

Paul Walton_De Pol Associates Ltd

From: Cameron S Crook <cameron.crook@btopenworld.com>
Sent: 16 October 2012 15:38
To: Paul Walton_De Pol Associates Ltd
Cc: MichaelLewis
Subject: Devil's Elbow Ecological Issues

3201205780

Paul,

Having reviewed the latest response from LCC Ecology, whilst I am in full agreement that all reasonable measures should be taken to conserve or mitigate for any impact upon the heronry, I feel that the conditions proposed do not reasonably balance the need to mitigate any impact with the need to ensure that development can proceed where there is no significant harm. The suggested conditions also conflict to some extent with some of the previous conditions proposed by LCC Ecology.

I would therefore like to offer the following revised alternatives in respect of the first and second conditions proposed by LCC Ecology in their response dated 11th October 2012.

1. "There shall be no engineering operations or other construction works including works to any trees, shrubs or other vegetation, carried out anywhere within the woodland during the period commencing the first week of February to the last week of July inclusive, until or unless it has first been confirmed by an ecologist that breeding birds are not present."
2. "Prior to commencement of development, a scheme for the mitigation and conservation of herons and other breeding birds shall be submitted to and approved in writing by the local planning authority. Such mitigation scheme shall follow an up-to-date seasonal survey of heron and other breeding birds within the application site and shall include an implementation schedule (with reference to the various elements of the development). The approved mitigation scheme shall be carried out in accordance with the agreed details, including the implementation schedule."

These conditions are less prescriptive than those proposed by LCC Ecology yet they still allow the authority an adequate measure of control over site development and how any impact upon the heronry will be dealt with and mitigated for. The revised conditions will also allow for any minor variations in the scheme that might arise due to, say, the final route of the aerial walkway or the exact location of active herons' nests next season, so that we are still able to prepare an appropriate plan of action. You may recall that the previous conditions recommended by LCC Ecology required approval of the final layout and a revised site survey amongst other things, so the new conditions proposed above would tie-in neatly with those already proposed, reducing the chances of any unnecessary complications or conflict.

Finally, I would like to reiterate at this point that whilst I accept that there may be some impact upon the heronry, ultimately, this will not result in "significant harm" to the BHS. Given the various other mitigation and habitat management and restoration measures that have already been proposed, there will in fact be a net increase in the ecological value of the BHS. I would argue therefore that there would be no conflict with the requirements of the NPPF or the ecological policies of the Ribble Valley Local Plan.

I hope this is of help but please let me know if you wish to discuss this matter further

Regards

Cameron

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