

From: David Dutton [mailto:david.dutton@tameside.gov.uk]
Sent: 16 June 2022 00:22
To: Clapworthy, Dean <D.Clapworthy@bury.gov.uk>
Subject: Planning application 68368 Land at York Street

Hi Dean

Thank you for consulting the GMEU

Summary

The ecological issues are well known for this site including proximity to the River Irwell, nesting birds, invasive species and biodiversity mitigation and enhancement with an existing permission in place.

Protected Species

Previous surveys now no longer valid from 2009, 2011 and 2013 found no evidence of protected species, though it was assumed that otter, kingfisher and bats utilise the River Irwell as a wildlife corridor. Similar surveys by the Environment Agency for flood alleviation schemes found no evidence of protected species residing on or adjacent to the site.

An updated valid survey has been provided. This found evidence of otter having utilised the river adjacent to the site and a mammal hole located. This is not surprising as there have been numerous sightings up and downstream of this site (primarily just upstream) in the last two years, this section of the River Irwell appearing to form a core area for this species. No holt has however been located. The consultant has recommend further more detailed otter survey to determine the extent of otter activity on or adjacent to the site. I support this proposal as otter are European protected species and 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)

Prior to determination I therefore recommend further surveys for otter are provided to and agreed in writing by the LPA

No further information is required for any other protected species.

Nesting Birds

The site has now been primarily cleared of nesting habitat, though additional trees are proposed for removal. Given the history of this site however it is feasible that by the time development commences the site may again have significant scrub. Certain species also like to nest on bare ground.

No works to trees or shrubs shall occur or earth 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.

Invasive Species

Japanese knotweed, giant hogweed and himalayan balsam are confirmed as still present but now restricted to the perimeter of the site. Given again the history of this site with invasive species spreading and then being removed, I recommend a condition along the following lines is applied to any permission.

Prior to any earthworks an updated survey for invasive plant species including japanese knotweed, himalayan balsam and giant hogweed will occur and the finding supplied to and agreed in writing to the LPA. If invasive species are still present a method statement detailing avoidance, control and eradication measures should also be supplied to and agreed in writing by the LPA, prior to any earthworks.

Protection of River Irwell

The Water Framework Directive requires environmental objectives be set for all surface and ground waters to enable them to achieve good status or potential for heavily modified water bodies by a defined date. One objective is to prevent further deterioration, which can include changes to flow pattern, width and depth of channel, sediment availability/transport and ecology and biology. There are risks during and post development on the ecological potential of the River Irwell being negatively impacted upon primarily as a result of increased levels of pollutants and sediment and an increase in the volume of surface water draining off the site.

The construction management plan provided locates the wheel wash and parking areas close to the river. This appears to be unnecessary and previous application have located well away from the river. The main risks however are from the works to reprofile the river bank. These issues can be resolved through implementation of best practice such as silt fencing, 'nappies' on any vehicles working along the river bank etc I therefore recommend either a standalone condition or a Construction and Environmental Management plan that includes measure to protect the River Irwell. If a standalone condition is preferred, I recommend one along the following lines.

No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the River Irwell from accidental spillages, dust and debris has been supplied to and agreed by the LPA. All measure will be implemented and maintained for the duration of the construction period in accordance with the approved details.

I also recommend the wheel washing area is located well away from the River.

Post development previous application have proposed discharge of surface water to the River. I was unable to find information indicating what the drainage proposals will be but assume a similar approach will be required. Whilst the technical solutions to restrict flows and intercept pollution and sediment exist they are beyond my expertise to advise on. ***I recommend that prior to determination Information should be provided that as a minimum demonstrates a commitment to prevent negative impacts, with full technical details provided via condition***

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 new proposal includes far less open space than the existing permission around the housing with an open space proposed to the north. I am aware that this is in part a result of the developer giving up land for the Radcliffe and Redvales flood defence scheme, but this does not over-ride the guidance within the NPPF on contributing to and enhancing the natural environment. I would recommend a wider strip along the Irwell is retained with the reduction in open land kept to the southern, western and northern boundaries.

In terms of the level of ecological mitigation required, the previous ecological baseline from 2013, for the existing permission, should not be regarded as valid, with best practice guidance recommending that any survey over 3 years of age should be updated. The baseline in my opinion is the April 2020 survey submitted with the previous application. This is in line with draft guidance from defra that states where land has been cleared after the 1st January 2020, the habitats present prior to clearance should be taken as the baseline. Whilst no phase 1 habitat map is provide the aerial photograph and my own knowledge of the site having visit in January 2020, indicated that nearly all the site was vegetated in various stages of succession primarily open mosaic habitats, tall ruderal vegetation and scrub. These habitats whilst widespread have moderate ecological value and covered a large area, several hectares. They would have been regarded, in general as being in poor condition, with locally dense infestation of invasive species.

Without mitigation the development would therefore be contrary to the NPPF. The land to the north has the potential to provide some mitigation but is already vegetated a mixture of neutral grassland and scrub and is proposed as public open space which will limit its potential to reach good ecological condition. Whilst it could be enhanced it is unclear whether it would be capable of providing adequate mitigation. ***I therefore recommend that prior to determination more information is supplied, to demonstrate that mitigation and enhancement can be achieved on-site using aerial from 2020 to establish the baseline in the southern part of the site.*** This should be demonstrated through the use of the defra off-set matrices version 3.1

Species mitigation for otter and nesting birds should also be provided. The details can be provided once the level of interest is more clear.

Once adequate mitigation is agreed this should be dealt with via a Landscape and Environmental Management plan.

David Dutton

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Planning

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Place

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