



Colin Sharpe
Planning
Ribble Valley Borough Council

Email: ecology@lancashire.gov.uk
Your ref: CONECO/3/2012/0623
Our ref: 03/12/0623/ASM/ASP/RS
Date: 23rd August 2012

Dear Colin Sharpe,

Ecological comments

Planning Application No: 3/2012/0623

Proposals: **Outline application with all matters reserved for residential development of 23 dwellings, with access, parking and associated landscaping following demolition of nos. 23 and 25 Old Row**

Location: **Land at 23-25 Old Row, Barrow, Clitheroe**

District: **Ribble Valley**

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

It seems reasonably unlikely that the proposed development would have any significant ecological impacts provided the planning conditions recommended below are attached to any approval.

RECOMMENDATIONS

If Ribble Valley Borough Council is minded to approve the above application, **planning conditions are recommended to address the following matters:**

- Lighting associated with the development shall be designed to avoid excessive light spill and shall not illuminate hedgerows or trees, which may adversely affect wildlife such as bats roosting / foraging / commuting in nearby habitat. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance *Bats and Lighting in the UK, 2008*).
- No site clearance, site preparation or development works shall commence until a fully detailed habitat creation/compensation and management plan has been submitted to Ribble Valley Borough Council for approval in consultation with their ecological advisors. The plan should include planting mixes, habitat establishment proposals, aftercare and long term management. The agreed plan shall be implemented in full.

- Hedgerows, the 4 mature trees situated along the southern boundary of the site, and other trees being retained in or adjacent to the application area will be adequately protected during construction and design measures shall be adopted to help ensure the long term survival of these habitats through the lifetime of the development, in accordance with existing guidelines (e.g. *BS5837: 2005 Trees in relation to construction - Recommendations*) and as recommended in the ecology report (para 4.4).
- A further precautionary bat survey/assessment of the buildings to be affected shall be undertaken immediately prior to commencement of works. If the presence of roosting bats is detected or suspected during this survey or at any other stage before or during the proposed development, then works should not proceed until it has been established whether or not a Natural England licence is required.
- Prior to commencement of work the bat roosting opportunities recommended in section 4.4 of the Ecology Report (Bowland Ecology, May 2012) shall be installed within the site.
- Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.
- Details of replacement bird breeding opportunities to be installed within the site (to include provision for House Sparrow and replacement planting to compensate for loss of semi-natural vegetation) shall be submitted to Ribble Valley Borough Council for approval in writing in consultation with their ecological advisors. The approved scheme shall be implemented in full.
- In order to avoid impacts on hedgehogs and amphibians:
 - Works affecting any features likely to provide shelter for amphibians and/or hedgehogs (for example, rubble piles, log piles, piles of leaf litter, dense vegetation, scrub) will be avoided when amphibians and hedgehogs are likely to be hibernating.
 - All areas of suitable terrestrial habitat, including likely places of shelter, shall be carefully searched immediately prior to removal / development works. If clearance works are unavoidably carried out at the time of year when amphibians may be hibernating and hedgehogs may be hibernating or breeding, any amphibians and/or hedgehogs found should not be disturbed and advice should be sought from an appropriate ecological consultant. Otherwise any amphibians and/or hedgehogs encountered shall be moved to a safe area of suitable habitat, which will then remain undisturbed.
- Japanese knotweed (*Fallopia japonica*) shall be eradicated from the site and working methods shall be adopted to prevent the spread of this species.

The applicant should be made aware of the following matters:

- Boundary treatments shall not be flush to the ground, or suitably sized gaps will be left at strategic points, such that fences shall be permeable to the passage of wildlife including amphibians and hedgehogs.

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 (as amended).
- The Wildlife and Countryside Act 1981 (as amended).
- The Natural Environment and Rural Communities Act 2006.
- The National Planning Policy Framework, 2012 (NPPF)
- 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.

Planning conditions are necessary to ensure compliance with the above legislation, policies and guidance.

To achieve sustainable development, the planning system should seek environmental gains and should contribute to protecting and enhancing the natural environment and help to improve biodiversity. The NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature (NPPF Para 6-10).

The planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological networks (NPPF Para 109).

2. PROTECTED SPECIES

Bats (European Protected Species)

Trees are to be directly affected by the proposed development. These trees have been assessed for their potential to support bats and are considered to be unsuitable (para 3.17).

The buildings on site have some potential to support roosting bats. Based on the information submitted it seems reasonably unlikely that bats currently use the buildings. However, bats are known to be in the area and the condition of the buildings could alter in the time period between the surveys and commencement of works. It is therefore recommended that a precautionary bat survey/assessment is undertaken immediately prior to commencement of works. This can be subject to planning condition.

As the buildings on site have potential to support roosting bats and this potential will be lost as a result of the development, it would be appropriate for replacement bat roosting opportunities to be installed within the site. This can be subject to planning condition.

Breeding birds

The hedgerows and scattered Hawthorn scrub on the site provides suitable nesting habitat for birds (para 3.30) and some of these opportunities will be lost as a result of the development. In addition, the buildings have been used in the past by nesting birds (para 3.24) and House Sparrow currently use the roof of the cottage for nesting (para 3.26 & 3.30). These opportunities for nesting House Sparrow will be lost as a result of the development. House Sparrow is a Species of Principal Importance (NERC Act 2006). DEFRA Circular 01/2005 indicates that UK Biodiversity Action Plan Priority Species (Species of Principal Importance, NERC Act 2006) are capable of being a material consideration in the making of planning decisions. It would therefore be appropriate for replacement opportunities for nesting birds to be incorporated into the developed site. Replacement opportunities should include specific provision for House Sparrow and replacement planting of semi-natural vegetation (hedgerows / trees / shrubs / scrub) (please also see below under para 11 Habitat Creation and Landscaping). In addition consideration should be given to enhancement of the site for nesting birds, such as provision for breeding Swift and House Martin within the buildings (Swift and House Martin a species listed as amber on the RSPB/BTO Birds of Conservation Concern).

Details of the replacement bird breeding opportunities can be subject to planning condition.

In addition, if Ribble Valley Borough Council are minded to approve the application it needs to be ensured that detrimental impacts on nesting birds are avoided during construction. A planning condition is recommended above to address this matter.

3. OTHER WILDLIFE, including Hedgehog and Common Toad (Species of Principal Importance)

In addition to House Sparrow (discussed above) the site appears to support suitable terrestrial habitat for hedgehogs and amphibians (such as rough grassland, scrub etc). It would therefore be appropriate for precautionary working measures to be adopted to avoid impacts on these species. A planning condition is recommended above to address this matter.

In addition, it would be appropriate for the site boundary and garden boundaries to provide habitat connectivity and to allow movement of these species through and into/off/through the site. Creation of native hedgerows, instead of fencing, around the site perimeter and around gardens would address this matter. If timber fences are installed on the site then, in order to allow movement of wildlife, the fences should not be flush to the ground or suitability sized gaps should be left at strategic intervals.

4. INVASIVE & INJURIOUS WEEDS

Japanese knotweed (*Fallopia japonica*), a species listed in Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended), is present on the site. This species should be eradicated from the site and working methods adopted to prevent its spread. This can be subject to planning condition.

5. LIGHTING

Planning decisions should limit the impact of pollution from artificial light on nature conservation (NPPF Para 125). A planning condition is therefore recommended above to address this matter.

6. REPLACEMENT PLANTING / HABITAT CREATION / LANDSCAPING

The proposed development will result in a loss of semi-natural habitat (including a length of over-grow hedgerow, scattered scrub and tall ruderal herbs). These habitats provide diversity

and are considered to be of value to birds, bats and small mammals (para 4.2). In addition, hedgerows are a Habitat of Principal Importance. It would therefore be appropriate for any losses to be compensated for within the site.

The Ecological Consultant recommends creation/enhancement of species rich hedgerows around the perimeter of the development and planting of native trees and shrubs within the site (para 4.3). In addition the indicative layout plan shows a proposed 5m wide landscaping buffer zone along the eastern boundary of the site. These proposals are appropriate and would provide adequate compensation for the losses. Creation/enhancement of native species rich hedgerows, trees and shrubs along the perimeter of the site would also fulfil the requirements of NPPF to address the integration of new development into the natural environment (NPPF Para 61) and would ensure habitat connectivity/corridors are maintained/enhanced. Appropriate guidance on native species appropriate to the locality is given in Lancashire County Council's Supplementary Planning Guidance on Landscape and Heritage

<http://www.lancashire.gov.uk/corporate/web/view.asp?siteid=3654&pageid=11650&e=e>

Consideration should also be given to the biodiversity enhancements, such as managing areas of grassland within the site as species rich grasslands and/or installation of pond(s), as recommended in the Ecology report (para 4.3).

Areas of habitat creation should be maintained and managed for wildlife for the lifetime of the development. Appropriate hedgerow management includes the British Trust for Conservation Volunteers Guide to Hedgerow Management and the Environmental Stewardship hedgerow management prescriptions.

A detailed plan of habitat creation / landscaping / management can be subject to planning condition.

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