

14th February 2025

Planning Portal Reference - PP-13752099

Mr D Marno
Head of Development Management Planning Services
Department for Resources and Regulation
3 Knowsley Place
Bury
BL9 0EJ

Submitted via the Planning Portal.

Dear Dave,

Discharge of Conditions 6 and 7 of application 70903 for land remediation works, construction of vehicular access road and footway from Market Street with associated infrastructure and structural works at Pyramid Park.

Planning Portal reference: PP-13752099

Hive Land & Planning are pleased to submit this condition discharge application on behalf of Bury Council.

This application concerns the discharge of conditions 6 and 7 attached to full planning permission (ref: 70903) granted on 19th December 2024 for the following development at Pyramid Park, Bury:

"Land remediation works, construction of vehicular access road and footway from Market Street with associated infrastructure and structural works".

The conditions subject to this application are requested to be discharged to allow for initial vegetation clearance works in advance of remediation works.

The following drawings and documents are submitted as part of this application to discharge the above planning conditions.

- Application Form
- Precautionary Working Method Statement (January 2025)
- Invasive Non-Native Species (INNS) Treatment Specification Technical Note (October 2024)*
- Phase 1 Habitat Survey (updated 13/09/2024)
- National Vegetation Classification Survey Technical Report (July 2024)
- *Submitted by file transfer due to file size

The requisite fee of £215 has been paid by the Applicant via the Planning Portal.

Conditions 6 and 7 are to be discharged before any earthworks or vegetation clearance, which needs to occur before the nesting bird season to enable remediation works to commence to meet the GMCA funding programme conditions.

An application to discharge pre-commencement conditions 3 and 9 will be submitted imminently, to enable commencement of remediation works.

We trust that the details provided within these documents are sufficient to satisfy the requirements of the conditions subject to this application. Please refer to details within this letter which cross-references the information within the documents submitted to address the relevant condition.

Addressing the Conditions

The following clarifies the information submitted to discharge each of the conditions.

Condition 6 – Precautionary Working method statement for flora and fauna

Condition 6 states:

Prior to any earthworks or vegetation clearance a precaution measures working method statement for bats, badger, mammals and amphibians shall be submitted to and agreed in writing by the local planning authority. Thereafter, the development shall be implemented in full accordance with the approved precaution measures statements.

Reason. To ensure that appropriate measures are implemented as part of the development to mitigate the impact of operations during the remediation and construction phases of development and to ensure that the development does not adversely affect the favourable conservation status of protected species in accordance with the requirements of Policies JP-P1: Sustainable Places; JP-G7: Trees and Woodland and JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint Development Plan Document and the National Planning Policy Framework.

TEP has prepared a Precautionary Working Method Statement (PWMS) to support the discharge of Condition 6. The document sets out a practical working strategy to be implemented during the pre-construction and construction phases of the development to ensure that Reasonable Avoidance Measures are implemented for features of ecological interest, specifically amphibian, bats, badger, breeding birds and hedgehog species.

The PWMS states that suitable tree protection measures should be implemented to avoid damage to retained trees and woodland, following guidelines set out in BS 5837:2012 Trees in Relation to Design, Demolition, and Construction. The PWMS also states that biosecurity measures will be used to reduce and minimise the risk of spreading invasive non-native species as a result of interference.

The details of protection measures to be used to protect amphibian, bats, badger, breeding birds and hedgehog species are as follows:

A toolbox talk will be delivered to all contractors before site clearance and construction activities to make them aware of the potential presence of reptiles and their status as UK protected species. Hand searches of potential sheltering and hibernation features will be conducted by the Ecological Clerk of Works (ECoW) before works commence. Strimming of scrub/grassland vegetation will be done in stages to allow species to move away from the area.

Pre-commencement inspections of trees for bats will be conducted no more than 24 hours before the start of works. Soft felling techniques will be used where potential roost features cannot be fully inspected. If roosting bats are found, works must cease immediately, and advice must be sought from a licensed bat ecologist.

A pre-commencement check for badger setts will be undertaken by the ecologist. Construction staff will receive a toolbox talk about the presence of badgers and the need to implement precautionary measures. An exclusion zone of up to 30m will be established around any potentially active sett entrance.

Vegetation clearance will avoid the core breeding bird season (March to August) where possible. A nesting bird check will be conducted by the ECoW before any vegetation clearance within the nesting bird season. Exclusion zones will be set up around active nests to prevent disturbance until the young have fledged.

Sensitive habitats will be trimmed by hand under the supervision of the ECoW to prevent harm to hibernating or sheltering hedgehogs. Open excavations will be covered overnight to prevent hedgehogs from becoming trapped.

These precautionary methods are designed to ensure the protection of flora and fauna during the pre-construction and construction phases of the development. We trust that this information is sufficient to discharge this condition.

Condition 7 – Invasive Plant Species

Condition 7 states:

Prior to any earthworks, a resurvey for invasive plant species, including Japanese knotweed and Himalayan Balsam, shall be undertaken and the findings and a method statement detailing avoidance, control and eradication measures for any invasive species present shall be submitted to and agreed in writing with the local planning authority. Thereafter, the development shall be implemented in full accordance with the approved details and measures.

Reason. To ensure the removal/check the spread of species that are listed as invasive non-native species under the Wildlife and Countryside Act 1981 and in order to safeguard the biodiversity of the site and its surroundings, pursuant to Policies JP-P1: Sustainable Places and JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint Development Plan Document and the National Planning Policy Framework.

TEP has prepared an Invasive Non-Native Species (INNS) Treatment Specification Technical Note to support the discharge of condition 7. All the surveys conducted by TEP, since 2022, as part of the ecological impact assessment (including an in-depth botanical NVC survey), BNG habitat condition assessments or the invasive species survey, have demonstrated that there is no presence of Himalayan Balsam on site. The Invasive Species Survey completed in October 2024 is therefore submitted alongside the technical note to discharge this condition.

The INNS Treatment Specification Technical Note states that an updated INNS site visit was undertaken by TEP's Landscape Manager Sorrel Bruce on 8th October 2024. The site visit identified the Japanese Knotweed stands as per the Phase 1 habitat surveys in March 2022 and October 2023 (see Figure 1) as well as one cotoneaster plant. The Treatment Specification Technical note describes

the pre-commencement activities, treatment methodology and monitoring and warranties which will be used to ensure the removal and control of invasive species, safeguarding the biodiversity of the site and its surroundings, in line with the relevant policies and regulations.

We trust that this information is sufficient to discharge this condition.

Summary

This letter has provided the background and context relevant to the submission of this application to discharge conditions 6 and 7 attached to approval 70903.

We trust you are now in receipt of the necessary information to enable you to validate the application and then fully discharge each of these conditions.

Yours sincerely

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[Redacted name]

[Redacted title]

[Redacted address line 1]

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