

GMEU response

Summary

The main issue is biodiversity net gain and the adjacent proposed development. Other ecological issues associated with the proximity to an SBI, wildlife corridor, nesting birds, other wildlife and invasive species can be dealt with via condition.

Proximity to Townside Site of Biological Importance

Access is through this SBI from Market Street, with the proposed mobility ramp turning on the boundary of the SBI. However, as noted by the ecological consultant, Bury Council has recently granted permission for destruction of the western two thirds of the SBI and dependent on which development commences first may not be a significant issue. Even however should the SBI still remain for whatever reason, given the access road already passes through the SBI and proposed pedestrian slope stops around the boundary with the SBI, and only would impact what is currently buffer habitats, I am satisfied that the SBI if still present could be protected through appropriate fencing as part of the Construction and Environmental management plan which can be provided as a prior to development condition.

Wildlife Corridors

As noted by the ecological consultant the works are at the junction of the East Lancs Railway and Metrolink Wildlife corridors. Whilst I would disagree with their assessment of the functionality of the corridors, the works will not significantly compromise the effectiveness of these corridor. I am satisfied that no further information or measures are required.

Protected Species

No evidence of any protected species was found, with no trees or structures on the site assessed as providing bat roosting potential. I have no reason to doubt the findings of the report, previous surveys failing to find any evidence of protected species other than foraging and commuting bats, associated primarily with the SBI. I take on board the consultant's recommendation for updated badger surveys, but I would regard it as very unlikely that they would colonise. I therefore recommend an informative along the following lines is applied to any permission.

The applicant is reminded that under the Protection of Badgers Act 1992 it is an offence to intentionally or recklessly interfere with a badger sett. If a badger sett is found on or near the developments site work should cease immediately and a suitably experienced ecologist employed to advise on how best to proceed.

Nesting Birds

Trees and scrub will be lost, 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 precautionary working method statement for nesting birds by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA.

Other Wildlife

The dense scrub will provide potential cover for small mammals such as hedgehog and amphibians. I have also recorded roe deer in this area. I agree with the consultant that precautionary working measures during site clearance are required. These should be provided prior to any earthworks or vegetation clearance. I therefore recommend a condition along the following lines is applied to any permission.

Prior to any vegetation clearance or earthworks a precautionary working measures method statement for mammals including hedgehog and amphibians will be provided to and agreed in writing by the LPA.

Invasive Species

An unnamed species of Cotoneaster was recorded on the site. I am also aware that species such as japanese knotweed, himalayan balsam and monbretia are present along the metrolink corridor nearby though currently not adjacent to the site. I there recommend control of the Cotoneaster and biosecurity measure for other invasive species are put in place prior to development. I recommend a condition along the following lines is applied to any permission.

Prior to any vegetation clearance or earthworks a control and biosecurity measures method statement for invasive species will be provided to and agreed in writing by the LPA.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

Section 187 of the NPPF 2024 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 early successional habitat, including young trees and scrub along with ornamental planting. The main wildlife issue is likely to be loss of bird nesting habitat. Soft landscape and wildlife mitigation proposals have been provided.

The development is subject to 10% biodiversity net gain. The development currently fails to achieve 10% net gain on site and overlaps the on-site BNG proposals (see planning application 71735) for the adjacent development site. The overlap is however on habitats that the adjacent development was retaining not enhancing and this development appears to have taken the baseline as the post development habitats for the adjacent site.

I recommend however that the developer provides a more detailed explanation on the overlap between the two BNG proposals to ensure there is no double counting of BNG units and to ensure that this development does not compromise the ability of the adjacent development to achieve 10% net gain.

With regard wildlife 2 bird and 2 bat boxes are proposed. Given there is no loss of bat roosting opportunities and significant loss of bird nesting opportunities I would recommend more bird boxes are provided. Two bat boxes are an adequate enhancement of the site. The final details of bird and bat boxes and locations can be dealt with via a prior to development with installation prior to operation condition.

Ecologist

Planning and Transportation