

From: David Dutton
Sent: Tuesday, April 2, 2024 4:08 PM
To: Clapworthy, Dean <D.Clapworthy@bury.gov.uk>
Subject: Planning application 70213 Former Lord Raglan

Hi Dean

Thank you for consulting the GMEU

Summary

Further information on the potential to disturb bats is recommended. Other potential ecological issues include nesting birds and biodiversity net gain.

Bats

As for previous applications, there is a theoretical risk to bats, due to the conversion of the existing roof space and addition of rooflights. Previously I have requested clarification on the extent of the works and state of the existing roof space, but appear to have received no response, no doubt due to the more significant planning issues the developer has needed to address, such as greenbelt.

Nevertheless current planning guidance states that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision (UK Government Guidance within the ODPM Government Circular 06/2005).

I therefore recommend that prior to determination either a bat assessment of the proposed development by a suitably experienced consultant is provided or adequate photographic evidence of the existing roof space provided that I can be convinced that the risk to bats is very low.

Other Protected Species

I am satisfied that it is very unlikely that any other protected species will be present on or within the zone of influence of the development. No further information or measures are required.

Nesting Birds

The development appears to result in the loss of the trees/shrubs to the rear of the existing building, potential bird nesting habitat. Birds may also nest on the former public house. 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 or conversion works commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

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. The development will result in the loss of a small area of vegetation to car parking to the rear of the existing buildings, with new build and gardens created on the existing car park. Potential adverse effects on wildlife include loss of bat roosting and bird nesting opportunities. It appears likely that full mitigation could be achieved on the site

through appropriate soft landscaping proposals eg landscape trees in addition to the proposed gardens and provision of bird and bat boxes on the new build.

With regards biodiversity net gain, I note that the application was submitted last October and I assume the development does not qualify as a major development with only 8 additional dwellings provided. Based on these two facts, I would regard the development as not been subject to mandatory biodiversity net gain as set out by the government. The development may also exempt if less than 25sqm of vegetation are being lost. It is difficult to assess from the information provided however how much vegetation is currently present on the site. The LPA can require a BNG assessment based on local policy and guidance.

Overall I am satisfied that section 180 can be met on site as long as additional tree planting, bird box and bat box provision is provided the tree planting located outside of domestic curtilage. *The details of tree planting, bird and bat box provision can be conditioned.*

David Dutton

Ecologist

Planning

Investment, Development and Housing

Place