



The Wildlife Trust for Lancashire Manchester & North Merseyside



The Barn, Berkeley Drive, Bamber Bridge, Preston, Lancashire, PR5 6BY
T: 01772 324129 **E:** info@lancswt.org.uk **W:** www.lancswt.org.uk

Development Management
Town Hall Knowsley Street,
Bury,
Lancashire,
BL9 0SW

27th May 2025

FAO Helen Leach

Dear Ms Leach

RE: PLANNING APPLICATION: 71867/25 | LAND BOUND TO THE NORTH BY BRIGHTLEY BROOK, PILSWORTH FISHERIES, PILSWORTH ROAD & HEYWOOD DISTRIBUTION PARK; THE WEST BY WHITTLE BROOK; THE EAST BY BIRCH INDUSTRIAL PARK & AGRICULTURAL FIELDS; AND THE SOUTH BY THE M62 CORRIDOR

I have had the opportunity to view the above planning application on behalf of the Lancashire Wildlife Trust, and I would like to make known the Trust's concerns and objection to the planning application as it stands. My main area of concern is the lack of compensation provided for Section 41 ground nesting birds such as Lapwing and Skylark, leading to the loss of these important bird species from the development area. I also feel that there is missing/insufficient information relating to the Biodiversity Net Gain (BNG) metric and habitat surveys, which needs to be provided to fully assess the impact of the development on existing ecological features. My concerns are detailed below.

Breeding and Wintering Birds

I note that not all the land was accessible to survey. It would be useful to know which areas were not surveyed in detail and any implications for the accuracy of the survey due to areas being surveyed from a distance. I believe that the precautionary approach needs to be employed in these circumstances and where breeding is probable or possible, then it should be assumed that breeding did occur and assessments on impacts based on this assumption.

The data provided by the 2024 breeding bird surveys show that the habitats within the development site support a range of important Section 41 priority bird species, including vulnerable ground nesting species such as Lapwing and Skylark. The surveys indicate that Lapwing were holding seven territories, with Skylark holding nine territories. I note that paragraph 11.212 within the biodiversity section of the EIA concludes that these species are believed to be present but in low numbers. I would question the assessment that seven territories for Lapwing and nine territories for Skylark represent low numbers for these important species. Lapwing especially, whilst widely dispersed within Greater Manchester are rarely found in great numbers. As an example, the fields around Elton reservoir in Bury support 18 pairs of Lapwing and this represent one of the largest concentrations within Greater Manchester. The Elton reservoir site is considered to be of regional importance for this species. Given the low frequency of breeding Lapwing within GM I would say that seven territories is a sizeable number to be recorded within any one site. It is however unclear, how many of the territories were recorded within the development area. Figure 11.13 does identify the survey routes and information is provided as to which of the routes Lapwings were recorded on. However, the routes crossed over and beyond the development boundaries into the wider survey

area. I could not find any maps or data showing where individual territories were located. It may be that figure 11.14 referred to within the survey report contains this information, however, I could not locate figure 11.14 within the documentation on the planning portal nor any field notes or maps relating to the location of bird territories. This information would be especially useful in predicting potential impacts on bird territories.

Outside of the Section 41 priority bird species, I would also call attention to the potential impact on breeding Oystercatcher, a species classified by the International Union for Conservation of Nature (IUCN) as vulnerable as well as breeding Sedge Warbler which the IUCN classify as near threatened. Of the S41 priority species, I feel that Skylark and Lapwing are two of the most vulnerable species present and that the proposed development has the potential to adversely impact these important and declining species. As well as being listed as a priority species, it should be highlighted that Lapwing are also categorised by the IUCN as endangered as a breeding species and as vulnerable as a non-breeding species. Both Skylark and Lapwing are dependent on large open and undisturbed fields within which to nest. They are particularly vulnerable to disturbance from humans and dogs and are intolerant of the presence of building and trees, which can harbour predators. Ground nesting birds such as Lapwing and Skylark could therefore be seriously impacted by the loss of large areas of the agricultural grassland habitat that currently occupy the site.

Whilst the provision of habitats within the outline plan cannot yet be fully determined, it is clear that any retained or created habitats will be limited to narrow corridors between the development zones. The outer buffer zones appear to be designed to form a park-like landscape with tree planting and recreational provision. This type of mitigation is unsuitable to support ground nesting birds such as Lapwing and Skylark. The outcome of any compensation package must be to ensure that important species are safeguarded but also to promote increases in populations and reverse the current catastrophic declines of our farmland birds. It is not at all clear within the suite of mitigation/compensation proposals outlined within the EIA that ground nesting birds such as Lapwing and Skylark are being compensated for the loss of breeding habitat. Paragraph 11.214 within the EIA does identify that impacts arising from the construction phase will have adverse impacts on Species of Principle Importance, such as Skylark and Lapwing. Primary mitigation measures identified within the EIA include habitat retention, particularly around the Whittle Brook corridor, but this relates only to Barn Owl and not ground nesting birds. Secondary mitigation appears to relate primarily to the provision of nesting opportunities for Barn Owl, House Sparrows and Swifts. Whilst this is important, again there appears to be little mitigation/compensation for ground nesting birds. Paragraph 11.225 of the EIA also outlines that in addition to nesting resources, mitigation for the loss and severance of habitat needs to be considered and incorporated into the landscape design of each development plot. However, as I outlined above, this is unlikely to be suitable for ground nesting birds. I therefore disagree with the residual impact assessment that there is likely to be a direct, permanent, long-term, beneficial residual effect. Whilst some birds might benefit slightly from the mitigation/compensation described, it is clear that important S41 bird species will be lost without a tailored compensation package that can fully support the number of territories of Lapwing and Skylark lost to the development. The Trust believes that it can no longer be acceptable to take the view that birds have wings and can therefore move to other areas. This approach has led to the widespread declines of farmland birds. The impact of the development on these species therefore needs to be identified in greater detail and compensation strategies provided that will seek to protect and enhance the populations within the immediate area.

I note that the biodiversity section of the EIA, paragraph 11.101 assesses the future baseline of the habitats if the development were not to proceed. The future scenario describes potential changes in farming practices, which could result in adverse impacts to the existing habitats. This is pure conjecture and describes an extremely negative assessment of the future management of the land. In fact, given the increased rates being offered under the new government ELMS schemes, it is likely

that stewardship uptake is increased, which would benefit the existing biodiversity resource, including ground nesting birds. The future baseline without development is therefore likely to include the continued presence of breeding Lapwing and Skylark within the agricultural fields.

I am also concerned that the proposed compensation for the loss of woodland habitat within the development area might also adversely impact off-site breeding Lapwing and Skylark. The BNG assessment indicates that off-site provision for the loss of woodland habitat will be undertaken on land within the landowner's control. I would strongly advise that any land targeted for woodland planting to compensate for on-site losses should first be surveyed for ground nesting birds and the suitability of the land as habitat bank for woodland planting determined by the presence or absence of species such as Lapwing and Skylark. Tree planting schemes should therefore be carefully planned and take account of the needs of ground nesting birds. Whilst the replacement of tree loss is important, the Trust would also point out that BNG is not a numbers game and compensation must provide the best outcomes for biodiversity. This could be achieved through the provision of grassland managed to improve species richness and that can specifically be managed for priority species such as Lapwing and Skylark.

Other Species Surveys

With regards to the surveys of other species, I note that the bat survey report identified that based on the species present, activity recorded, and overall score achieved, the assemblage of bats is of regional ecological importance. However, the biodiversity section of the EIA paragraph 11.71 only assesses the project area as of local ecological importance for bats. Paragraph 11.71 should therefore be amended.

Regarding badgers, I would also suggest that as well as Natural England, the local badger group is involved in the design of the mitigation scheme and that their views and opinions on the outcome of the development and the specific species mitigation plans are taken into consideration.

Biodiversity Net Gain and Habitat Surveys

I am unclear as to what methodology has been employed to undertake the habitat surveys. Appendix 1 of the BNG assessment report implies that the survey followed an extended phase one habitat survey methodology, with reference to the habitat definitions within the UKHabs. I would point out that it should not be standard practice to translate phase one survey data into UKHabs. The translation tool within the BNG metric expressly advises that *'the tool is intended for historic data. Any suggested translation between phase one habitat and metric habitat should not be considered a rule – there may be circumstances where a more appropriate metric habitat maybe chosen*. This might seem a small point, but UKHabs is a much more nuanced approach to habitat classification than phase one and some detail may be lost by using the translation tool.

The metric itself is provided in a form that is difficult to view and impossible to interrogate. The metric should therefore be provided as an excel file. It is also difficult to locate some of the required information, and I am unsure if this is missing from the application documents. The BNG assessment and habitat survey report refers to the baseline condition assessments within appendix 3. However, appendix 3 refers to an attached statutory metric condition assessment excel spreadsheet, which I have not been able to locate. Appendix 4 provides post development conditions for 'other neutral grassland' and 'other scrub' habitats but does not include any other post development habitats. Appendix 5 provides an assessment for the hedgerows, but I would question if this has followed the required BNG assessment under UKHabs. The report indicates that the hedges have been assessed using the hedgerow survey handbook. If this is the case, then it will also be necessary to complete the UKHabs condition assessment sheets for the hedgerow habitat. All of the baseline condition assessment sheets should be provided as part of the planning application.

I would also question the baseline classification of some of the woodland areas. Some of the woodland blocks have been classified as w1g 'Other Broadleaved Woodland'. This woodland type is defined within the UKHabs manual as stands of woodland that do not meet the definitions of woodlands w1a to w1f. They include non-native stands of trees and self-seeded Sycamore. None of the descriptions of the woodland areas nor the photographs supplied indicate that non-native species are dominant in any of the woodland canopies. My feeling is that all the stands described should be categorised as w1f7 'other lowland mixed deciduous woodland'. This would obviously increase the baseline metric value of the habitats and increase the number of units required to compensate for the loss of existing woodland cover. I would recommend that the Greater Manchester Ecology Units views are sought on this matter.

I also note that the baseline condition of the streams within development area has not been fully assessed. Appendix 1; A1.10 – states that the assessment was not provided as the potential impacts on the water course are unknown. This, I feel, is contrary to the mandatory requirements under BNG. A full description and baseline condition assessment of all the baseline habitats within the development area must be provided prior to determination of the application. My feeling is if this is not possible, then a precautionary approach should be taken, and the condition assessment of the baseline habitat should be recorded as 'good'.

I would agree with paragraph 3.13 of the BNG assessment that multiple ponds should be created rather than taking an area-based approach to the provision of replacement pond habitat.

Appendix 2.4: EIA Briefing Note: Peat

I note the information within the peat briefing report. Whilst I admit I am no expert on this matter; I would be concerned if there are sand lenses that connect the peat soils within the development area to peat deposits without the development site as this might lead to drainage of adjacent peat deposits. I would recommend that Natural England's advice be sought on this matter.

With regard to the section on loss of biodiversity, the report identifies that the peat deposits are predominantly under modified grassland and that there were no habitats identified typical of a peatland. I would, however, draw attention to the inspector's report for the Places for Everyone inquiry. The inspector concluded that peat soils under agricultural grasslands should be considered as an irreplaceable habitat. It is irrelevant that the overlying land use is modified grassland. The presence of any area of restorable peat is what is important. It should be noted that peat can be restored to fen habitat if bog habitat is not feasible and this would help to lock up the carbon within the soils, preventing the release of damaging greenhouse gases.

I would query the conclusion that, as the peat resource within the assessment boundary is on a similar scale as the peat recorded within the DCO assessment for the Simister Island improvement works, this should therefore be considered as not significant. The cumulative impact of the loss of peat soils from both developments is 6,280 TCO₂e. I would recommend that every opportunity to safeguard internal peat deposits should be taken. Wetland habitat creation within the areas of peat could help to lock up the carbon rather than resulting in the carbon being emitted.

In conclusion, whilst I recognise that the principle of development has already been met due to its inclusion within the Places for Everyone allocations, I feel that the current mitigation/compensation plans are not sufficient to protect existing biodiversity, in particular, Section 41 ground nesting birds. Compensation could include the management of off-site fields to create both species rich grasslands that are managed specifically to support enough territories of the birds lost from the development area.

The baseline BNG information supplied does not appear to be complete and more information on the baseline habitats present and their condition is required. I would also draw attention to the

Greater Manchester draft Local Nature Recovery Strategy which should be consulted, as this will highlight the priority habitats and actions that compensation for loss of on-site biodiversity resource should be targeting.

I hope that the above comments prove useful. If you have any queries or require clarification, please do not hesitate to contact me.

Your Sincerely

M. C. Walker (signed electronically)

Martyn Walker

Conservation Officer for Greater Manchester

[Tel:078943866781](tel:078943866781)

Email: mwalker@lancswt.org.uk