

From: David Dutton
Sent: Friday, August 16, 2024 11:46 AM
To: Clapworthy, Dean <D.Clapworthy@bury.gov.uk>
Subject: [EXTERNAL] Planning application 70666 Brookhouse Farm

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Hi Dean

Thank you for consulting the GMEU

Summary

The main ecological issue is likely to be biodiversity net gain. Other ecological issues are unchanged from the previous application.

Bats

Buildings and trees on site were reassessed by a suitable ecological consultancy. No evidence of bats was found and all buildings and trees assessed as having no bat roosting potential. I have no reason to doubt the findings of the report, the photographs supporting the assessment. As individual bats can on occasion turn up in unexpected locations and the building is located in a valley known to support high numbers of bats, I recommend an informative along the following lines is applied to any permission.

Whilst the building to be demolished have been assessed as negligible risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Nesting Birds

Evidence of a historic nest was found in one building and the development will result in the loss of trees and scrub also with bird nesting potential. 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.

Himalayan Balsam

Himalayan balsam was previously recorded. Species such as Himalayan balsam 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. It is possible that it has now been controlled. However I recommend a condition along the following lines is applied to any permission.

Prior to any vegetation clearance, earthworks or demolition a survey for invasive plant species including himalayan balsam will occur and the finding supplied to and agreed in writing to the LPA. If any invasive species are present a method statement detailing avoidance, control and eradication measures should also be supplied to and agreed in writing by the LPA, prior to any earthworks.

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 will result in the loss of trees, scrub and associated bird nesting habitat. I previously accepted that mitigation and enhancement was possible on the site, however legislation now requires 10% BNG.

The applicant has accepted this and provided a small metric. *Prior to determination please provide the original excel metric so that I can check more easily the results.*

I would however note that the existing permission appears to be still in place. They are therefore within their rights to clear the site of the existing vegetation to create a new baseline of bare ground. We are therefore currently in a grey area with regards the baseline value as technically the existing permission could be regarded as the baseline up until the point it expires.

David Dutton

Ecologist

Planning

Investment, Development and Housing

Place