



Graeme Thorpe
Development Control
Ribbles Valley Borough Council

Email: ecology@lancashire.gov.uk

Your ref: 3/2013/0307

Our ref: 03/13/0307/ASM/ASP/SJM

Date: May 23rd 2013

Dear Mr Thorpe,

Ecological comments

Application: 3/2013/0307

Proposals: Application for approval of reserved matters following outline approval for the erection of 58 no. dwellings including details of details of layout, scale, appearance and landscaping

Location: Land Off Preston Road Longridge Lancashire

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

As you may remember, I commented on application 3/2011/0316, with the most significant concerns being impacts on European protected species (great crested newts and bats) and their habitat.

The great crested newt survey (reported by Haycock & Jay Associated Ltd, June 2011) found evidence of breeding great crested newts approximately 100m from the application area. Due to the presence of a pond and suitable terrestrial habitat within the application area, the consultant concluded that the proposals were likely to result in a breach of the Conservation of Habitats and Species Regulations 2010 (as amended) unless a Natural England licence was issued prior to works. The report outlined a mitigation strategy which included excluding newts from the development area, retaining and enhancing the pond within the application area, retaining and/ or replacing suitable terrestrial habitat within the application area, maintaining and enhancing habitat connectivity between ponds on and off-site, and implementing a management plan for the conservation of great crested newts.

Planning condition number 10 of outline planning permission (application 3/2011/0316) requires no part of the development to be commenced until a copy of the licence application has been submitted to the LPA, and that the protection measures included in the licence issued by Natural England shall be fully implemented and maintained.

Planning condition number 14 requires that no part of the development shall be implemented until details of mitigation and enhancement for the on site pond have been approved, and the approved details to be maintained thereafter.

Currently submitted plans do not appear to show any habitat retained (indeed the layout is less favourable to biodiversity maintenance than the outline proposals). It is not clear that the pond would be retained or enhanced, and there does not appear to be any provision for amphibians within the proposed layout. It appears that habitat connectivity would be reduced as a result of the proposed layout, which I note varies from that submitted at the outline stage and which had appeared to better maintain habitat connectivity.

Whilst I appreciate that conditions 10 and 14 refer to the submission of details prior to the commencement of the development, and not to the submission of details at the reserved matters stage, I am of the opinion that Ribble Valley Borough Council is not in a position to approve this application until such time as planning conditions 10 and 14 are satisfactorily discharged.

The current proposed layout does not demonstrate that the measures required to maintain the favourable conservation status of great crested newts (*i.e.* the third licensing test set out in the European regulations) would be delivered as part of this scheme. In my opinion Ribble Valley Borough Council should not approve a planning layout which does not demonstrate that the necessary mitigation and compensation required for impacts on a European protected species and its habitat would be delivered within the proposed development.

If this application is approved without further amendment to demonstrate maintenance and enhancement of newt habitat and habitat connectivity, then it seems to me that Ribble Valley Borough Council will have failed to adequately discharge its duty as competent authority for the purposes of the Conservation of Habitats and Species Regulations 2010 (as amended).

In my opinion these proposals do not demonstrate compliance with biodiversity legislation (Conservation of Habitats and Species Regulations 2010 (as amended)), planning policy (NPPF) or guidance (ODPM Circular 06/2005).

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

Dr Sarah Manchester
Senior Planning Officer (Ecology)