

From: David Dutton
Sent: Tuesday, December 19, 2023 12:06 PM
To: Clapworthy, Dean <D.Clapworthy@bury.gov.uk>
Subject: Planning application 70303 Land at Burns Ave

Hi Dean

Thank you for consulting the GMEU

Summary

Potential ecological issues include nesting birds, invasive species and biodiversity net gain.

Protected Species

The site is a very small plot, consisting of an ecologically isolated previously overgrown garden. It is very unlikely that there will be any protected species issues with this site, though bats may forage over it. No further information or measures are required.

Nesting Birds

Site clearance appears to have already occurred but trees and scrub may still be present, 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 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

The site is low to moderate risk for species such as Japanese knotweed. I therefore recommend an informative along the following lines is applied to any permission.

The applicant is reminded that 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 Japanese knotweed and Himalayan balsam 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 & Biodiversity Net Gain

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of what was part of the garden now fenced off from the existing dwellings to a dwelling and garden. There will therefore be a net loss of vegetated habitat. Previously I recommend mitigation in the form of a native tree such as silver birch and inclusion of a bird and bat box in the new build. As biodiversity net gain is not as yet mandatory such an approach could still be taken.

However, now Places for Everyone (PfE) has been through Inquiry, thematic policies in the plan can now be given 'great weight' in planning decisions. This includes the BNG Policy. In addition, BNG will be mandatory for this type of development around April 2024 and is of a scale that is unlikely to exempt the application from providing a net gain assessment. (Current guidelines are that the exemption threshold will be 25 sqm). Guidance also notes that development sites where clearance

occurred after January 2020 should regard the sites baseline value as that pre-clearance. In this case however whilst clearance has occurred, it would not change the baseline value as vegetated gardens have the same value no matter the number of trees and shrubs, ponds etc. The baseline value of this site will therefore be approximately 0.045 biodiversity units with a post development value of around 0.015 BU a loss of around 0.03BU equivalent to off-site compensation valued at £480.

I am therefore minded given that BNG is not as yet mandatory to recommend a condition along the following lines is applied to any permission.

Prior to development a biodiversity mitigation and enhancement plan including one native tree a bird and a bat box will be provided to and agreed in writing by the LPA

David Dutton

Ecologist

Planning

Planning and Transportation

Place