

From: David Dutton

Sent: 09 December 2021 15:20

To: 'h.leach@bury.gov.uk' <h.leach@bury.gov.uk>

Subject: Planning application 67616 Land b/w Butterstile Close and Hilton Lane

Hi Helen

Thank you for consulting the GMEU

Summary

The developer's ecological consultant identified no significant ecological issues. Issues relating nesting birds, mammal welfare, rhododendron and biodiversity enhancement measures can be resolved via condition and or informative.

Protected Species

No evidence of any protected species was found on the site and all reasonably discounted. I have no reason to doubt the findings of the report. No further information or measures are required.

Nesting Birds

Ornamental trees and bramble scrub will be lost from the site. 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 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.

Fox Earth

A fox earth was found on the site. Under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act. The fox should therefore be humanely excluded from the den prior to any earthworks on the site. This can be dealt with via a condition along the following lines.

Prior to commencement of earthworks the fox will be excluded from its den and the findings supplied to and agreed in writing by the LPA.

Rhododendron

Rhododendron is present on the site. This may be an ornamental variety as I am aware from a previous application that there was a dwelling on this part of the site and the development site a garden. I recommend an informative along the following lines is applied to any permission.

It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as Rhododendron ponticum are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site is currently undergoing natural succession having been a garden and hardstanding up until around 2017 prior to demolition and clearance of the site. The habitat are therefore of low ecological value and recent origin.

The proposed development will however result in an increase in the percentage of the site that will be sealed, but the proposal, replaces currently and previously fenced boundaries with hedge. If the hedge is native eg hawthorn, holly or beech for instance with a couple of native trees incorporated such as silver birch or rowan, with bat and bat bricks in the new build I am satisfied that the site will be of similar ecological value to the habitats lost. ***The details can be conditioned.***

David Dutton

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Place

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