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Planning  
Ribble Valley Borough Council

Email: ecology@lancashire.gov.uk  
Your ref: CONECO/3/2014/0183  
Our ref: 03/14/0183/ASM/ASP/RS  
Date: 12<sup>th</sup> June 2014

Dear Sarah,

### **Ecological comments**

Planning Application No: **3/2014/0183**

Proposals: **Hybrid planning application seeking both full and outline planning permission as follows:**

**Full planning permission for works and a change of use to the Grade II listed Kirk Mill to create a hotel and bar restaurant, works to the barn building to create seven holiday cottages, construction of a hotel and spa, wedding venue, kids club and trailhead centre, change of use of Malt Kiln House from residential to use class C1, construction of a new cricket pavilion, demolition of the group of derelict factory buildings.**

**Outline planning permission for 60 residential dwellings, spilt over two sites, with a maximum of 56 and 4 units on each with all matters reserved except for mean of access.**

Location: **Land at Malt Kiln Brow**

District: **Ribble Valley**

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

The following comments are provided under the terms of the Service Level Agreement (ecology). Please note Lancashire County Council does not support or object to planning applications when providing advice on ecological matters. The comments are intended solely to inform your decision-making, having regard to the requirements of relevant biodiversity legislation, planning policy and guidance.

I am unable to provide full comments at this stage. At this stage the principal of the proposed development has not been established and the applicant has not demonstrated that the proposals would comply with the relevant legislation, planning policies and guidance as listed below. I will be able to provide further comments once information has been submitted to address the matters listed below.

### **RECOMMENDATIONS**

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

- There does not appear to be any information about the individuals who carried out the ecological survey work and assessments. This information should be provided to

establish that the surveys and assessments have been carried out by competent (suitable qualified and experienced) persons.

- It is not clear to me what is proposed for parcel 5, parcel 4 or the south-east area of parcel 1 as part of this application or what the ecological impacts of any proposals would be. This should be clarified.
- There does not appear to have been an assessment of likely impacts on amphibians. There are waterbodies within 250m of the proposed development areas which may be suitable to support amphibians, such as Great Crested Newt (European Protected Species) and Common Toad (Species of Principal Importance), and the site supports suitable habitat for amphibians. Information should be submitted (including the results of any necessary surveys) to address this matter. The likely impacts on amphibians need to be established prior to determination of the application. If impacts are likely then mitigation measures will need to be submitted.

Reptile surveys have been carried out and the results include details of reptiles observed only. I recommend that information is also provided on any amphibian observed during these surveys (if any).

- It appears that the badger survey was restricted to land within the site boundaries only. The badger survey will need to be extended to include suitable habitat up to 30m from the site boundaries.
- Aside from B1 and B13 (in which bat roosts have been found), and B10, B11 & B12 (which I understand are to remain unaltered), it is not clear whether the level of survey effort on buildings to be affected is sufficient (in accordance recognised Bat Conservation Trust good practice guidelines) to establish the presence/absence of bat roosts. Descriptions of all the buildings are provided however descriptions of any potential bat roosting features and bat access points do not appear to be detailed. In addition, an assessment of the potential each building to be affected has to support roosting bats does not appear to be provided and there do not appear to be any details of any limitations of the building inspections/surveys (e.g. were all areas externally and internally accessible and visible?). I am therefore unable to assess what potential each building has to support roosting bats and am therefore unable to assess whether the level of survey effort is in accordance with the BCT good practice guidelines.
- The presence of bat roosts in buildings 1 & 13 has been established (para 5.3.7, *Ecological Assessment*, Ecology Solutions Ltd, November 2013) and it is considered there is a need for a Natural England licence (para 5.3.11). Ribble Valley Borough Council should not approve the application if there is reason to believe that Natural England would not issue a licence. Ribble Valley Borough Council should therefore have regard to the requirements of the Habitats Directive in reaching the planning decision. The licensing tests given in the Habitats Regulations should be given consideration. In summary, these are that:
  1. The development is required for the purpose of
    - preserving public health or public safety,
    - for other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
    - for preventing serious damage to property.
  2. There is no satisfactory alternative.

3. The proposal will not be detrimental to the maintenance of the population of the species at a favourable conservation status.  
(see DEFRA Circular 01/2005).

Before the application is determined, information should be provided by the applicant to demonstrate how the above three tests will be addressed. Mitigation measures have been recommended to address the 3<sup>rd</sup> test however these are not firm proposals of what will happen. Firm mitigation measures to address the 3<sup>rd</sup> test need to be submitted and bat roost provision marked on submitted plans.

- The proposals include works to the bridge across to the proposed Cricket Pavilion (parcel 6), such as re-pointing works. Such works have the potential to result in impacts on bats and their roosts and there does not appear to be any information about the likely impacts on bats resulting from these works. Unless works to this bridge can be avoided, further information will need to be submitted to address this matter. An assessment of the suitability of this bridge to support roosting bats will need to be carried out (preliminary roost assessment) and if suitable, surveys (dusk emergence/dawn re-entry) will be required to establish the presence/absence of bat roosts and the likely impacts on bats.
- There does not appear to be any information submitted regarding likely impacts on Barn Owl. Buildings are to be affected which may be suitable for use by barn owls for roosting and/or nesting. The results of surveys of all the buildings to be affected (both directly and indirectly) to establish their use by Barn Owl will need to be submitted. Information should also be provided regarding their suitability/potential for roosting and/or nesting barn owls. Based on the results of the surveys mitigation proposals should be submitted (if necessary) to demonstrate that impacts would be mitigated/compensated for in accordance with the recognised guidelines (guidance produced by the Barn Owl Trust and Natural England entitled *Barn Owls and Rural Planning Applications "What needs to happen": A guide for planners (Ramsden and Twigg, 2009)*).
- The likely impacts on birds (Barn Owl is discussed above) are not clear to me. I note that specific bird surveys have not been carried out, however the *Ecological Assessment* provides a list of bird species observed within the site during the 2011 and 2013 surveys (para 4.33). There does not appear to be any details of the bird survey methods (were these just ad hoc observations during other surveys?). In addition, it is not clear whether this is a comprehensive list of all bird species observed and the use of the site by the birds listed is not clear (i.e. what is their likely use of the site is (e.g. breeding, feeding etc), where they were recorded and numbers of each species observed).

It is therefore not clear to me what the likely impacts on birds would be. For example: Swift is listed as having been observed but no information is provided on the use of the site by this species and the likely impacts (i.e. was Swift considered to be using one of the buildings for nesting and if so would these nesting opportunities be lost as a result of the proposals?).

Further information should be submitted to address this matter prior to determination of the application in order to inform the mitigation/compensation measures required.

- I recommend that the Environment Agency and/or Lancashire County Council Flood Risk Management team is consulted regarding the proposals to discharge surface water into existing watercourse (as indicated on the submitted application form), de-culvert a stretch

of watercourse, proposed works to the existing bridge and the proposed new bridge to access the proposed new cricket pavilion site.

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).
  
- Environmental Protection / Nature Conservation policies of the Local Plan.

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

The above comments are made without the benefit of a site visit and are based on a review of documents submitted with the planning application as well as a review of ecological records, maps, aerial photographs and images accessible to Lancashire County Council.

The County Council provides comments with regard to relevant wildlife legislation. The comments do not constitute professional legal advice. There may be circumstances where you may wish to seek professional legal interpretation of any of the relevant wildlife legislation cited.

I hope these comments are helpful.

Yours sincerely,

Rebecca Stevens  
Ecologist  
Lancashire County Council