

67179 – Lake Hill, Walshaw Road, Bury

Summary

Ecological issues are unchanged from the previous approved application 65963.

Bats

Several small bat roost were found in 2020, in the annexe proposed for demolition. The existing permission requires a license from Natural England as part of condition 6. The bat report has been updated with following a one off survey in 2021. I note that this includes a plan based on a previous layout with regards to the location of new bat boxes, but this is not material to the permission as the principle is more than adequate and Natural England will be the final arbiters on whether adequate measures are in place.

The previous condition related to both the annexe and the main house where roost were also found, the latter according to the D & A proceeding under the existing permission. Part d) of the condition was put it because the main house is to be refurbished and therefore some of the roost present in the main building could potentially be avoided. The loss of the roosts in the annexe is unavoidable as the building will be demolished. I therefore recommend a condition along the following lines is applied to any permission.

The development is likely to cause harm to common pipistrelle bats as identified in the Bat Method statement for Lake Hill Report date 10/8/21 by Angela Graham Bat Consultancy Service and no part shall in any circumstances commence unless the local planning authority has been provided with either:

- a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or***
- b) a statement in writing form the relevant licensing body to the effect that it does not consider that the specified development will require a license***
- c) a statement in writing from the LPA that that specific part of the development will not impact on bats***

One mature tree was identified previously as having bat roosting potential. It is unclear whether this is one of the trees now proposed for removal.

Prior to determination I recommend that further information is provided on the bat roosting potential of trees proposed for removal

Badgers

The situation is unchanged from the previous permission, with no evidence of badgers but an updated survey required prior to any works on site. The previously applied condition 7 should be applied to any new permission.

Prior to development a survey of the site and within 30m of boundaries for badger setts will occur and the findings supplied to and agreed in writing by the LPA.

Nesting Birds

Unlike the previous permission, it appears that trees are now proposed for removal. 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

No new information has been supplied the 2016. My previous recommendations therefore still apply covered under condition 8 of the existing permission.

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. Previously the only ecological impact was loss of bat roosting habitat. The new proposal includes loss of trees and associated bird nesting habitat. Mitigation should also be provided for these negative impacts, through replacement tree planting and provision of bird boxes. Given the scale of the site, I am satisfied that mitigation can be achieved on site. I recommend a condition along the following lines is applied to any permission.

Prior to development a biodiversity enhancement and mitigation plan for loss of bat roosting and bird nesting habitat and loss of trees shall be provided to and agreed in writing by the LPA

Ecologist
GM Ecology Unit