

I apologise for the delay in GMEU's response, which has been due to high casework volumes and my being off on sick leave. I was hopeful to have also received a response to tree and hedgerow removal query before submitting formal comments. However, I have now had the opportunity to consider the applications and the submitted materials. The response includes comments on both: -

- 07/2021/00886/ORM Outline application for 920 dwellings, including ..... green infrastructure
- 07/2021/00887/ORM Outline application for 180 dwellings including..... green infrastructure

As you know, GMEU have been involved with this site for a considerable period and has commented on earlier iterations of the Masterplan and the application outline application 07/2020/00015/ORM, which was subsequently withdrawn. I have attached the previous consultation response (email 07.04.2020) for your information.

In this response I have considered the 2021 updated survey reports for: -

- Phase 1 Habitat Survey (Appendix 7.2)
- Hedgerows (Appendix 7.3)
- Arboricultural Report (Appendix 7.4)
- Badger (Appendix 7.5)
- Barn Owl (appendix 7.6)
- Bats in trees and buildings (Appendix 7.13)

Where the surveys have not been updated this is in line with discussions with the Council and applicant in March 2020.

The validity of the surveys is confirmed, however there are a number of matters of evaluation and impact assessment which GMEU do not concur with and would advise the Local Planning Authority to take into consideration within the wider planning balance.

Additional documents have also been submitted with the current application. I have considered: -

- Environmental Statement ([ES] Chapter 7, Ecology)
- Planning Statement
- Biodiversity Net Gain Assessment ([BNG Assessment] August 2021, version -) This also includes the BNG metric calculation spreadsheet, which was requested from the LPA/Applicant
- Design & Access Statement – Design Codes Applications A and B ([DAS] August 2021)

### **Baseline Assessment**

The surveys of the application sites have consistently identified a number of features of substantive biodiversity value: -

- Species rich hedgerows The hedgerow resource within the site is identified as of County Significance within the Environmental Statement. This includes a significant number of hedges of Importance as defined by the Hedgerow Regulations (1994), along with other species rich hedgerows that the BNG Assessment consider are in moderate or good condition. All hedgerows are considered Priority Habitats (NERC 2006 [Section 42 of Natural Environment and Rural Communities Act]). This is considered more fully below.
- Invasive Non-Native Species (INNS) The site supports Japanese knotweed, Himalayan balsam, and Japanese rose which are all listed on Schedule 9 of the Wildlife & Countryside Act.
- Bat roosts and potential bat roosts in trees The bat roost found at building 3 (Lords Lane) is now outside the current outline application boundaries. The only aspects that are considered below are potential tree roosts and how the presence of the bat roost needs to be considered within the current outline proposals. Bats and their roosts are of substantive value and are protected via the Conservation of Habitats & Species Regulations (Amendment) (EU Exit) 2019.

The following features now lie outside the current outline application boundaries, but are still of relevance to the proposals: -

- Orchards The areas which are identified as orchard within the various documents lie outside both current outline application boundaries. However, these habitats are considered within the BNG Assessment. For the avoidance of any future doubt, GMEU do **not** concur with how this habitat has

been categorised within the documents and consequently how it is analysed within the BNG calculation. This matter is not considered further in this response, but GMEU highlight it as a matter that will need to be addressed going forward should the wider site come forward for development.

- Barn owl Building B3 (Lords Lane) supports roosting barn owl. The building is now outside the current application boundaries. However, as barn owl receive additional protection than that generally afforded wild birds during the nesting season (Schedule 1, Wildlife and Countryside Act 1981), the implications of the presence of roosting barn owl is considered as it relates to both outline applications.

## Impacts of the proposal and layout

### Hedgerow and tree loss

- A comparison of the Hedgerows of Significance Plan (see attached) compared with the DAS's proposed tree removals (see also attached) is unclear about the extent of tree and hedgerow loss as a result of the scheme. The statements on retention of hedgerows where possible are not helpful in determining the significance of the impacts of the scheme on this important biodiversity receptor. Additionally, the Biodiversity Net Gain calculation is apparently based on the complete loss of hedgerows from the site. I would strongly **suggest that some clarity is sought on this matter prior to determination.**
- The ES identifies hedgerow loss as only a short term impact and neutral in the medium term. The ES does not seek to define what timeframe applies to this feature. However, it is GMEU's opinion that the loss of the hedgerows (species rich and Important) along with mature trees they support will be a significant impact in the medium term for the hedgerows (12 – 20 years to reach condition in the BNG metric) and a long term impact for mature trees within those hedgerows. It can be considered that it will take 80 – 120 years for an oak to reach maturity and peak acorn production and 50 – 80 years to reach middle age. While ash trees can be considered to reach maximum height and adulthood at around 60 years, although due to ash dieback ash are not recommended for planting and is only mentioned here as an example.
- It is noted that the ES chapter indicates a replacement ratio of 3 : 1 for trees and 1.5 : 1 for hedgerow length. It is recommended that this is required via **condition** and that all landscape proposals for each phase should achieve this.

### Lighting and wildlife impacts

- In order to deal with the impacts on the bat and barn owl roost the ES indicates that a sensitive lighting scheme should be implemented. In line with the NPPF (July 2021 para 185 c)) we recommend that applicants follow the Institute of Lighting Professionals guidance (01/21 obtrusive lighting and 08/18 wildlife sensitive lighting).
- A lighting scheme should include details, location and specifications for all highways lighting, pedestrian footways and external domestic security/ambience lighting. This should be applied to all boundaries/retained hedges, but in particular to the western and north western end of Application B and the south and south eastern end of Application A as this will protect commuting routes for both bats and barn owls. **A condition to this effect should be appended to both Application A & B and it is recommended that this detail is provided at Reserved Matters stage.**

### Landscape proposals

- The current outline only provides the broadest of indication of the palette to be used in planting with very little detail on other seeding or planting proposals. It would have been beneficial to agree a **site wide planting palette prior to the first submission of Reserved Matters** this should be secured via **condition**. It is recommended that the species identified within the DAS should be expanded and that the hedgerow specification should have a strong regard to the hedgerow and tree surveys. The landscape schemes to be submitted should also include a Biodiversity Enhancement Plan (see below).

## Protection of Biodiversity

- It is recommended that each phase of the development is supported by a tree and hedgerow retention plan. The detail submitted should include fencing to the appropriate British Standard to both hedge and tree root protection zones. The plans of retention should be **submitted at Reserved Matters**. This should also be included as part of the CEMP and secured via a **condition**.

- Method Statements for the treatment and control of the INNS should be provided prior to the commencement of works including any earthmoving, enabling works or vegetation clearance this should be secured via **condition**. In relation to Japanese knotweed the following is recommended.
  - Detailed mapping of the distribution of the plant across the site.
  - Suitable signage and protection from vehicle tracking and/or earth moving. This is usually 7m from above growing parts of the plant (see [research](#))
  - [Treatment programme](#) GMEU cannot recommend which method of treatment is most appropriate but we advise this may be on or more of the following –
    - Spraying over multiple seasons (3 – 5 years). An Environment Agency permit might be required to treat the plant adjacent to a watercourse
    - Root/rhizome injection (3 years)
    - Burying on site with suitable depth and geotextile root barrier membrane
    - Removal and disposal at a licenced tip
  - Biosecurity protocols for machinery and soil handling & storage
  - Monitoring and retreatment programme for minimum of 5 years post site clearance
- Any CEMP, that is secured via condition, should also include details of nesting bird protection measures including ground nesting species. This should include a precommencement check by a suitably qualified person of any works (earthmoving, enabling or vegetation clearance) timetabled to start during the bird breeding season (March – August inclusive). If nesting birds are found and works cannot be avoided then details of work exclusion zones and methodology for repeat checks should also be included.
- The conditioned CEMP should include details of a section/soft fell protocol for all trees with bat roost potential where they have been discounted as supporting a roost. Reasonable Avoidance Measures should also be supplied for trench, service channels, footings or other dug feature for common amphibians, reptiles and small mammals.
- The conditioned CEMP for each phase should include the location of any site compound (incl welfare facilities, material store and wheel washing facilities) and construction lighting of this and any haul roads across the site.

**Precommencement conditions** for surveys are required for: -

- Badgers within 3-6 months in advance of the proposed start on each phase. This should include a 30m buffer around any boundaries.
- The updated bat report includes results of surveys for a number of trees with high and moderate roost potential. The extent of these surveys (updated Appendix 7.13) does not seem to accord with the trees identified and shown within the Phase 1 Habitat Plan (GR6900.03.001 sheets 1 to 5). It is recommended that for each phase at Reserved Matters there is cross reference with the Phase 1 Habitat Plans, the tree retention plan and any trees requiring tree surgery work.
- Updated surveys should identify any changes in the conditions and any additional mitigation or compensation, along with an assessment for a need for a licence.

### **Biodiversity Mitigation and Enhancement Plan**

- Each phase or Reserved Matters application should be supported by a **Biodiversity Mitigation and Enhancement Plan**. This should be secured via **condition** on each application (Application A & B), to include specification and locations for as identified within the ES Chapter 7: -
  - Replacement bat boxes supplied as compensation at a ratio of 3 : 1 for each moderate or high potential tree roost lost.
  - Additional bat boxes for houses and/or trees as enhancement.
  - Bird boxes should be supplied as compensation at a ratio of 2 : 1 for trees and buildings lost. It is noted that this does not include compensation for lost nesting within hedgerows.
  - Hedgehog/small animal highways through boundaries to create ecological permeability. This should also be reflected in the boundary treatment specification.
  - Five barn owl boxes to be supplied as compensation for impacts to the roost area. It is suggested that one is required for each phase up to the maximum of 5.

- Each phase of the scheme should be supported by a resourced Landscape and Habitat Management Plan for a minimum period of 30 years in accordance with the BNG requirement.

### **Biodiversity Net Gain (BNG)**

- The commentary provided within the Planning Statement in respect of BNG is noted. This is a policy matter, but it is important to recognise that in order to achieve a high quality and biodiversity rich scheme for over 1,000 homes (Application A & B) it would be exemplary to demonstrate the achievement of 10% net gain. The [Environment Act 2021](#) recently received Royal assent and a 10% uplift will be a requirement when the Act is enacted in statute.
- Currently the scheme shows a 2.0% uplift across the whole scheme for habitats and GMEU would question some elements of this, which would reduce the uplift to less than 2%. This is due to the lack of agreement that school playing fields would attain moderate condition whereas GMEU would say that this would only achieve poor condition. Additionally the BNG calculation includes the whole of the wider site, including parts that are not currently within either outline application boundary and misidentifies the status of the orchards.
- The BNG calculation does not cover Application A or B separately but is calculated across the whole site including areas which do not fall within either of the outline application boundaries. This may be acceptable across the wider allocation and Masterplan area.
- It is strongly recommended that the Local Planning Authority set a threshold of BNG to be achieved across the site which is higher than 2% for the habitat element. This can be secured via a **condition** to be attached to the outline applications (Application A & B).
- The BNG calculation is based on the complete loss of hedgerows and replanting across the wider site, which on paper can achieve a net gain of >18%. However, as outlined above GMEU do not think the loss of all hedgerows is an acceptable approach to adopt and should be clarified prior to determination.

### **In summary and conclusion: -**

- GMEU recommend that clarity is sought regarding tree and hedgerow removal prior to the determination of the application.
- It is suggested that a percentage Biodiversity Net Gain uplift is agreed prior to determination.
- Following resolution of these matters a number of conditions are recommended to secure the implementation of appropriate mitigation and compensation for biodiversity impacts.
- GMEU can provide examples as to how a condition/obligations can be framed to secure the quantum of the agreed uplift across the whole of the development as phases come forward.
- The points raised above and the recommended conditions apply to both the outline applications.

I hope you find these comments helpful. If you have any queries, please get in touch.

Teresa

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