

From: David Dutton <tameside.gov.uk>
Sent: 19 December 2024 09:32
To: Booth, Claire <bury.gov.uk>
Subject: Planning application 71330 12a Whittaker Lane

Hi Claire

Thank you for consulting the GMEU.

Summary

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

Bats

Species such as common pipistrelle most commonly occur in houses and prefer confined roost sites, such as soffit boxes, eaves or under hanging tiles. The most common roosts are found between underfelt and boards or tiles, and inside cavity walls. A number of bat roosts have also been found previously in Prestwich and in properties nearby and along the metrolink corridor.

The development however does not appear to require any works to the existing roof or any works to convert the loft, though it does involve conversion of the basement. This could provide theoretical roosting habitat but I note it is utilised as part of the existing business the risks are therefore very low. I recommend that prior to determination my assumptions are confirmed, in which case all that would be required is an informative. *If works are proposed to the roof or loft, then I would recommend provision of bat roost assessment prior to determination.*

Nesting Birds

Birds such as house sparrow, starling and swift are known to nest under eaves of housing in urban areas. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. Again however it appears that no works are proposed to the roof, though disturbance could occur when the proposed works to the windows occurs. The ivy overhanging the walls of the yard could also provide bird nesting habitat. Assuming no works are proposed to the roof an informative will suffice along the following lines.

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

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 appears to involve minimal loss of vegetated habitats, limited to ruderal and ephemeral vegetation in the backyard, as well as ivy on the yard walls. Potential wildlife issues are limited to bats and nesting birds. The developer has claimed exemption from mandatory BNG under the de minimis rule.

Photographs of the backyard indicate it is at least partially vegetated and therefore parts could be classed as ruderal and ephemeral habitats a low value habitat in the metric. Other parts are however clearly still developed sealed land with no habitat value. Given the entire yard is only around 50sqm on balance, I am satisfied that less than 50% is vegetated. I therefore accept that it would be unreasonable to argue that more than 25sqm of habitat are present. It should also be noted that whilst it could be argued the ivy is a green wall, BNG guidance excludes naturally formed green walls. I therefore accept that the development is exempt from BNG.

The development should however still be required to enhance the natural environment. This would be best achieved by provision of some minor soft landscaping a bird box and a bat box. The details can be provided via condition.

David Dutton

Ecologist

Planning and Transportation

Planning and Transportation

Place

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Dukinfield Town Hall | King Street | Dukinfield | Tameside | SK16 4LA