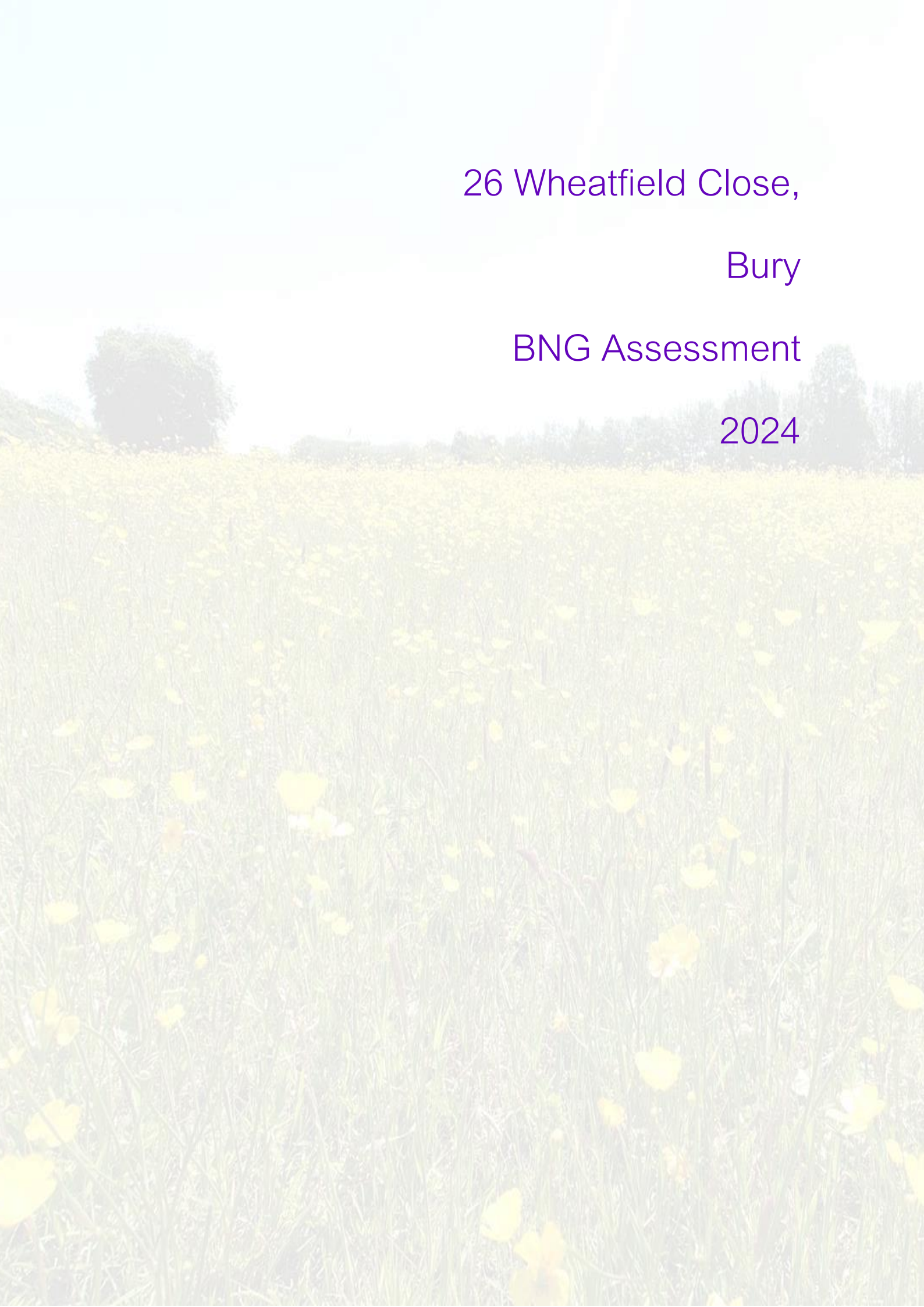




26 Wheatfield Close,

Bury

BNG Assessment

2024

Client Umar Hussain

Project Title Land at 26 Wheatfield Close, Bury

Project Reference RHE.4287

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Executive Summary

Development Details

The client is proposing residential development of land to the rear of 26 Wheatfield Close, Bury, hereafter referred to as the 'site'.

This report describes the predicted change in biodiversity units resulting from the proposals. Recommendations are provided so that the development is compliant with biodiversity policy and legislation.

Ecological Interest

The baseline habitats score 0.3 units. Proposed habitats score 0.03 units.

Outcomes

The proposed development is predicted to result in a net loss of 0.27 units (-91.5%). The trading rules are not satisfied due to the loss of habitats of medium distinctiveness (trees).

To demonstrate 10% Biodiversity Net Gain it will be necessary to seek off-site compensation. Biodiversity credits could be purchased from a third-party to achieve this.

1. Introduction

1.1 Project Brief

- 1.1.1 Rachel Hacking Ecology Limited was commissioned in 2024 by Umar Hussain to carry out an ecological appraisal of land at 26 Wheatfield Close, Bury, hereafter referred to as the 'site'. The site is located at O.S. grid reference: SD 80826 13273 (see Figure 1).

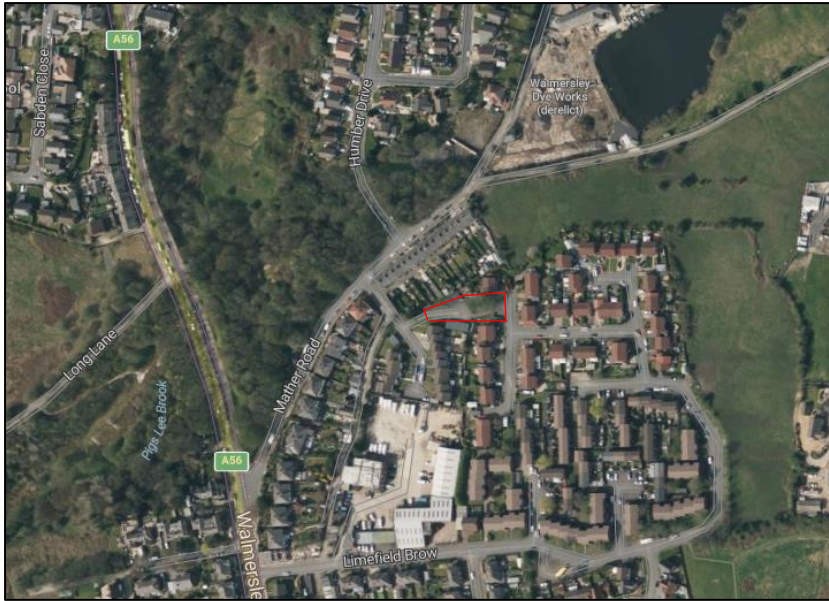


Figure 1. Map showing the location of the site (Bing Maps)

- 1.1.2 The proposed development site consists entirely of a small area of modified grassland. A hardstanding parking area is immediately to the west and a small residential street is to the east. The site is located in a sub-urban housing estate with woodland, agriculture and lakes in the surrounding area.

Description of Development

- 1.1.3 The site will be the subject of a planning application for the construction of a single residential property.

1.2 Scope of Work

- 1.2.1 The Client commissioned Rachel Hacking Ecology to undertake a Biodiversity Net Gain Assessment to quantify the predicted changes in biodiversity units resulting from the proposed development.

2. Methods

2.1 Extended Phase 1 Habitat Survey

- 2.1.1 Mark Ashton (Junior Ecologist) visited the site on 13th August 2024. The weather at the time of the survey was clear and warm with an average temperature of 22°C.

2.1.2 In accordance with JNCC guidelines¹ the site was walked over and the habitats and features of ecological interest were mapped and described. Habitats and features of particular interest were target noted.

During the walkover habitat and features were assessed for their suitability to support protected and notable species in accordance with CIEEM guidelines².

2.2 Biodiversity Net Gain Assessment

2.2.1 During the site walkover the ecological condition of each habitat was assessed in accordance with the Defra (2024) guidelines³. Habitat types recorded and mapped during the field survey were converted from the JNCC system to the UK Habitat Classification system⁴.

2.2.2 Habitat data including type, area (or length), condition and strategic location were uploaded to the Defra Statutory Biodiversity Metric Calculator spreadsheet to determine the baseline value of the site. The extent of any habitats to be retained or enhanced was also entered into baseline worksheets.

2.2.3 The post-development masterplan was interrogated to determine areas of hard standing, buildings, and associated infrastructure. New, retained and enhanced habitats were classified and allocated a target condition, based on habitat type, location and management input. This information was uploaded to the metric spreadsheet to obtain a post-development value.

2.2.4 The pre- and post-development values were compared to determine whether the yield of biodiversity units achieved a deficit or gain.

2.3 Mitigation Hierarchy

2.3.1 Mitigation measures should be embedded within the masterplan design and planning application process. Measures during the construction phases should be included in a Construction Environmental Management Plan: Biodiversity (CEMP). This process from proposal to implementation needs to consider the 'mitigation hierarchy' of avoid, reduce, compensate, and enhance:

- Aim to avoid negative effects through the design process.
- Mitigate if negative effects cannot be avoided.

¹ JNCC (2010). *Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit*. Joint Nature Conservation Committee, Peterborough

² CIEEM (2017). *Guidelines for Preliminary Ecological Appraisal*. Chartered Institute of Ecology and Environmental Management, Winchester.

³ The_Statutory_Biodiversity_Metric_-_User_Guide_.pdf (publishing.service.gov.uk)

⁴ Butcher, B., Carey, P., et al. (2020). UK Habitat Classification – Habitat Definitions V1.1. at <http://UKhab.org>

- Use compensation measures to offset residual impacts.
- Identify and implement opportunities to enhance biodiversity.

3. Baseline Habitats

Modified Grassland

- 3.1.1 Modified grassland extends to 0.018ha. Species include Cock's-foot *Dactylis glomerata*, Broadleaved Dock *Rumex obtusifolius*, Creeping Buttercup *Ranunculus repens* and Perennial Rye-grass *Lolium perenne*. The habitat is in poor condition as it fails criteria 1. Modified grassland scores 0.11 habitat units.

Individual Trees

- 3.1.2 Aerial imagery shows that two medium sized trees were present on site until 2023. In accordance with the statutory guidance, as these have been removed after January 2020, they are included in the baseline. Using the tree helper tool within the metric, the trees had an equivalent area of 0.0326ha. Assuming moderate condition the trees score 0.26 habitat units.



4. Proposed Habitats

- 4.1.1 The proposed landscaping plan from which the proposed measurements have been taken from is provided at Appendix 3.

4.2 Retained Habitats

- 4.2.1 No habitats within the redline boundary are to be retained post development.

4.3 Created Habitats

Developed Land/Sealed Surface

- 4.3.1 The proposed buildings on site cover an area of 0.05ha. This habitat is of very low distinctiveness and low strategic importance. Developed land; sealed surface has a condition assessment of N/A (pre-set within the Metric) and scores zero habitat units.



Vegetated Garden

- 4.3.2 Vegetated Garden in the proposed development will total 0.013ha. Condition is pre-set as poor within the metric. The habitat will provide 0.03 habitat units.

5. Assessment

5.1 Biodiversity Net Gain

Baseline Habitats

- 5.1.1 The baseline habitats score 0.3 habitat units.

Created Habitats

- 5.1.2 Post-development habitats are predicted to score 0.03 habitat units.

Summary

- 5.1.3 The proposed development is predicted to result in the loss of 0.27 habitat units (-91.55%).
- 5.1.4 The trading rules within the metric are not met due to the loss of habitats of medium distinctiveness (trees).

6. Recommendations

- 6.1.1 For the proposed development to achieve 10% net gain in habitat units it will be necessary to seek mitigation or compensation for any shortfall in units either by direct management of land by the applicant or the purchase of biodiversity units from a third party.
- 6.1.2 Scenario A is on-site mitigation, which will be required to achieve >0.33 units. If on-site mitigation is insufficient to deliver a post-development net gain for biodiversity, two other options are available:
- 6.1.3 Scenario B: the developer is unable to compensate all impacts on-site but is able to secure local compensatory habitat creation. This scenario is not modelled explicitly and would require making assumptions for what an individual development might look like.
- 6.1.4 Scenario C: the developer is unable to compensate on site and is unable to find local compensatory habitat in which to invest. Instead, they have to pay for their units through a biodiversity unit offsetting market. This could be The Environment Bank, or an organisation such as The Greater Manchester Environment Fund.

Appendix 1: Planning Policy & Legislation

National Policy

The National Planning Policy Framework (NPPF 2023) describes the Government's planning policy for England and how it should be applied. Within this framework, the requirements in relation to biodiversity are included within several policies. The two most relevant to individual planning decisions are Paragraphs 180 and 186, shown below:

- 180. Planning policies and decisions should contribute to and enhance the natural and local environment by:
 - a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local

environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 186. When determining planning applications, local planning authorities should apply the following principles:
 - a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
 - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Legislation

The Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000) includes the notification and confirmation of Sites of Special Scientific Interest (SSSIs). SSSIs can be notified for their floral, faunal, geological, or physiographical features. Protection against damaging operations and management of SSSIs is also included within the Act. Impact Risk Zones (IRZs) are zones around an SSSI account for the particular sensitivities of the features for which it is notified and identify development proposal which could have adverse impacts.

The Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000) protects native animals, plants and habitats. Under the Act it is an offence to intentionally kill, injure or take any wild animal listed on Schedule 5 and it is an offence to interfere with places used for shelter or protection, or intentionally disturb animals



occupying such places. The Act prohibits picking, uprooting or destroy any wild plant (or any attached seed or spore) listed in Schedule 8.

European Protected Species (EPS) such as bats, Hazel Dormouse, Otter, Natterjack Toad, Smooth Snake, Sand Lizard and Great Crested Newt are protected by the Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000) and the Conservation of Habitats and Species Regulations 2017. The Acts make it an offence to:

- a) Deliberately capture, injure or kill an EPS;
- b) Deliberately impair an EPS's ability to survive, breed, reproduce, rear or nurture young; to hibernate or migrate; or significantly affect the local distribution or abundance of the EPS.
- c) Possess or control live or dead EPS or any part of, or anything derived from a EPS;
- d) Damage or destroy a breeding site or resting place of an EPS;
- e) Intentionally or recklessly obstruct access to any place that is used for shelter or protection by an EPS;
- f) Intentionally or recklessly disturb a structure or place that it uses for shelter or protection that is occupied by an EPS.

All common herptiles are protected under the Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000). Grass Snake, Slow Worm, Common Lizard, Adder are protected against intentional killing or injury. Common Frog, Common Toad, Smooth Newt and Palmate Newt is protected against sale. In addition, all British reptiles, Common toad and Great Crested Newt are listed as Species of Principal Importance.

All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally kill, injure or take any wild bird or take, damage, or destroy its nest whilst in use or being built, or take or destroy its eggs. It is an offence to intentionally or recklessly disturb a species listed on Schedule 1 of the Act while they are nest building or at or near a nest with eggs or young, or to disturb the dependent young.

The Protection of Badgers Act 1992 makes it an offence to wilfully, or to attempt to kill, injure, take, possess or cruelly ill-treat a Badger, or intentionally or recklessly interfere with a sett. Interference of a sett includes disturbing badgers during occupation of a sett, or damaging or destroying a sett, or obstructing access to the sett.

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on every public authority to have regard to conserving biodiversity. Section 41 of the same Act requires the Secretary of State to publish a list of the living organisms and types of habitats that are of 'Principal Importance' for the purpose



of conserving biodiversity. The Secretary of State must take steps, as appear reasonably practicable, to further the conservation of those living organisms and habitats in any list published under this section. The list of species and habitats of principal importance currently includes 943 species and 56 habitats. These are the species and habitats found in England which are regarded as conservation priorities under the UK Post-2010 Biodiversity Framework

The Hedgerows Regulations 1997 protect 'important' hedgerows from destruction or damage. A hedgerow is 'important' if it (a) has existed for 30 years or more; and (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations. Under the Regulations, it is against the law to remove or destroy 'important' hedgerows unless permitted by the local planning authority.

The Environment Bill 2021 makes it mandatory for housing and development, subject to some narrow exemptions, to achieve at least a 10% net gain in value for biodiversity – a requirement that habitats for wildlife must be left in a measurably better state than before the development. Developers must submit a 'biodiversity gain plan' alongside usual planning application documents. The local authority must assess whether the 10% net gain requirement is met in order to approve the biodiversity gain plan.

The Environment Bill 2021 strengthens the duty on public authorities (NERC Act, 2006) to have regard to the conservation of biodiversity.

The Environment Bill 2021 amends the Wildlife and Countryside Act 1981 to introduce an additional purpose for granting a protected species licence in relation to development, 'for reasons of overriding public interest', and two additional tests for the granting of such licences: that there is 'no other satisfactory solution' and that granting the licence is 'not detrimental to the survival of any the population of the species concerned'. These changes will reduce the scope for unlicensed activities to provide clear safeguards before licences can be granted, providing legal certainty and clarity to developers about their environmental obligations.