

From: David Dutton
Sent: Friday, August 16, 2024 10:35 AM
To: Clapworthy, Dean <D.Clapworthy@bury.gov.uk>
Subject: [EXTERNAL] Planning application 70937 Land adj to Abbots Hall

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Hi Dean

Thank you for providing some clarification on the extent of the development.

Summary

Potential ecological issues include nesting birds, invasive species, proximity to a Site of Biological importance and biodiversity net gain

Protected Species

The consultant found no evidence of any protected species. Given the site is largely already developed, with no mature trees or buildings and no ponds nearby, I have no reason to doubt the findings of the report. No further information or measures are required.

Nesting Birds

Trees and scrub will be lost to create the new access, 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 nesting bird survey method statement by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA.

Invasive Species

Japanese knotweed and japanese rose are located within the zone of influence of the development, as whilst the japanese knotweed is just off the site, its roots extend several meters and will therefore be under the site. Both species are included within schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule.

The main risk of an offence would be transport of spoil contaminated by these species eg root fragments of the knotweed or seed of the japanese rose. Actual retention on site is not an offence. It would however be best practice to remove given the site is located on the edge of open countryside and japanese knotweed has a negative impact on property values. I therefore recommend a condition along the following lines is applied to any permission.

Prior to any earthworks or vegetation clearance an invasive species management strategy for japanese knotweed and japanese rose will be provided to and agreed in writing by the LPA

Proximity to Site of Biological Importance

The proposed communal garden is located adjacent to the boundary of the SBI. Any earthworks to layout the garden should avoid accidental damage to the SBI. Measures to protect the SBI should form part of a construction management plan, the details of which can be provided via condition.

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 site includes loss of existing vegetation to a realigned access track and conversion of a large area used for caravan storage to garden. Based on the current site, this would result in an enhancement, which is supported by the BNG assessment that indicates well in excess of 10% BNG. Wildlife issues appear restricted to nesting birds.

However, further information is recommended on biodiversity net gain including:

- Provision of the statutory metric in order to check more easily the accuracy and assumption and;
- Clarification on whether the correct baseline has been provided as some of the habitats currently on site are the result of what may be unlawful activity as I note that the LPA is currently in dispute over the lawfulness of some of the works that have occurred on this site

Guidance on biodiversity net gain states where unauthorised degradation of the onsite habitat has taken place on the land between 30 January 2020 and the date of the application, the biodiversity pre-development value of the onsite habitat should be calculated as the biodiversity value of the habitat on the date immediately before the carrying out of these degradation activities. The relevant date should therefore be set as a date immediately before these activities. Unauthorised degradation of onsite habitat is any degradation which is not in accordance with a previous planning permission.

Having checked through Google earth imagery, I note that the land to the east of the barn to be converted was cleared after the 30th January 2020. I am unclear whether this is one of the areas disputed as having permission, but if it does not then the habitats present in 2020 should be utilised as the baseline.

Issues relating to nesting birds mitigation can be dealt with via condition.

David Dutton

Ecologist

Planning

Investment, Development and Housing

Place