

Date: 27 November 2012
Our ref: 68558.
Your ref: 3/2012/0942.



Sarah.westwood@ribblevalley.gov.uk
BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ms Westwood

Planning consultation: 3/2012/0942

Location: Land at Higher Standen Farm and Part Littlemoor Farm, Clitheroe.

Thank you for your consultation on the above dated 26 October 2012 which was received by Natural England on 28 October 2012.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2011**

Designated Landscapes – Forest of Bowland Area of Outstanding Natural Beauty (AONB)

This application is within the setting of Forest of Bowland Area of Outstanding Natural Beauty (AONB)

Natural England considers that this development may adversely affect the purpose/s for which the Forest of Bowland Area of Outstanding Natural Beauty (AONB) has been designated. We are concerned about the poor quality of the landscape and visual impact assessment accompanying the EIA which does not adequately assess the potential impacts of the development on the AONB. The assessment could be improved if it provided more detail on how the views from AONB will be affected by the proposal.

Such an assessment should be based on good practice guidelines such as those produced jointly by the Landscape Institute/Institute of Environmental Assessment 2002¹. Landscape character assessment (LCA) provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change, and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

We therefore advise you that the application should be withdrawn due to further information being required that clearly describes the impact of the proposal on the landscape character and any proposed mitigation, prior to the application being assessed.

This application is a distance of 1.1 km from the Forest of Bowland Area of Outstanding Natural Beauty (AONB). Given the location of the development, your local planning authority should seek the views of the AONB Partnership where relevant, prior to determining this planning application, as they may have comments to make on the location, nature or design of this development.

Protected species

The Bat Survey accompanying the planning application concludes that the buildings of Higher Standen farm to be demolished either contain a bat roost or have the features suitable for roosting bats.

Natural England **do not object** to the proposed development in respect of protected species. On the basis of the information available to us, our advice is that the proposed development is likely to affect Bats - Common Pipistrelle- through disturbance of EPS, damage and destruction of a resting place. We are satisfied however that the proposed mitigation would maintain the population identified in the survey report.

We advise that mitigation proposals as described inspection 7.5 of the Appendices of the Environmental Statement are suitably and robustly conditioned in any granted permissions.

Common Pipistrelle - is a European Protected Species. A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided through avoidance (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. We wish to point out that the applicant's ecologists may well have interpreted the intended use of Class licences. We refer the applicant to the following pages on our website

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/classlicences.aspx#currentlicences>. If a licence is considered necessary and significant effects cannot be avoided through reasonable avoidance measures then a licence will be required. The use of Class Licence will not be applicable in this case.

Natural England's view on this application relates to this application only and does not represent confirmation that a species licence (should one be sought) will be issued. It is for the developer to decide, in conjunction with their ecological consultant, whether a species licence is needed. It is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice we have provided on likely impacts on favourable conservation status and Natural England's guidance on how we apply the 3 tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) when considering licence applications.

Green Infrastructure

Due to the scale of the proposed development Natural England considers that it could benefit from green infrastructure (GI) provision, as a mitigation measure. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your

attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character¹
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice² on BAP and protected species and their consideration in the planning system.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Sally Maguire on sally.maguire@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours Sincerely.

Sally Maguire.
Land Use Operations

¹ Landscape Institute and Institute of Environmental Management and Assessment (2002, 2nd edition):
Guidelines for Landscape and Visual Impact Assessment- Guidance for England and Scotland

² Paragraph 98 and 99 of ODPM Circular 06/2005