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30th March 2012

320120269P

Dear John

LAND OFF A59, MELLOR BROOK

Further to our recent telephone conversation regarding the request for further information by the planning authority, I should wish to offer the following.

1. Mature Trees

The mature trees on site comprise an oak and an ash. The oak is the tree nearest to the larger roundabout (to the north of the site) and has a DBH of 45cm and is 10m in height. The ash is situated along the western boundary within the hedgeline, has a DBH of 35cm and is 12m in height.

2. Hedgerows

The only hedgerow on site is that which partially follows the western boundary. The hedgerow is dominated by hawthorn with occasional elder and willow and an understorey of bramble and ivy. The height of the hedge varies from 3-5m and is fragmentary, there being a number of gaps along its length. There is a poorly formed ground flora the hedge does not qualify as an Important Hedge in respect of the Hedgerow Regulations.

There is a second hedgerow adjacent to the site boundaries but this appears to be within the highway curtilage. This comprises mainly dogwood with occasional hawthorn and wild rose. This hedge has a variable height of 3-4m. The hedge is species-poor and has a poorly formed ground flora. This too does not qualify as an Important Hedge in respect of the Hedgerow Regulations.

I trust this information will suffice in answering the planning authority's query, but please let me know if you require any further assistance in this matter.

Yours sincerely

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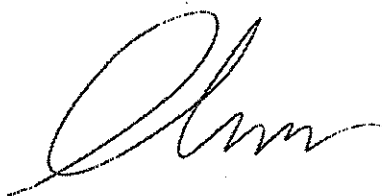
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Cameron S Crook

**Extended Phase 1 Habitat Survey &
Ecological Scoping Assessment**

Land off Myerscough Smithy Road, Mellor Brook

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February 2012

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1.0 Introduction

- 1.1 The purpose of this report is to provide an overview of any likely ecological issues and provide recommendations for mitigation or reasonable avoidance measures to be implemented in respect of proposals to develop land situated between Myerscough Smithy Road and the A59, to the north west of Mellor Brook village. The intention of this report is to provide all necessary information to the Local Planning Authority sufficient to discharge relevant planning obligations, as well as to inform the site owner/developer and indicate the scope of further works required to obtain planning consent, in accordance with the guidance of *Planning Policy Statement 09 Biodiversity and Geological Conservation* and *ODPM Circular 06/05 Biodiversity and Geological Conservation Statutory Obligations*.
- 1.2 In that respect, a walkover survey was carried out to evaluate the baseline ecological status of the site. This comprised an extended Phase 1 Habitat Survey following survey methodology described in NCC (1990) and IEA (1995). Where applicable, a simplified version of the methodology outlined in Rodwell (1991, 1992, 1995 & 2000) was incorporated for identification of National Vegetation Classification (NVC) communities. This was supplemented by a general vascular plant species survey of the whole site using the 'walkabout method' as described in Kirkby (1988) and an assessment of habitat suitability for animals, in particular protected species such as badger, bats, water voles and great crested newts.
- 1.3 The survey was carried out during a single visit on the 27th October 2011

2.0 Existing Situation

- 2.1 The site comprises an area of species-poor improved grassland that is used for the grazing of livestock along with an area of hard-standing used for storage of vehicles, containers and agricultural machinery. In addition, there is a small area of dense scrub with occasional semi-mature trees and tall-ruderal vegetation situated to the north. Apart from the latter, there is very little semi-natural habitat other than occasional patches of low growing bramble scrub, a band of tall ruderal vegetation in mosaic with rank grassland situated primarily along the site margins, and occasional patches of ephemeral and short perennial vegetation in the areas that have been most disturbed.
- 2.2 There are two early mature trees (situated along the western and northern boundaries) but no buildings or water bodies. There is an existing farmyard with farmhouse and associated agricultural buildings, along with an extensive area of improved agricultural grassland to the west of the site. The A59 and a spur road along with their respective soft verges and further south a footpath, occur adjacent to the northern and eastern boundaries. Myerscough Smithy Road occurs adjacent to the southern boundary. The site is separated from the adjacent sites by a traditional stone wall and some sections of post and wire fencing. Although there are no buildings on site, at the time of survey, two containers were noted and the gable end of the adjacent farmhouse/converted barn abuts the boundary to the south west of the site.
- 2.3 Otherwise, the site is effectively isolated from any other semi-natural habitat and generally, in botanical and habitat terms, it is of limited ecological value.

Habitat and Vegetation Communities

- 2.4 The habitats and vegetation communities (where determinable) recorded during the survey and which occur within or closely adjacent to the site boundaries, are summarized in Table 1 below

Table 1 List of habitats and vegetation communities

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NCC/RSNC ¹ Habitat	NVC ² Communities
Scrub: dense continuous	W21 <i>Crataegus monogyna-Hedera helix</i> scrub
Scrub: scattered	W24 <i>Rubus fruticosus-Holcus lanatus</i> underscrub community
Grassland: neutral, semi-improved (in mosaic with tall-ruderal vegetation)	MG1 <i>Arrhenatherum elatius</i> grassland OV23 <i>Lolium perenne-Dactylis glomeratus</i> community
Improved Grassland	MG6 <i>Lolium perenne-Cynosurus cristatus</i> grassland MG7 <i>Lolium perenne</i> leys and related grasslands
Tall herb and fern: tall ruderal	OV24 <i>Urtica dioica-Galium aparine</i> community OV25 <i>Urtica dioica-Cirsium arvense</i> community OV27 <i>Epilobium angustifolium</i> community OV28 <i>Agrostis stolonifera-Ranunculus repens</i> community
Cultivated/disturbed land: ephemeral/short perennial	OV10 <i>Poa annua-Senecio vulgaris</i> community OV21 <i>Poa annua-Plantago major</i> community OV22 <i>Poa annua-Taraxacum officinale</i> community OV28 <i>Agrostis stolonifera-Ranunculus repens</i> community
¹ Nature Conservancy Council and Royal Society for Nature Conservation habitat classification (NCC, 1990)	
² National Vegetation Classification communities (Rodwell, 1991)	
*Habitats or Vegetation Communities occurring mainly or entirely off-site	

- 2.5 All the habitats and vegetation communities recorded within and closely adjacent to the site boundaries are common and widespread throughout Lancashire and Great Britain. Whilst there is at least one Biological Heritage Site (BHS) within 500m of the site boundaries, this is effectively isolated by the A59 and other inhospitable habitat. There will therefore be no impact upon this or any other important sites as a result of the proposed development.

Flora

- 2.6 No list of plants has been provided due to the limited number of species recorded within the site boundaries.
- 2.7 However, all plant species that were recorded are common and widespread or early colonists, typical of disturbed or cultivated ground. No uncommon or otherwise important species were recorded or considered likely to occur.

Fauna

- 2.8 No specific surveys for fauna were undertaken, although, during the Extended Phase 1 Habitat Survey, evidence for the presence of protected or otherwise important species was sought.
- 2.9 There was little evidence of any fauna was noted due to the superficial nature of the survey. Some signs of rabbit activity (*Orytolagus cuniculus*) were noted and there was evidence of fox (*Vulpes vulpes*) and small mammals such as field vole (*Microtus*

- agrestis*) within the rougher grassland and scrub, primarily along the margins of the site. However the availability of suitable foraging and burrowing habitat on site is limited due to the predominance of intensively managed grassland, hardstanding, and the generally disturbed nature of the site.
- 2.10 There was no conclusive evidence of badger (*Meles meles*) such as latrines or feeding signs, although the grassland and scrub may provide potential for foraging for any badgers that may occur in the wider area.
- 2.11 There are no water bodies on site though a number of ponds (at least 3) occur within 250m of the site boundaries. However, two of the ponds occur in excess of 200m of the site boundaries and, whilst the third pond occurs within 50m of the site boundaries, this and the other two ponds are effectively isolated from the site by a series of major roads, gardens, buildings and other inhospitable habitat. Therefore, whilst great crested newts are known to occur in the general vicinity, the likelihood of any individuals migrating to the site in question is highly improbable. There will therefore be no likely adverse impact upon this species resulting from development proposals.
- 2.12 There are no buildings or other structures on site suitable for bat roosting. It is possible that the adjacent farm building (converted barn) may support roosting bats but, with the exception of the effects of any proposed lighting, there is unlikely to be any direct impact resulting from development proposals as any likely flight-lines will not be impeded and no access points blocked or potential commuting routes severed. The mature trees are marginally suitable for bat roosting though no conclusive signs were found. It is likely that bats may forage alongside the scrub and rank vegetation that occurs on site but the level of isolation and disturbance would suggest that in general terms this site is of very limited importance to bats.
- 2.13 Few birds were noted during the survey due to the time of year and the superficial nature of this scoping survey. For the same reason, it was not possible to determine which if any species breed on site. However the following species were recorded (or other evidence such as nests was found) and those that are expected to breed on or close to the site boundaries based upon suitability of habitat are highlighted in bold.

Table 2 Birds recorded or considered likely to occur on site

Species Name	Common Name
<i>Columba livia</i>	Street pigeon
<i>Columba palumbus</i>	Wood Pigeon
<i>Corvus corone</i>	Carrion Crow
<i>Erithacus rubecula</i>	Robin
<i>Parus caeruleus</i>	Blue Tit
<i>Parus major</i>	Great Tit
<i>Pica pica</i>	Magpie
<i>Turdus merula</i>	Blackbird

- 2.14 The habitat on site most suitable for breeding or foraging birds is the semi-mature trees and scrub to the north. The remainder of the site appears to be of limited value to birds although it is possible that a number of species in addition to those listed may breed or forage on site at other times of year. It is highly unlikely that any specifically protected (Schedule 1) species such as barn owl occur on site due to the limited quality of habitat and lack of suitable nesting/roosting niches.
- 2.15 Invertebrates were not surveyed specifically and none were noted due to the time of year and limited scope of the survey. The majority of the site has very limited potential for invertebrates. However, the periphery of the site is likely to provide habitat for a moderate diversity of species although these are likely to be common.

species which have good dispersal mechanisms and which are typical of disturbed or cultivated ground and habitats at an early stage of succession.

3.0 Potential Impacts

3.1 Likely Impact

- 3.2 The likely impact of the proposed development on the site surveyed is evaluated against the criteria laid out in the table below which is based on NATA (New Approach to Appraisal) as described in Byron H. (2000). This evaluation is based on the assumption that no mitigation works will be implemented.

Table 3 Impact Assessment Table

Impact Magnitude	Nature Conservation Importance				
	<i>Negligible</i>	<i>Local</i>	<i>County</i>	<i>National</i>	<i>European</i>
Beneficial Effects	Non Significant	Non Significant	Non Significant	Non Significant	Non Significant
Nil Effect	Non Significant	Non Significant	Non Significant	Non Significant	Non Significant
Minor (short term or reversible effects)	Non Significant	Non Significant	Slight	Moderate	Moderate
Moderate (deterioration of feature)	Non Significant	Slight	Moderate	Severe	Severe
High (loss of feature)	Non Significant	Slight	Moderate	Severe	Severe

- 3.3 The evaluation criteria for nature conservation importance are as follows:

European

Habitats which are listed in Annexe 1 of the Habitats Directive and are included as candidate or proposed Special Areas of Conservation (cSAC, pSAC)

Species which are listed under Schedule 2 of the Habitats Directive and form a population which would qualify the site for consideration as a Special Protection Area (SPA) or Special Area of Conservation.

National

Habitats which would meet the criteria for inclusion, or are included, within a Site of Special Scientific Interest (SSSI)

Species which are part of a population or assemblage of species which would meet the criteria for inclusion, or are included, within an SSSI or are protected under Schedules 2, 5 or 8 of the Wildlife and Countryside act

County

Habitats which would meet the criteria for inclusion or are included, within a second tier nature conservation site (SINC) or which form part of a local Biodiversity Action Plan (BAP) or Habitat Action Plan (HAP).

Species which are part of a population or assemblage of species which would meet the criteria for inclusion or are included as part of a Site of Importance for Nature Conservation (SINC).

Local

Habitats which are uncommon in the Mellor Brook area

Species which are uncommon in the Mellor Brook area

Negligible

Where none of the above will be affected

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3.4 Impact of the Development

- 3.5 The likely ecological impact upon any important habitats and species which occur or may be expected to occur on site are summarized in Table 4 below.

Table 4 Summary of likely ecological impacts

Ecological Issues (Receptors)	Details and Impact Magnitude	Likely Impact without Mitigation (Potential Impact without Mitigation)
Habitats, Vegetation Communities and Flora	The proposals will result in the loss or modification of some limited areas of semi-natural habitat including rough grassland, tall-ruderal vegetation and some of the scrub. However, the majority of the habitat lost is of low nature conservation importance comprising mostly improved grassland, hard-standing, or disturbed or cultivated ground. Therefore, the impact magnitude is considered to be: Minor: Negligible	Non Significant
Mammals (Badger)	No signs of badger activity or setts were recorded on site or within at least 30m of site boundaries. Therefore the impact magnitude of the proposed development is considered to be: Nil Effect: National	Non Significant
Mammals (Water Vole)	There are no streams, ditches or ponds on site and none occur within 50m of the site boundaries. The impact magnitude of the proposed development is therefore considered to be: Nil Effect: National	Non Significant
Mammals (Bats)	There are no buildings, there were no conclusive signs of roosting within the mature trees, and there is limited habitat available for foraging purposes. Any bats using adjacent sites for roosting are unlikely to be adversely affected. The impact magnitude is therefore considered to be Nil Effect: European	Non Significant
Amphibians (Great Crested newts)	There are no ponds on site and no ponds within 250m of the site boundaries where there is direct habitat linkage. The impact magnitude is therefore considered to be Nil Effect: European	Non Significant
Reptiles (Grass Snake)	No signs of any reptiles were found anywhere on site and their presence is considered to be unlikely in the	Non Significant

	general area. Therefore the impact magnitude resulting from the proposed development is considered to be: Nil Effect: National	
Breeding Birds (general)	Potential breeding and foraging activity of a number of bird species has been recorded within the trees, shrubs and other rough vegetation within or closely adjacent to the site. Removal or management of vegetation or other habitat during the breeding season is likely to result in disturbance and temporary loss of breeding habitat. The impact magnitude is therefore considered to be: Moderate: National	Severe
Invertebrates	No rare, uncommon or otherwise important invertebrates were recorded or are considered likely to occur on site. The impact magnitude is therefore considered to be: Nil Effect: Negligible	Non Significant

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4.0 Mitigation Proposals

- 4.1 Taking the survey results and impacts above into consideration, the implications for the proposed site works and required mitigation are summarized below.

Ecological Issues	Implications/Mitigation
Botanical/Habitat	1. Retain mature trees and scrub wherever possible. Otherwise, no specific mitigation required.
Breeding Birds	1. No vegetation (or other habitat) should be removed or disturbed during the bird breeding season (February to July inclusive) until or unless this has been first checked for breeding birds by an ecologist 2. Appropriate landscaping with native trees, shrubs and herbaceous species should be used to provide alternative or additional breeding and foraging sites and structural diversity as well as species diversity should be allowed for in planting mixtures
Mammals (Badger)	1. No signs of badger were found within 30m of the site boundaries. However, as a precautionary measure, in the unlikely event that any signs of badger activity are subsequently found or if there is any reason to believe that badger setts have been established within 30m, all site works should cease and further ecological advice should be sought with a view to a set of appropriate mitigation measures being prepared and implemented.
Mammals (Bats)	1. As there will be no likely direct impact upon bats, no specific mitigation will be required. 2. However, as a precautionary measure, to ensure that there is no indirect impact upon any bats which may roost within the adjacent farm house, either (i) no lighting should be fitted to the south western aspect of the proposed new building, or (ii) should lighting be considered essential in this area, the proposed lighting scheme should be designed and implemented in accordance with a bat mitigation scheme which has been prepared following an appropriate night-time emergence survey carried out between May-August inclusive 3. Whilst there are no current proposals to remove mature trees, should this be later required, a specific night-time survey of each mature tree to be removed must be carried out, no more than two weeks prior to the proposed works commencing, during suitable weather conditions within the main survey season of mid April-mid September, to ensure that these are not being used by bats. Should bats be found to be roosting, no further works should take place until or unless an appropriate mitigation scheme has been prepared and an EPS bat licence obtained from Natural England, as considered appropriate.
Mammals (Water Vole)	1. There will be no impact upon water vole so no mitigation will be required.
Amphibians (Great Crested Newts)	1. There will be no likely impact upon great crested newts. Therefore, no specific mitigation necessary

Reptiles (Grass Snakes)	1. No specific mitigation is necessary.
Invertebrates	1 No specific mitigation is necessary although adequate structural and species diversity as well as a high proportion of locally native species should be allowed for in all planting and seeding schemes to encourage re-colonization wide diversity of invertebrate species

5.0 References

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6.0 Legislative Considerations

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Bats

- 6.1 All British bat species are listed and protected under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Habitat Regulations 1994 where it is an offence to:
- ◆ Intentionally or deliberately kill, injure or take (capture) bats;
 - ◆ Deliberately disturb bats (whether or not in a roost);
 - ◆ Damage, destroy or obstruct access to a bat roost;
 - ◆ Possess or transport a bat or any part of a bat unless acquired legally;
 - ◆ Sell, barter or exchange bats or parts of bats.
- 6.2 Where any bat roosts are affected by a proposed development, a licence from the Natural England will be required before any development works can be implemented, *irrespective of whether or not planning consent has been given*. However, where no roosts are likely to be affected, no licence is required.

Badgers

- 6.3 Badgers and their setts are protected under the following legislation:
- The Protection of Badgers Act 1992
 - The Wildlife and Countryside Act 1981
 - The Protection of Animals Act 1911
 - The Abandonment of Animals Act 1960
 - Animals (Scientific Procedures) Act 1986
- 6.4 The primary legislation relevant to badgers in this case is the Protection of Badgers act and the Wildlife and Countryside act. With respect to the former, it is an offence to:
- ◆ Kill, injure or take a badger, or attempt to do so
 - ◆ Ill-treat or be cruel to a badger
 - ◆ Dig for badgers or use badger tongues
 - ◆ Ring or mark badgers
 - ◆ Sell or possess a live badger or possess a dead badger,
 - ◆ Send or deliberately allow a dog to enter a badger sett
 - ◆ Disturb a badger when it is occupying a sett
 - ◆ Damage or destroy a sett or obstruct access to a sett.
- 6.5 However, it should be noted that the legislation does not directly protect habitat used for foraging or migration.
- 6.6 With respect to any proposed development, any of the offences listed above may be permitted providing a licence has been issued by Natural England

Water Voles

- 6.7 Water Vole is listed under Schedule 5 of the Wildlife and Countryside Act (1981 as amended) with respect to Section 9 (4). The animals themselves are not protected but their burrows, referred to as their place of shelter, are protected. It is an offence to intentionally damage, destroy or obstruct any structure or place that water voles use for shelter or protection, or to disturb animals whilst they are using such a place. An offence committed under Section 9 of the act carries a maximum penalty of imprisonment for up to six months or a fine not exceeding level 5 on the standard

scale, or both. Courts may also order the forfeiture of any vehicle or other thing that was used to commit the offence.

- 6.8 There is a legal requirement *that due attention is paid to the presence of water voles and appropriate actions are taken* to safeguard the places they use for shelter and protection. Licences are available from Natural England for scientific, educational or conservation purposes but there is no provision for licensing the intentional destruction of water vole burrows for development or maintenance operations. Operations such as these are covered by defences within the legislation where it has been demonstrated that "any action which would otherwise have been an offence, was the incidental result of a lawful operation and could not reasonably have been avoided". By implication, the legislation requires that reasonable steps must be taken to avoid any unnecessary harm to water voles

Great Crested Newts

- 6.9 Great crested newts and their habitat are fully protected under both the Wildlife & Countryside act 1981 and Schedule 2 of the Habitat Regulations 1994. It should be noted that where great crested newts and their habitat are affected by a proposed development, a licence from Natural England will be required be the site can be developed, irrespective of whether or not planning consent has been given

Birds

- 6.10 All nesting wild birds, with the exception of certain pest species, are protected under Part 1 of the Wildlife and Countryside Act 1981 and barn owls are specially protected under Schedule 1 of the act where it is an offence to:
- ◆ Kill, injure or take any wild barn owl;
 - ◆ Take, damage or destroy any wild barn owl nest whilst in use or being established;
 - ◆ Take or destroy a wild barn owl egg;
 - ◆ Have in one's possession a wild barn owl or it's egg;
 - ◆ Disturb any wild barn owl whilst establishing a nest or whilst in, on or near a nest containing eggs or young;
 - ◆ Disturb any dependent young of wild barn owls

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7.0 Photographs**Photo 1**

View of the improved grassland from the access off the A59 spur road, the existing farmhouse/converted barn visible in the background

**Photo 2.**

View northwards showing the boundary wall in the foreground, improved grassland in the mid-ground, and containers and scrub to the rear

**Photo 3.**

Detailed views of the existing access and containers etc. with scrub to the rear.

