

Adrian Dowd
Planning
Ribble Valley

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Your ref: 03/2011/1065
Our ref: 03/E1/RS
Date: 27th February 2012

Dear Adrian Dowd,

Ecological comments

Application No: 03/2011/1065

Proposals: Pointing of defective areas of existing bridge, replacement of 2 masonry blocks and installation of telltales.

Location: Slaidburn Bridge B6478

District: Ribble Valley

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

The main ecological issues arising from the proposal include potential impacts on:

- Protected species (bats, otters and breeding birds).

RECOMMENDATIONS

The following matters will need to be addressed before the application is determined:

- Ribble Valley should establish whether Lancashire County Council are proposing to affect/use the field adjacent to the bridge which falls within Bell Sykes Meadows SSSI. If so, I recommend that Natural England be consulted before the application is determined.
- There does not appear to have been an assessment of likely impacts on bats or otters. Further information therefore needs to be provided before the application is determined (see below).
- If assessment reveals that a breach of The Conservation of Habitats and Species Regulations 2010 is likely, then Ribble Valley Borough Council will need to have regard for these regulations in reaching a planning decision.

If the above matters can be adequately addressed and Ribble Valley Borough Council is minded to approve the above application or any amended proposals, **planning conditions are recommended to address the following matters:**

- Works will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.

The applicant should be made aware of the following matters:

- Licences from Natural England may be required if protected species will be affected.

JUSTIFICATION FOR RECOMMENDATIONS

1. LEGISLATION AND PLANNING POLICY

In determining this application, the requirements of the following legislation, planning policies and guidance should be addressed:

- The Conservation of Habitats and Species Regulations 2010.
- The Wildlife and Countryside Act 1981 (as amended).
- The Natural Environment and Rural Communities Act 2006.
- Planning Policy Statement 9: Biodiversity and Geological Conservation.
- Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (DEFRA 01/2005, ODPM 06/2005).
- North West of England Plan Regional Spatial Strategy to 2021, Policies EM1 and DP7.
- Environmental Protection / Nature Conservation policies of the Local Plan (or LDF).

Further information is required in order to demonstrate that the proposed development would comply with the above legislation, policies and guidance.

2. PROTECTED SPECIES

European Protected Species

DEFRA Circular 01/2005 states that if protected species are reasonably likely to be present and affected by the proposed development, then a survey/assessment to establish the presence or absence of protected species and the extent that they may be affected by the proposed development needs to be undertaken before planning permission is granted.

Bats

The application form acknowledges the need for a bat survey. The presence or absence of bat roosts and the extent that they may be affected needs to be established before the application is determined. The assessment should follow recognised guidelines (*Bat Surveys: Good Practice Guidelines*, Bat Conservation Trust, 2007) and should be carried out by a competent and appropriately qualified person.

If the presence of bat roosts is established, then Ribble Valley Borough Council will need to have regard for the requirements of the Habitats Directive in reaching a planning decision (see DEFRA circular 01/2005).

Otters

Otters have the potential to use the area under and in the vicinity of the bridge. There does not appear to have been an assessment on the potential impacts on otters, such as disturbance, killing / injuring etc. An assessment of likely impacts on otters, and either a method statement to avoid impacts on otters or surveys to demonstrate the absence of otters should therefore be undertaken prior to determination.

Other Protected Species

Breeding Birds

Habitats on the site have the potential to support nesting birds. It needs to be ensured that detrimental impacts on breeding birds are avoided. A planning condition is recommended above for the avoidance of impacts on nesting birds.

The above comments are based on a review of documents submitted with the planning application as well as a review of ecological records, maps and aerial photographs accessible to Lancashire County Council.

The above comments represent the professional opinion of an ecologist and do not constitute professional legal advice. You may wish to seek professional legal interpretation of the relevant wildlife legislation cited above.

I hope these comments are helpful.

Yours sincerely

Rebecca Stevens
Ecologist
Lancashire County Council