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Email: ecology@lancashire.gov.uk

Your ref: CONECO/3/2012/0774

Our ref: 03/12/0774/ASM/ASP/SG

Date: 20th September 2012

Dear Claire Booth,

Ecological comments

Planning Application No: 3/2012/0774

Proposals: Proposed change of use of agricultural land to form a compound to house solar panels for domestic use.

Location: Lower Monubent Farm Barn, Hellifield Road, Bolton By Bowland

District: Ribble Valley

Thank you for your consultation in respect of the above planning application.
The main ecological issues arising from the proposal include potential impacts on:

- Lower Monubent Meadows Biological Heritage Site
- Habitats and Species of Principal Importance
- Protected species (breeding birds)

RECOMMENDATIONS

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

- No site clearance, site preparation or development work shall take place until mitigation/compensation proposals supported by an ecological assessment (which will be undertaken at an appropriate time of year) of the working area (including the route for cable installation and access route) have been submitted and approved by Ribble Valley Borough Council in consultation with specialist advisors. The ecological assessment shall include an assessment of the floristic value of the working area and footprint of the development and the potential for the area to support protected and priority species including amphibians in the adjacent pond. Any necessary mitigation/compensation measures shall be

implemented in full. For example, this may include turf translocation and/or an agreed grazing regime for the area of BHS and a method statement for the avoidance of impacts on the BHS/species-rich grassland, breeding birds and amphibians during the works (including the cable installation).

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.

The NPPF states that:

- If significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (NPPF Para 118).
- Planning decisions should contribute to conserving and enhancing the natural environment (NPPF Para 17).
- 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).

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

2. AVOIDANCE OF ECOLOGICAL IMPACTS AND MITIGATION/COMPENSATION

Biological Heritage Sites

The proposed development would affect Lower Monubent Meadows Biological Heritage Site (BHS 75SE10). The site has been identified for its species rich grassland (a Habitat

of Principal Importance) and Lancashire County Council holds survey information that indicates that the proposal lies within such habitat. The proposed development would therefore have a direct impact on the Biological Heritage Site/habitat of principal importance.

Information submitted with the planning application does not include an assessment of the ecological interest on the site or the likely ecological impacts of the proposed development.

However, in this case, it is my opinion, that mitigation/compensation informed by an ecological assessment can be dealt with by planning condition due to the small scale of development and it appears that there is plenty of scope to provide mitigation/compensation within the BHS that is within the blue line boundary. A planning condition is recommended above.

Great Crested Newts (European Protected Species)

A pond lies within 35m of the proposed development which may have the potential to support great crested newts. However, Natural England's rapid risk assessment indicates that if great crested newts were present in the pond, then an offence would be unlikely. However due to the proximity of the pond, it would be appropriate for the applicant to submit a method statement for the avoidance of impacts on great crested newts and other protected and priority species. A planning condition is recommended above.

Breeding Birds (Protected Species)

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.

Species of Principal Importance

DEFRA Circular 01/2005 indicates that UK Biodiversity Action Plan Priority Species and Habitats (Species and Habitats of Principal Importance, NERC Act 2006) are capable of being a material consideration in the making of planning decisions.

From the aerial photographs accessible to Lancashire County Council, it appears that there may be habitat (e.g. grassland) within the proposed development site which has the potential to support Species of Principal Importance such as common toad. It would therefore be appropriate for the applicant to adopt a precautionary approach during works. A planning condition is recommended above.

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,

Sarah Gorman
Ecologist
Lancashire County Council