

Ecology – GMEU response

Summary

Potential ecological issues include bats, great crested newts, nesting birds, other wildlife, invasive species and biodiversity net gain.

Validity of Ecological Reports

The preliminary ecological appraisal is now approaching 3 years in age and more than 3 years since the original field survey and the last review in January 2023, under best practice guidance the report is no longer valid. I have however been on-site and accept that the baseline habitats are generally unchanged, other than the grassland likely to be slightly more rank and with evidence of some natural succession. I am therefore willing to accept the general findings of the PEA are unchanged.

I will deal with specific issues regarding species surveys below.

Bats

For the previous withdrawn application, there was disagreement on the validity of the emergence surveys of the buildings, which was not resolved prior to withdrawal of the application. The applicant wished for updated surveys to be conditioned, I recommended subject to confirmation from my line manager that the updates were required prior to determination. An additional 9 months have now passed since my previous recommendation and one full survey season. The developers own consultant previously recommended updated surveys if development was delayed beyond May 2025.

Current guidance states it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision (UK Government Guidance within the ODPM Government Circular 06/2005)

I therefore recommend that prior to determination updated dusk surveys of the buildings are provided or sign posted if I they are present and I have missed them.

Hibernation surveys of the building found no evidence of bats. I have no reason to doubt the findings of the report. No further hibernation surveys are required.

Trees previously assessed as having bat roosting potential have now been subject to tree climbing inspections. Two trees could not be ruled out as requiring further survey, T1 and T2. However, both are within the wooded area and currently shown as retained. No further surveys are therefore required at this stage. Six additional trees, T3 – T8, also in the woodland were assessed as requiring soft-felling techniques should removal be required. Whilst, some are clearly retained, others are on the edge of the wood, as different tree numbering systems have been utilised in the arb report and aerial bat assessment report, it is not totally clear whether all will be retained.

Whilst the applicant could provide clarification, a condition could also be applied requiring any tree classed as PRF-I is felled utilising soft felling techniques. I am happy for the applicant to determine how they would prefer to deal with this issue.

Great Crested Newts

For previous applications entry in to DLL (District Level Licensing) has been accepted, given the presence of known great crested newt ponds just off-site. I assume the new application intends to carry on utilising DLL. *Prior to determination, please seek clarification that this is still the intention.*

Nesting Birds

Trees and shrubs will be lost, potential bird nesting habitat. The buildings also appear to provide potential bird nesting opportunities. 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 or building works commence 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.

Other Wildlife

It appears likely that some cutting back of scrub will be required, potential habitat for species such as hedgehog and common toad both UK Biodiversity Species as well as other amphibians and small mammals. During my site visit I also noted raised flags around the building that would provide potential refugia for amphibians. I therefore agree with the consultant that reasonable avoidance measures should occur during site clearance to avoid unnecessary suffering. I recommend a condition along the following lines is applied to any permission.

Prior to any vegetation clearance or earthworks a reasonable avoidance measures method statement for mammals such as hedgehog, amphibians and other wildlife covering both the site clearance and construction phases will be provided to and agreed in writing by the LPA

Himalayan Balsam and other invasive species

This invasive species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) was recorded on the site. During my site visit, I also noted the presence of a *Cotoneaster* spp, certain *Cotoneaster* are also listed under schedule 9 part 2. There is a risk that seed or plant material could be translocated off-site and an offence committed. I therefore recommend a condition along the following lines is applied to any permission.

*Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam and *Cotoneaster* spp should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.*

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

Section 187 of the NPPF 2024 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).

The development will result in the loss of the existing buildings, low to moderate value grassland, individual trees and minor losses to scrub habitat. Wildlife issues include loss potential bat roosting habitat, nesting bird opportunities, and potential amphibian terrestrial habitat.

A biodiversity net gain assessment and metric have been provided. These indicate a failure to achieve 10% net gain on-site. With the purchase of off-site units proposed to cover the shortfall. I have no issues with the broad over-arching strategy. I do however have some issues with the baseline:

- Having visited the site and checked against historic mapping, I do not regard the woodland on-site as being Lowland mixed deciduous woodland. It is clearly landscape planting that

has naturalised, with no woodland likely present prior to the building of Spurr House and the species present indicative of a local planting schemes when the land around Unsworth and the Hillock Estate was developed ie the large willows. It also does not fit the description of lowland mixed deciduous woodland, which would be expected to have either a relatively typical canopy or ground layer, neither is the case. I therefore would regard the woodland as other broadleaved woodland;

- I do not regard the wooded area as formally identified in a local strategy. It is not covered by the Bury UDP wildlife links and corridors or fall under any other Bury designation. It is also does not fall under land allocated under the GM LNRS. All land within the developments site is in my opinion of low strategic value;
- There is a mismatch between the arb report and BNG assessment on the size of trees lost and potentially the number of trees lost. Only 14 small trees are recorded as lost by the BNG assessment with one medium retained. The arb report however indicates at least 5 trees recorded as lost in the BNG report are medium and indicate 21 tree will be lost overall, (though some may be from within the woodland). I therefore recommend the BNG assessment and arb reports conform to the same size categories with amendments to the BNG baseline assuming at least some of the lost trees are medium sized.
- I generally accept the other baseline habitats are accurate, though you could question whether or not the modified grassland is now technically other neutral grassland based on the UK Hab guidance of any modified grassland abandoned for more than 2 years is no longer modified. Having seen the grassland however, I am happy to accept the grassland is still low value. With regards the condition of the woodland, I would accept fairly poor as opposed to moderate condition as whilst technically it is just in to moderate based on score, it is a very atypical bit of woodland gaining many of its points from the easier/automatic categories.

With regards post development, I have the following issues.

- I do not feel that lowland deciduous woodland can be enhanced/created from what I regard as other broadleaved woodland. I would however accept fairly good other broadleaved woodland as being achievable;
- I would not regard other neutral grassland being created through enhancement of the retained modified grassland as desirable or sustainable, given it will be a thin band of amenity space around the building. I would recommend they go for enhancement of condition only through use of wildflower lawn mix. I aim for modified grassland in moderate to fairly good condition;
- Of the 30 trees proposed at least 5 and potentially 9 are located with the retained woodland and therefore should not be counted.

I therefore recommend that prior to determination the BNG assessment is reviewed and my amendments either incorporated or rebutted. I would however note that overall this will not significantly change the overall outlook, with potential minor amendments to the units required off-site.

With regards to the on-site proposals, some of the proposals are significant as defined by defra, therefore a 30 year Habitat Management and Monitoring plan controlled by condition or legal agreement will be required. I have no strong views if my recommendations are taken on board whether a condition or section 106. If the developer is determined to stick with their proposals I would recommend a section 106 as the other neutral grassland is significant and high risk.

I have other minor technical issues regarding tree identification on the site and tree planting proposals. Neither impact on the net gain calculations and when I carried out my site visit, I did not

closely examine the trees, so I could be wrong, but the birch did not appear to be silver birch, I was unsure but was not considering silver birch, wondering whether downy birch or non-native birch. I also took the large willows in the woodland to be white willow not crack willow based on the growth form. I did not however look closely at the leaves. With regards the tree planting proposals, I would recommend more locally native species are utilised. This can be resolved via condition.

With regards to wildlife, I recommend bird and bat box provision on either the new build or retained trees and recommend creation of hibernaculum in the woodland for amphibians. The details can be provided via condition.