

GMEU response

Summary

Ecological Issues include nesting birds, wall cotoneaster and biodiversity net gain.

Bats

An updated bat assessment has been provided. As previously the building was assessed as having negligible bat roosting potential. I have no reason to doubt the findings of the report. No further information or measures are required.

Nesting Birds

Bramble scrub will be lost, 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 scrub removal shall occur between the 1st March and 31st August in any year unless a precautionary working method statement for nesting birds by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA.

Wall Cotoneaster

This species is listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended). It is an offence to introduce or cause to grow wild any plant listed under this schedule. Only one specimen was however recorded, the site would not be regarded as wild and this species is primarily an issue in calcareous areas. I am therefore satisfied that the risk of an offence is very low and that all that is required is an informative along the following lines.

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 wall cotoneaster are included within this schedule. If any such species will be removed from the site a suitably experienced consultant should be employed to advise on how to avoid an offence.

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. 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 an area of bramble scrub and associated bird nesting habitat. The consultant has also taken in to account previously cleared vegetation along the frontage in line with government guidance. This included a line of likely leylandii and two trees facing on to Bury Old Road. Wildlife issues are restricted to loss of bird nesting opportunities. New soft landscaping is proposed along the road frontage.

The development is subject to general biodiversity gain condition. A BNG assessment and metric have been provided. These indicate that off-site compensation will be required for area based habitats, to cover a shortfall of 0.28 units. There is a net gain of linear units in excess of 10%. Whilst the loss is small and therefore off-site compensation should not result in an obstacle to the discharge of the general biodiversity gain condition, I would recommend one point of clarification.

The consultant has correctly identified the line of tree and trees along the frontage and taken a precautionary approach based on google earth. I have no disagreement with the line of cypress trees that were lost having a condition of poor.

There is however potentially evidence that the two trees on the frontage could be assessed otherwise, based on historical streetview imagery, which show both the trees lost to be sycamore. They also appear not to have reached maturity or to have any ecological niches. Second, it is also arguable that they form part of a hedge with trees. I am therefore willing to accept an amendment to the baseline for this habitat, should the ecological consultant on viewing historical streetview, assuming this has not already been reviewed. If the ecologist is still however satisfied that their initial assessment was correct following this review, I will accept their conclusion. *I recommend the review is provided prior to determination.*

I recommend provision to a bird box on one of the mature trees adjacent to the site. The details can be provided via condition.