create greater certainty to deliver housing (which the council is obligated to provide). Most importantly, for at least a portion of the designated area the application allows for the 30-year retention, management and monitoring of this habitat. In addition, it allows

for financial input into the creation and/or enhancement of other similar important swamp and marsh priority habitat within the district or county via the purchase of biodiversity credits off-site as part of the BNG requirements.