

GMEU response

Summary

Ecological issues include bats, nesting birds, invasive species, proximity to the River Irwell and biodiversity net gain.

Bats

The PEA is unchanged from the previous application 69913. Two trees T8 a London plane and T11 were identified as having bat roosting features. Only T8 however will be removed to facilitate the development. Since the previous application an aerial inspection of T8 has occurred. This found no evidence of bats and demonstrated that the potential bat roosting features had negligible depth. This tree has therefore been downgraded to having negligible bat roosting potential. I have no reason to doubt the findings of the report. No further bat surveys are required.

As previously any external lighting should retain the River Irwell as a dark corridor. *A Condition in line with the previous permission 10 of application 63630 could be applied to any new permission.* I note however that an external lighting plan has been provided that indicates no lighting along the Irwell boundary with lighting columns restricted to the access road along the southern boundary of the site, which are LED and on a timer to dim from 10pm to 6am. If the lighting was restricted to these proposals, the previous condition 10 need not be applied from an ecological perspective.

Other Protected Species

Whilst located adjacent to the River Irwell, where otter and kingfisher have now been recorded and near to high value habitat for badger, the elevation of the site above the Irwell and habitat present, primarily former car park, makes the site very low risk for any such species. No further information or measures are required.

Nesting Birds

The development will result in the loss of trees and scrub, potential 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 precautionary working method statement for nesting birds by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA.

Invasive Species

A number of invasive species were identified on or adjacent to the site including Himalayan balsam, Japanese knotweed, variegated yellow-archangel and rhododendron all listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended). Three-cornered garlic was also recorded off-site.

Condition 8 of the previous application required a method statement for control and eradication. An application for discharge of condition 8 was made, with the GMEU accepting that this was a reasonable approach, whilst noting that other methods may be quicker.

Japanese knotweed appears to have been removed from the site. The updated ecological report was carried out at a sub-optimal time of year for plants, but did note that the knotweed appeared to have been removed, whilst balsam, rhododendron and variegated yellow-archangel were still present. The

method statement supplied for the discharge of condition 8 of 63630 does not appear to have been provided.

I recommend that the previously applied condition 8 is reapplied as the previously accepted method statement would require updating due to the knotweed control having commenced/completed.

Proximity to River Irwell

Condition 11 of the previous application is equally relevant to this application. No new information on drainage of the site during or post construction appears to have been provided. . *I therefore recommend that condition 11 of the previous application is applied to any new permission.*

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). Given the nature of the site, I previously accepted that mitigation was achievable on the site for loss of non-native trees and successional habitats and for loss of bird and bat habitat. The new application is however subject to mandatory biodiversity net gain with 10% net gain required. The applicant has however ticked that the application is exempt because it is a biodiversity gain site and brownfield. Neither however in my opinion apply. The site is clearly proposed for development (ie not for biodiversity net gain) and brownfield sites are not exempt.

A bng assessment has however been provided, therefore it appears the applicant has accepted that the development is not exempt. I therefore recommend the application form is updated accordingly.

The BNG assessment indicates a shortfall of 0.82 BU to achieve 10% net gain and has not as yet provided a river unit assessment which will apply to this site given development is occurring within 10m of the river. I recommend the following additional information is provided prior to determination.

- Provision of the river metric;
- Clarification on the rural tree element of the baseline as this indicates only small trees will be lost, whilst the arb report indicates medium sized trees will be lost (though some would fall within the woodland habitat);
- Updated post development information if now available;
- Information on how the developer intends to meet the general biodiversity gain condition (as the main losses are due to removal of trees, I would suggest efforts are made to retain more trees on the site) including information on how they would likely acquire off-site credits.

Measures for bats and nesting birds should also be provided.

Ecologist

Planning and Transportation

Place