



Graeme Thorpe
Planning
Ribble Valley Borough Council

Email: ecology@lancashire.gov.uk
Your ref: 3/2012/1044
Our ref: 03/12/1044/ASM/ASP/SG
Date: 18th January 2013

Dear Graeme Thorpe,

Ecological comments

Planning Application No: 3/2012/1044

Proposals: Proposed construction of a new two-storey office development on redundant land adjacent to The Spinney, car park with hard and soft landscaping areas and service installations to suit

Location: Land adjacent to The Spinney, Grindleton, BB7 4QE

District: Ribble Valley

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

RECOMMENDATIONS

The following matters will need to be addressed before the application is determined:

- An ecological assessment should be undertaken to assess the likely impacts on semi-natural habitats (e.g. River Ribble Biological Heritage Site, trees, hedgerow, grassland) and/or protected and priority species such as bats, otters, water voles and breeding birds. The extent to which such habitats and/or species would be affected by the proposed development will need to be established before the application is determined. The results of the assessment/survey should inform the design of the development and mitigation/compensation proposals.
- If the above assessments reveal that a breach of The Conservation of Habitats and Species Regulations 2010 is likely, then Ribble Valley Borough Council will need to have regard for these regulations in reaching a planning decision.
- Owing to the close proximity to the River, I recommend that The Environment Agency be consulted before the application is determined.

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 Protection of Badgers Act 1992.
- 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).
- 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).
- Core planning principles listed in the NPPF state that 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 decisions should limit the impact of pollution from artificial light on nature conservation (NPPF Para 125).
- Planning decisions should address the integration of new development into the natural environment (NPPF Para 61)
- Opportunities to incorporate biodiversity in and around developments should be encouraged (NPPF Para 118).

Further information is required in order to demonstrate that the proposed development would comply with the above legislation, policies and guidance.

2. ECOLOGICAL ASSESSMENT

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. I am therefore unable to comment on the implications of the proposal. Further survey is necessary in order to inform the need for mitigation/compensation.

The ecological assessment should include:

- An assessment of the habitats likely to be affected and of likely impacts on that habitat.
- An assessment of the potential for the habitats in the area to support protected species and species of principal importance.
- Surveys for protected and priority species that may be present and affected by the proposed development and an assessment of likely impacts on such species.
- Measures to avoid, mitigate or compensate for impacts on protected and priority species and semi-natural habitats.

DEFRA Circular 01/2005 states that if protected species are reasonably likely to be present and affected by the proposed development, then a survey/assessment to establish the presence or absence of protected species and the extent that they may be affected by the proposed development needs to be undertaken before planning permission is granted.

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.

Examples of protected species that may be affected include bats, otters, water voles and breeding birds.

If impacts on a European protected species such as bats are likely, then Ribble Valley Borough Council will need to have regard for the requirements of the Habitats Directive in reaching a planning decision (see DEFRA circular 01/2005).

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