

From: David Dutton
Sent: Monday, October 30, 2023 5:50 PM
To: Clapworthy, Dean <D.Clapworthy@bury.gov.uk>
Subject: Planning application 70135 99 Bury New Road

Hi Dean

Thank you for consulting the GMEU

Summary

Potential ecological issues include nesting birds, invasive species and mitigation for loss of garden habitat.

Protected Species

I am satisfied that the site is very low risk for protected species. No further information or measures are required.

Nesting Birds

The development will result in the loss of trees and shrubs, 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

Gardens such as this are moderate risk for species such as Rhododendron, monbretia and certain species of Cotoneaster. All are potentially included within schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended, (not all Cotoneaster spp are listed under schedule 9 part 2). It is an offence to introduce or cause to grow wild any plant listed under this schedule. Given the garden would not be regarded as wild and the scale of the development, I 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 monbretia, rhododendron and certain Cotoneaster spp 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 and 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.

The development will result in the redevelopment of approximately 0.0365 ha of garden, to garden and building, including the loss of garden shrubs and associated bird nesting habitat. New shrub planting is proposed along the garden frontage. If assessed against biodiversity net gain, mitigation

on-site is not possible as the habitat present is garden an automatically low condition habitat, to be replaced with a smaller area of garden and building the latter a no value habitat. However, biodiversity net gain is not as yet mandatory, though as noted above it should be given 'great weight and the scale of the development may be exempt from BNG once mandatory as the threshold at consultation was expected to be between 100 sqm and 2500 sqm. I am therefore inclined not to accept that in this instance biodiversity net gain is not as yet required and recommend that mitigation is achieved on site, through planting of a native hedge along the frontage (beech, holly, hornbeam and hawthorn are options) , one native tree such as silver birch or rowan and provision of two bird boxes on the new builds eastern or western elevations.

The details can be conditioned.

David Dutton

Ecologist

Planning

Planning and Transportation

Place

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