

From: David Dutton <tameside.gov.uk>
Sent: 29 November 2024 11:10
To: Booth, Claire <bury.gov.uk>
Subject: Planning application 71145 Champion Mouldings

Hi Claire

Thank you for consulting the GMEU

Summary

The main ecological issue is biodiversity net gain. There is also a theoretical risk to bats and nesting birds.

Bats

The new storage building will impact the western elevation of the building it will link into. This appears to be a very low risk building based on aerial photography and is also a relatively new building constructed within the last 10 years. I am however unable to get any clear visualisation of this building from streetview or google earth. The building is also in high risk location given its proximity to the high value foraging habitat for bats associated with Swan Lodge and Hutchinsons Goint.

Current guidance states it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision (UK Government Guidance within the ODPM Government Circular 06/2005)

I therefore recommend that prior to determination photographs of the elevation of the building to be impacted upon are provided.

Nesting Birds

As for bats, birds could nest in either of the buildings within close proximity to the new build and be disturbed during construction. I am however satisfied that this risk is very low and can be dealt with via an informative along the following lines.

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

Section 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment. 10% BNG is mandatory under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021).

The development will result in the loss of amenity (modified) grassland to car parking. Currently no landscape proposals are provided, but the biodiversity net gain metric indicates wildflower grassland will be created.

The developer has stated in the application form that the development is exempt from the statutory general biodiversity net gain condition under the de minimis rule. This is incorrect, though the applicant appears to be aware of this given they have provided a biodiversity net gain statement and metric that demonstrates a net loss. *I recommend the application form is amended.*

The baseline value of the site has been calculated at 0.74BU, I have no issues with this calculation, with the bulk of the units due to trees (0.67 BU) within the amenity grassland that are retained.

I have a few recommendations for the post development values:

- Currently they proposed the creation of other neutral grassland in good condition. I assume this is located under the trees where no car parking is proposed. If this is the case it would be regarded as an enhancement ie part of the modified grassland is not been lost to car parking but enhanced to wildflower grassland;
- I do not however accept that good condition can be achieved for such a small area of grassland around car parking and under trees. Moderate condition is the highest I would accept;
- I also recommend more is done on-site to try and achieve 10%, the main option being the planting of 10 urban trees around the site would enable 10% to be achieved.

I therefore recommend that prior to determination, the biodiversity net gain proposals are reviewed and amended to increase the on-site mitigation measures as I believe 10% is achievable. I accept however that the applicant may prefer not to tie up potential operational land for 30 year with tree planting and prefer to purchase off-site credits. Given the shortfall is likely to be less than 0.1 units, it is very unlikely to be a constraint on the development.

David Dutton

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Place

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