

GMEU response

Summary

Potential ecological issues include nesting birds and mitigation for loss of a mature tree, hedgerow and brownfield land.

Protected Species

I am satisfied that it is very unlikely that there will be any protected species issues associated with this development. Whilst bats could theoretically roost in the mature tree, the tree appears healthy and the surrounding properties would provide much more likely roost locations. No further information or measures are required. I would note however that as part of a previous permission bat roosting mitigation was required.

Nesting Birds

The mature tree and lengths of hedgerow are proposed for removal 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 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.

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. The development will result in the loss of what is now brownfield land (a low value habitat) to buildings, hardstanding and gardens.

With regards biodiversity net gain this application was submitted prior to 10% BNG becoming mandatory for major developments (and is not mandatory for developments such as this until April 2024). I would however note that the development will not be capable of achieving net gain on the site as whilst brownfield is a low ecological value habitat, there will be a reduction in the percentage of the site that is vegetated, with the replacement gardens also low value habitat. There is also a loss of ornamental hedge, though this could be mitigated on site thorough planting of new hedges between properties and along the road frontage.

I would therefore recommend retention of the mature tree, planting on new native hedges (eg beech) and one new native tree along boundaries and provision of bird and bat boxes on the new build. I would therefore be satisfied that from a pre-BNG position section 180 of the NPPF was met. With regards BNG, whether or not to require such an assessment is subject to the weight that Bury LPA is now giving to this. The GMEU is aware that currently different LPA's are taking different approaches to the level of weight.