

67243 – Land at Brownhills Close/Bury Road, Tottington

Summary

I accepted the findings of the ecological report previously, which is still valid. Issues relating to badger, bats, nesting birds, invasive species, protection of the Brook and the Kirklees valley and ecological mitigation can be dealt with via condition.

Age of Survey

The ecological report is still valid but as this is a reserved matters application and the report already a year old. Updates will likely be required prior to development. I therefore recommend a condition along the following lines is provided.

As part of reserved matters an updated Extended Phase 1 habitat survey will be supplied to and agreed in writing by the LPA

Bats

No direct impacts on bats is likely. At pre-application I noted the indirect risk that could occur if street lighting or other external lighting was directed towards the watercourse or woodland edge. The indicative masterplan shows a reduced impact to the site, with no likely impact on the Brook as the woodland is to be retained and the houses back on to the woodland thereby shielding the woodland edge from any streetlights. I am therefore satisfied that the risk are very low and given this is an outline application no further information is required at this time. Should the layout change at reserved matters further information may be required.

Badgers

It is suspected that badger forage on the site. No setts were however located. It is an offence under the Protection of Badgers Act 1992 to intentionally or recklessly interfere with a badger sett or to wilfully kill, injure, ill-treat, take or possess a badger or attempt to do so.

I therefore recommend that as part of any reserved matters application an updated survey for badger setts is provided and reasonable avoidance measure provide to protect badgers from accidental harm during construction. I recommend a condition along the following lines is applied to any permission.

As part of reserved matters an updated survey of the site and adjacent land where accessible for badger setts will be provided and a reasonable avoidance method statement provided to reduce the risk of harm to individual badgers during construction also provided supplied to and agreed in writing by the LPA

Nesting Birds

The development is likely to result in the loss of bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Invasive Species

Himalayan balsam, Japanese knotweed and monbretia were identified on the site all listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended). The Japanese knotweed appears to be potentially avoidable but I would still advise removal. As part of any permission, I would recommend a condition along the following lines.

As part of reserved matters a method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam, japanese knotweed and monbretia should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Protection of the Watercourse

There are risks during and post construction of negative impacts to the watercourse a tributary of the Kirklees Brook, flowing into the Local Nature Reserve.

The current layout indicates that risks during construction are very low with a significant buffer of vegetation retained between construction and the watercourse. I am satisfied that standard best practice during construction can prevent any impacts. ***As part of reserved matters I recommend a Construction and Environmental management plan is provided which includes a section relating to the protection of the watercourse.***

Post development it is proposed to discharge surface water to the Brook. There is therefore, the potential for negative impacts from increased discharge levels, increased levels of sediment and various pollutants. As part of reserved matters I would expect full details of the sustainable drainage measures proposed that demonstrate no negative impacts will occur. ***The details can be conditioned.***

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of a relatively small area of semi-natural habitat, with significant areas retained that provide scope for mitigation. As part of reserved matters I would recommend a biodiversity mitigation and enhancement plan is provided for loss of habitats and species interest, primarily bird. A condition along the following lines would suffice.

As part of reserved matters a biodiversity mitigation and enhancement plan will be provided including:

- ***Habitat enhancement measures on the retained site;***
- ***Landscaping within the developed site;***
- ***Mitigation and enhancement of the site for nesting birds***
- ***A 5 year management and maintenance plan***

Ecologist

GM Ecology Unit