

69485 – Land adjacent to 6 Bentley Lane, Bury

Thank you for consulting the GMEU

Summary

I am satisfied that ecological issues will remain unchanged since the previous applications.

Ecological Survey Information

An ecological report was provided for the original outline application. This report is now over 3 years old having occurred in November 2019. Normally a report of this age would be regarded as no longer valid. However, given the scale of the site less than 0.05ha and its previous assessment as a landscaped garden, I am satisfied that it would be unreasonable to request a new survey. No new information is required

Badgers

The GMEU is aware that badgers are still present in the wider landscape. Whilst the risk of an offence is very low, I recommend an informative along the following lines is applied to any permission.

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.

Nesting Birds

The garden landscape still appears to provide bird nesting opportunities (based on google earth). 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 is present on the adjacent development site and visible on streetview along Bentley Lane. It is listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended). Rhododendron was also recorded on this site but it is likely this is an ornamental variety. Only the wild type is listed under schedule 9 part 2. I therefore still recommend an informative along the following lines is applied to any permission.

It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as Himalayan balsam and Rhododendron ponticum are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.

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. I previously accepted that mitigation could be

achieved on site through suitable replacement planting and provision of bird boxes. I note that the new application states that bird boxes will be provided on the side elevations, the indicative landscape layout only however appears to illustrate lawns that along would be unlikely to fully mitigate for the loss of ornamental shrubs and hedge currently present. I would recommend provision of a native hedge along the rear boundary as mitigation for loss of the front hedge and house sparrow terraces on both the western and eastern ends of the proposed terrace. [The details can be conditioned](#)

Ecologist
GM Ecology Unit