

JM

Jane Tucker

From: Manchester, Sarah [Sarah.Manchester@env.lancscc.gov.uk]
Sent: 18 December 2007 09:28
To: Jane Tucker
Subject: re: planning application 03/07/0964 - Barrow Brook Business Village

Dear Ms Tucker

APPLICATION 03/07/0964
DETAILS PROPOSED B1 OFFICE DEVELOPMENT (REVISION TO APPROVED MATTERS
APPLICATIONS, BARROW BROOK BUSINESS VILLAGE)

Thank you for your consultation in respect of the above application.

In determining this application, the requirements of The North West Regional Planning Guidance/Regional Spatial Strategy Policy ER5 and Policy 21 of the Joint Lancashire Structure Plan need to be considered in conjunction with relevant legislation (summary attached). The content of PPS9 and the supporting government circular also needs to be considered. Ribble Valley Borough Council Local Plan policies, e.g. ENV7, ENV10 and ENV13, should also inform determination of the application.

Ecological concerns of this development include possible impacts on bats, nesting birds, water voles, and hedgerows, as well as the fragmentation/isolation of habitats. Further details are provided below.

In summary, the applicant does not appear to have submitted any ecological information in support of this application and thus has not demonstrated that there would be no net loss of biodiversity (in accord with the requirements of planning policy). I therefore recommend that the developer be required to submit an ecological assessment to determine any potential impacts and to provide a basis for mitigation/compensation if damaging impacts are likely. If adequate mitigation/compensation cannot be guaranteed then Ribble Valley Borough Council should consider a refusal.

1 European Protected Species (Bats)

There are a number of trees within the application area that might have features suitable to support roosting bats. According to the planning application form the proposals would involve the lopping/removal of trees. Even those trees that are to be retained within the development might be adversely affected by the proposals (see below). Therefore I recommend that all trees be assessed for their potential to support bat roosts and, if features suitable to be used as bat roosts are present, that surveys for bats be undertaken.

The Government circular supporting PPS9 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" and that "the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted".

The Conservation (Natural Habitats, &c.) Regulations 1994 state that Local Authorities in the exercise of their functions are obliged to have regard to the requirements of the Habitats Directive. In this respect English Nature guidelines and the Government circular supporting PPS9 indicate that proposals affecting European protected species need to pass three tests before they are approved by the planning authority. These are that:

- * the development is of overriding public interest;
- * there is no satisfactory alternative;
- * populations of the species concerned will be maintained at a favourable conservation status.

There should therefore be no favourable determination of the application until the presence/absence of bat roosts has been confirmed. If bat roosts are present then the applicant will need to submit a method statement for approval before the application is determined, detailing how detrimental

impacts on the conservation status of the bat population will be avoided during and after the development. This should include a programme of monitoring. If the above tests can be met and Ribble Valley Borough Council is minded to approve the application, implementation of the approved method statement should be the subject of a planning condition. Ribble Valley Borough Council should consult Natural England before determining the application and the developer may require a licence before the development can proceed.

2 Breeding Birds

Habitats on site have the potential to support breeding birds. If the application is approved then works during the bird breeding season (March to July inclusive) should therefore be avoided where there may be an impact on nesting birds. This should be the subject of a planning condition.

3 Water Voles

Water voles have been identified as Species of Principal Importance in England (Section 74 Countryside and Rights of Way Act 2000).

If any construction activity is proposed within 8m of the top of the watercourse bank, I recommend that a water vole survey should be carried out. If a survey is carried out, and water voles are found to be present, then the applicant should submit a method statement detailing how impacts on water voles and their habitat will be avoided. This should be the subject of a planning condition.

4 Grassland

As the applicant has not submitted any ecological information in support of the application, it is not clear that the proposals would not result in a net loss of biodiversity. I recommend that the applicant be required to submit the results of an ecological survey of the application area.

5 Hedgerows

It appears from the submitted plans that a section of existing hedgerow would be destroyed by the proposals. A hedgerow assessment would therefore be desirable. The Joint Lancashire Structure Plan Supplementary Planning Guidance on Landscapes and Heritage states that the presence of an important hedgerow is regarded as a material consideration above and beyond that afforded to hedgerows in general. If Ribble Valley Borough Council is minded to permit the removal of a section of an important hedgerow, then suitable mitigation/compensation measures should be the subject of a planning condition in order that there is no net loss of the resource.

6 Trees

It appears that a number of the existing trees would be retained within the development. However, from the Scheme Layout (drawing no. 1502/114E) it appears that construction activity would occur under the canopies of many of these retained trees. This is unlikely to be appropriate, and may compromise the long-term survival of retained trees. I therefore recommend that all trees are assessed by a suitably qualified arboriculturalist, and those that are being retained should be adequately protected (e.g. according to guidelines contained within BS 5837: 2005 Trees in Relation to Construction: Recommendations).

According to PPS9, aged or 'veteran' trees are particularly valuable for biodiversity and their loss should be avoided. Planning authorities should encourage the conservation of such trees as part of development proposals.

7 Habitat Fragmentation/Isolation

Maintaining and enhancing habitat connectivity within the application area and the wider landscape needs to be addressed in the overall design of the development. I am particularly concerned that the proposals appear to be extremely close to Barrow Brook in places. Ideally at least an 8m wide, appropriately landscaped buffer zone should be incorporated into the proposed development in order to maintain and enhance connectivity along the watercourse.

8 Landscaping/restoration

PPS9 indicates that local planning authorities should maximise opportunities for building-in beneficial biodiversity features in and around developments.

Landscaping and restoration schemes should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. I recommend that the communities to be created should be specified in terms of National Vegetation Classification (NVC) community types.

9 Aftercare/long-term management

The successful establishment of habitats and recognised plant communities that contribute to Biodiversity Action Plan targets will depend on suitable establishment methods as well as appropriate aftercare and long term management. The applicant should therefore submit a habitat creation and management plan for approval by the determining Authority in consultation with specialist advisors. This should be the subject of a planning condition.

I hope these comments are helpful.

Yours sincerely,
Sarah

Dr Sarah Manchester
Ecologist - Natural & Historic Environment Service
Projects and Implementation Group
Environment Directorate
Lancashire County Council

Tel 01772 534150
Fax 01772 533423

PLANNING POLICY AND LEGISLATION RELEVANT TO APPLICATION 03/07/0964

Planning Policy

The North West Regional Planning Guidance/Regional Spatial Strategy Policy ER5 (Biodiversity and Nature Conservation) requires that planning authorities:

- * afford the strongest protection to protected species and sites with international/national designations.
- * Ensure that the nature conservation resource in the North West is protected and enriched by protecting important/irreplaceable resources, ensuring there is no net loss of resources, promoting the restoration/re-establishment of habitats/populations in accordance with Biodiversity Action Plan targets, addressing the reversal of habitat fragmentation/isolation.

Policy 21 of the Joint Lancashire Structure Plan requires that:

- * Lancashire's natural heritage be protected according to a hierarchy of international, national, regional, county and local importance.
- * Features of heritage importance are conserved, enhanced and re-established, taking account of:
 - * Rarity, vulnerability, antiquity or complexity.
 - * Contribution to the network of features, their location/setting and biodiversity.
 - * Positive opportunities afforded by development.

Where unavoidable impacts may result from development, mitigation/compensation will be required to ensure that there is as a minimum no net loss of heritage value. This may include creation of new resources on or off site.

Legislation

Bats

Under the Wildlife and Countryside Act 1981 (as amended) and The Conservation (Natural Habitats, &c.) Regulations 1994 it is an offence to:

- * kill, injure or take a bat.
- * possess/control a live or dead bat, any part of a bat, or anything derived from a bat.
- * damage/destroy/obstruct access to a place that a bat uses

for shelter/protection.

- * disturb a bat.
- * damage/destroy a breeding site or resting place of a bat.

Nesting Birds

Nesting birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 (as amended). It is also an offence to disturb any wild bird included in Schedule 1 of this Act while it is building a nest or is in, on or near a nest containing eggs or young; or to disturb the dependent young of such a bird.

Water voles

Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to:

- * damage, destroy or obstruct access to any structure or place which water voles use for shelter or protection.
- * Disturb water voles while they are using such a place.

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