

From: David Dutton
Sent: Tuesday, April 25, 2023 7:41 PM
To: Booth, Claire
Subject: Planning application 69398 Land adj to Bentley Hall Farm

Hi Claire

Thank you for consulting the GMEU

Summary

There are unlikely to be any significant ecological issues associated with this development.

Protected & Priority Species

The habitat to be lost, low to moderate ecological value grassland is unlikely to be of significant importance for the maintenance of the Conservation status of any protected species known to occur in Bury. The scale of the loss is also very low stated as 450sqm in the application, though it would appear slightly more unless the track was particularly narrow.

With regards the pond to the NE that even if great crested newts were present, which historic surveys failed to find, the risk of an offence would be very low. I would also assume given the scale of the field and size of the barn that the exact location is not critical and if for instance a badger sett was located, very unlikely given how wet the field appears to be on aerial photographs, the track or barn could be relocated away from the sett. There are no watercourses nearby that would provide the potential for otter or water vole and no structures or trees that may provide habitat for bats. I therefore believe that all that is required are informative relating to great crested newts and badger in the very unlikely event that they are present.

The applicant is reminded that under the Protection of Badgers Act 1992 it is an offence to intentionally or recklessly interfere with a badger sett. If a badger sett is found on or near the developments site work should cease immediately and a suitably experienced ecologist employed to advise on how best to proceed.

And

Whilst there is only a low risk of great crested newts being present, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill great crested newts. If a great crested newt is found during the development all work should cease immediately and a suitably licensed amphibian ecologist employed to assess how best to safeguard the newt(s). Natural England should also be informed.

With regards priority species such as lapwing, skylark, brown hare, common toad and hedgehog all of which could theoretically utilise the site, (with brown hare recorded in the past from this field (2012) and lapwing recorded in adjacent fields) I am satisfied that the scale of the development is such that the impact will not be significant though locating the barn closer to Bentley Hall Road would be preferable as it would reduce the percentage of the field subject to regular disturbance.

Nesting Bird

As noted above ground nesting birds may be present, though it appears no trees or shrubs will be lost. I am satisfied that the risks 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

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the permanent loss of 450sqm upwards of grassland. Given the amount of rush on aerial photographs parts of the field may qualify as rush pasture but the development is restricted to the upper slope of the field which lacks rush and is more likely semi-improved neutral grassland or SI poor grassland either a moderate or low ecological value habitat. Habitat creation is proposed in the form of 33 native trees. Whilst this would not be regarded as the correct habitat ie in terms of like for like, in terms of biodiversity units it does have the potential to fully mitigate depended on the baseline value and condition of the grassland. If low value grassland then mitigation would be easily achieved, if moderate ecological value grassland then it would depend on the condition. If poor ecological mitigation, net gain would be achieved above 10% but if moderate condition then only around 4% net gain achieved.

Given the baseline is around 0.4 Biodiversity units and net gain not as yet mandatory, I am satisfied that the landscape proposals are adequate and it would be unreasonable for such a low impact development to require a full biodiversity net gain assessment. I would also recommend inclusion of house sparrow or barn owl boxes on the new build.

The details can be conditioned.

David Dutton

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Place

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