

[REDACTED]

From: [REDACTED]
Sent: 27 October 2022 17:49
To: Planning Services
Cc: Elizabeth Hindle; 'Richard Dimisianos'; Derek Richardson
Subject: Planning application FUL/2022/0149 Hollins Cross

Categories: [REDACTED]

[CAUTION : **This email originated from outside of the organisation.**]

Hi Elizabeth

I have taken over this application from Emma Marston, who has now left the GMEU

I have been through her previous comments and to date she does not appear to have made a finalised response, primarily requesting additional information and clarifications. I therefore apologise if I duplicate anything she has already recommended that we are not aware.

Summary

The main ecological issue to resolve is how the forecast net loss of biodiversity units will be compensated for off-site. The original ecological survey data is also becoming dated. There appear to be no significant species issues associated with this development, that cannot be resolved via condition and or informative.

Validity of Ecological Surveys

The original preliminary ecological appraisal is dated 2019 with follow up surveys in 2020. Since then the site has been subject to walkover surveys in 2021 and 2022 primarily related to botany and biodiversity net gain. I am satisfied given the detailed surveys for bats, gcn, water vole and breeding birds found no significant issues in 2020 and the PEA found no constraints relating to other protected species and because the site has been revisited in 2021 and 2022 that this information can be utilised. I recommend however updates of some of the surveys prior to development if permission is granted. This can be conditioned along the following lines.

Prior to any site clearance

- a) an updated preliminary ecological appraisal will be carried out and updated species surveys;*
- b) any species survey updates determined as requiring an update and;*
- c) additional mitigation and or measures provided for any new ecological value or constraint not identified in the original reports*

should be provided to and agreed in writing by the LPA.

Great Crested Newts

Four ponds were identified within 500m of the site, of which one was on-site, one just off site in a garden and two over 200m from the development. Two of these ponds were subject to eDNA survey in 2020, one was dry and the other in the private garden inaccessible. eDNA results for the pond on-site and the pond just over 200m from the development to the east came back negative. The dry pond was over 250m from the development.

I also agree that the ornamental pond is very unlikely to be a breeding site for great crested newts based on size and only one other semi-natural pond being ecologically linked, the pond on-site just 30m from this pond, which proved negative for gcn. No further information or measures are required at this time but as noted above the risk should be reassessed prior to determination.

Bats

There are no structures on-site and all trees assessed as having negligible bat roosting potential. Transect and static detector surveys were also carried out, which have demonstrated that the site is not of importance for foraging or commuting, the highest levels of activity located along the eastern boundary. Given the eastern boundary is partly retained and to be part of the POS, I am satisfied that the overall impact of the development is very unlikely to negatively impact on bats. No further information or measures are required.

Water Vole

Ditches on the site were surveyed for water vole. No evidence of this species was found. I have no reason to doubt the findings of the report. No further information is required at this time.

Other Protected Species

The Preliminary ecological appraisal scoped out other potential protected species. I have no reason to doubt these findings. Species such as badger are however highly mobile and I would expect the updated ecological appraisal to resurvey for this species. No further information or measures are however required at this time.

Nesting Birds

Breeding bird surveys were carried out. One farmland bird species was identified, skylark for which one pair was recorded. Other priority species on site identified as breeding or probably breeding were house sparrow, starling, reed bunting, bullfinch, dunnock and song thrush, all in low numbers. 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, hedge or shrub or earthwork 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.

Other Mammals and Priority Species

No evidence of other priority species such as brown hare, common toad or hedgehog was recorded, though no specific surveys were carried out. Whilst habitats on site are suitable, the risks are likely low, with brown hare capable of displacement, habitats on-site sub-optimal for hedgehog and no large waterbodies on-site or nearby, where common toad prefer to breed. I am therefore satisfied that subject to the findings of an updated PEA prior to earthworks, that a condition along the following lines will suffice.

Prior to the clearance of scrub or areas of rush pasture a reasonable avoidance measures method statement for mammals and common toad will be provided to and agreed in writing by the LPA

Invasive Species

No schedule 9 part 2 species such as Himalayan balsam have been recorded on the site. The updated PEA should include invasive species, given the ability of these species to colonise new areas.

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. A biodiversity net gain assessment has been provided that has calculated and approximate loss of 20 biodiversity units. I have not visited the site but I am inclined to accept the baseline value of the site which appears reasonable based on aerial photographs and the NVC surveys of the site. I also note that Emma has not queried the baseline at any point.

No habitat is shown as retained which does not appear to be totally true as boundary trees are shown as retained on the arboricultural report. These however also do not appear to have been included in the BNG calculations. Whilst potentially neutral if retained, they may also be an opportunity for on-site enhancement.

There are however potential issues with the post development habitat creation:

- All habitats created have a target condition of fairly good or good. This is somewhat ambitious given the small areas involved and dual use as public open space, which is likely to result in trampling etc. I would

regard moderate to fairly good as more realistic (I would expect a very robust LEMP and monitoring if good condition was agreed);

- The are creating two high distinctiveness waterbodies a lake and priority pond. I am assuming these are hydrologically the same ie the priority pond being the permanently wet part of the temporary lake. Technically however as Emma noted, as this is actually a SUDs pond it should be treated as such in the metric under Urban. Ie a low distinctiveness habitat, though I would be open to accepting the permanent water as a non-priority pond if it demonstrated that this is additional storage capacity is beyond the needs of the urban drainage system;
- Given the majority of habitats lost are of medium distinctiveness, the modified grassland and gardens would not technically count as mitigation as lower value habitat than are being lost (though as not yet mandatory there is some room for compromises) and:
- No mitigation is provided for the loss of the drain a linear habitat.

I accept that significant net gain can be provided for the loss of hedge.

The biodiversity unit loss is therefore potentially significantly higher than that currently shown, which is already large.

I therefore recommend that prior to determination they justify or accept or amend the issues I have presented and recalculate the metric as necessary.

With regards species mitigation, it appears likely that this can be achieved on-site, given the only identified impact is loss of bird nesting habitat.

In terms of the farmland birds, only one pair of skylark was identified. This is not a reason for refusal and as off-site compensation is required for loss primarily of farmland, could be achieved theoretically off-site.

All other priority species identified, could be mitigated for on-site and would likely benefit. In particular, house sparrow, starling and dunnock can do well in urban and suburban areas. Provision of nest boxes or bricks on the housing for the first two and dense shrub planting in gardens for the latter should suffice. With regards reed bunting there is the potential within the SUDs ponds to create suitable habitat for this species. In terms of enhancement the most obvious choice is bats given they were demonstrated to be present in low numbers, but that roosting habitat was absent. Inclusion of bat brick in houses adjacent to boundary feature could be provided.

I therefore recommend conditioning a bird nesting and bat roosting plan as part of any permission

Finally whatever the agreed loss of biodiversity units is, off-site compensation will be required. Some form of agreement should be put in place prior to determination regarding how this would be dealt with, whether an agreed receptor site or a commuted sum subject to a period of time for the LPA to locate an receptor site.

David Dutton

Ecologist

Planning

Planning and Transportation

Place

[Tameside MBC](#) | [Twitter](#) | [Facebook](#) | [Instagram](#) | [TikTok](#) | [LinkedIn](#)

Dukinfield Town Hall | King Street | Dukinfield | Tameside | SK16 4LA

This email was sent at a time & date convenient to the sender; please do not feel under any pressure to respond immediately if this is outside your normal working hours.

Email Disclaimer <http://www.tameside.gov.uk/disclaimer>



Confidentiality: This e-mail its contents and any attachments are intended only for the above named. As this e-mail may contain confidential or legally privileged information, if you are not, or suspect that you are not the above named or the person responsible for delivering the message to the above named, delete or destroy the email and any attachments immediately. The contents of this e-mail may not be disclosed to nor used by anyone other than the above named.

Security and Viruses: please note that we cannot guarantee that this message or any attachment is virus free or has not been intercepted and amended.

Monitoring: The Council undertakes monitoring of both incoming and outgoing e-mails. You should therefore be aware that if you send an e-mail to a person within the Council it may be subject to any monitoring deemed necessary by the organisation from time to time. The views of the author may not necessarily reflect those of the Council.

Access: As a public body, the Council may be required to disclose this e-mail (or any response to it) under the Freedom of Information Act 2000, unless the information in it is covered by one of the exemptions in the Act.