

Daniela Ripa  
Planning  
Ribble Valley Borough Council

Email: ecology@lancashire.gov.uk  
Your ref: CONRSPB/3/2014/0438  
Our ref: 03/14/0438/ASM/ASP/RS  
Date: 19<sup>th</sup> August 2014

Dear Daniela,

### **Ecological comments**

Planning Application No: **3/2014/0438**

Proposals: **Development of 106 residential units, including affordable housing, new vehicular and pedestrian accesses, landscaping, public open space and ecological enhancement measures**

Location: **Land East of Chipping Lane**

District: **Ribble Valley**

Thank you for your re-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 have reviewed the additional information submitted:

- *Great Crested Newt Survey* (Tyler Grange, 30<sup>th</sup> June 2014)
- Raw GCN survey data subsequently submitted

I have also been in touch with the applicant's Ecologist to clarify matters previously raised regarding trees and bat roost potential.

The main ecological issues arising from the proposal include potential impacts on:

- Bats (European Protected Species)

### **RECOMMENDATIONS**

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

- Information to address my previous comments regarding bat roosts and trees has not been submitted. Following contact with the applicant's Ecologist I understand that close inspection of the 3 trees along the site frontage (to be removed) has not yet been carried

out and that the presence/absence of bat roosts in these trees has not yet been established.

Unless impacts on the 3 trees along the site frontage (both direct and indirect impacts) can be avoided, then the results of further surveys to establish the presence/absence of bat roosts will need to be submitted prior to determination of the application.

If further survey reveal the presence of a bat roost(s) that would be unavoidable affected then 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
  - o preserving public health or public safety,
  - o 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.
  - o 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).

If further survey reveals the presence of bat roosts that would be affected then before the application is determined, information should be provided by the applicant to demonstrate how the above three tests will be addressed. This should include mitigation proposals, informed by adequate survey data in order to address the third test.

DEFRA Circular 01/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision (para 99).

Natural England standing advice makes it clear that if surveys/assessments have not been carried out in accordance with the recognised Bat Conservation Trust guidelines (Bat Surveys: Good Practice Guidelines, 2012, 2<sup>nd</sup> edition) to the satisfaction of the LPA to establish the presence/absence of bat roosts (and if present roost status and species affected) and to assess direct and indirect impacts, that further assessments/surveys should be requested from the applicant, and if not submitted the application should be refused.

If the above matter can be adequately addressed and Ribble Valley Borough Council is minded to approve the above application, **planning conditions (or Section 106 agreements) are recommended to address the following matters:**

- No tree felling, vegetation clearance works (including removal of any piles of brash), works affecting stone walls, development works or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.

- No external lighting associated with the development shall be installed without prior written approval from Ribble Valley Borough Council. Any lighting scheme shall demonstrate that there would be no lighting of trees with bat roost potential, hedgerows or ponds, and that dark unlit bat commuting/foraging corridors will be retained including to/from trees with bat roost potential. The principles of relevant guidance shall be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance *Bats and Lighting in the UK, 2009*). Lighting shall be installed as approved only.
- No site clearance, site preparation or development work shall take place until a revised habitat creation/landscaping and management plan has been submitted and approved in writing by Ribble Valley Borough Council. The species mixes and landscaping plan shall be revised to ensure that aquatic, native tree, native hedgerow and native screen species mixes are native and appropriate to the locality (see below) and shall be revised to omit planting in existing waterbodies. The landscaping and management plan will demonstrate maintenance and enhancement of the biodiversity value of retained and established habitats. The approved habitat creation / landscaping and management plan shall be implemented in full.
- No works shall commence until details of bird nesting opportunities to be installed within the re-developed site have been submitted for approval in writing by Ribble Valley Borough Council. The details shall demonstrate that the value of the site for nesting birds is retained both in the short term (whilst replacement planting matures) and long term. The approved details shall be implemented in full.
- Immediately prior to the commencement of works there shall be a repeat survey of the site and suitable habitat in the surrounding area (up to least 30m) for the presence of badgers. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to Ribble Valley Borough Council for approval in consultation with specialist advisors. Any necessary and approved measures for the protection of badgers will be implemented in full.
- All trees and hedgerows being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. *BS5837: 2012 Trees in relation to design, demolition and construction- Recommendations*).
- In order to retain habitat connectivity through the site, for example for Species of Principal Importance such as hedgehogs, boundary treatments should be raised from ground level by 0.15 to 0.2 metre or suitably sized gaps should be left at strategic points.
- There may be a need for additional planning conditions following the submission of information to address the matter above.

**The applicant should be made aware of the following matters:**

- Licences from Natural England may be required if protected species will be affected.

## **Advisory notes for Ribble Valley Borough Council:**

There will be a need to ensure that any development masterplan for the wider ensures that habitat connectivity through the area and to/from existing/created ponds is maintained.

It is not appropriate for ponds to be included within the middle of roundabout (as is shown on the indicative masterplan within the submitted Design & Access Statement) as this would pose a risk to any animals using such waterbodies or that may be attracted in to new ponds.

### **Biodiversity Enhancements:**

- The proposed development provides opportunities to install bat roosting features within the new buildings. Please see the List of bat related products for buildings [Bat Product Listv5](#) (642 KB) on the Bat Conservation Trust website [www.bats.org.uk/pages/new\\_build](http://www.bats.org.uk/pages/new_build)
- The proposed development also provides opportunities to create provision for declining species of bird within the buildings, including House Sparrow, Swift, and House Martin. Swift and House Martin are species listed as amber on the RSPB/BTO Birds of Conservation Concern and House Sparrow is a Species of Principal Importance. For advice see:  
[http://www.rspb.org.uk/advice/helpingbirds/roofs/internal\\_boxes.aspx](http://www.rspb.org.uk/advice/helpingbirds/roofs/internal_boxes.aspx)  
<http://actionforswifts.blogspot.co.uk/search/label/nestbox%20design>  
<http://swift-conservation.org/>

## **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).
  
- 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.

## 2. AVOIDANCE OF ECOLOGICAL IMPACTS AND MITIGATION/COMPENSATION

### **Bats (European Protected Species)**

The applicant's Ecologist has confirmed (via a telephone conversation on 19<sup>th</sup> August) that the trees to be removed from the middle hedgerow (hedgerow 9) are not mature trees and do not have any potential for roosting bats.

I understand that close inspection of the trees along the site frontage (to be removed) has not yet been carried out and that the presence/absence of bat roosts in these trees has not yet been established. The results of these surveys (along with any necessary mitigation measures) need to be submitted prior to determination of the application as detailed above. Ribble Valley Borough Council will need to have regard to the Habitats Directive in reaching a planning decision.

The site is suitable for use by foraging/commuting bats. Although the proposals would result in some loss of hedgerows and species poor semi-improved grassland habitat, the proposed landscaping and habitat creation appears likely to ensure that any losses are offset.

The use of lighting (be it street lighting, security lighting or flood lighting) may adversely affect bats, particularly if it is directed towards their entrance/exit points from roosts since it is likely to delay their exit from the roost, thereby reducing the time available for feeding. Depending upon the species involved, it may also impact upon their feeding and commuting areas with some species actively avoiding lit areas.

Planning decisions should limit the impact of pollution from artificial light on nature conservation (NPPF Para 125).

It will need to be ensured that introduction of lighting onto the site doesn't light trees with bat roost potential and that dark unlit foraging/commuting corridors for bats are retained (including to/from potential bat roosts). Based on the submitted site plan and landscaping plan it appears that this would be possible. I recommend that any lighting scheme be designed to demonstrate that such adverse impacts would be avoided, subject to planning condition.

### **Amphibians, including Great Crested Newt (European Protected Species)**

Details of Great Crested Newt presence/absence surveys of ponds within 250m of the proposed development site have now been submitted. Based on the submitted information it seems reasonably unlikely that the proposals would result in adverse impacts on Great Crested Newt. Based on the submitted information and a review of mapping, records and aerials photographs accessible to LCC it also seems reasonably unlikely that the proposals would result in adverse impacts on Common Toad (a Species of Principal Importance).

Common Frog was observed breeding in the pond on the site (pond 1) and ponds to the east. Pond 1 is to be retained within the site. The proposed creation of additional ponds and hedgerow planning should provide enhanced value of the site for amphibians in the long term (also see below under semi-natural habitats heading).

### **Badger (protected species)**

Based on the submitted information it seems reasonably unlikely that the proposals would result in adverse impacts on badgers.

The site is however considered to have suitable sett building and foraging habitat (e.g. Para 5.15) and there is therefore potential for badgers to start to use the site and surrounding area in the time period between the surveys and commencement of works. In order to ensure that the proposals do not result in adverse impacts on badgers it would therefore be appropriate for a further precautionary survey to be carried out immediately prior to commencement of works subject to planning condition (as recommended above).

### **Water Vole (protected species)**

The Ecological Assessment found the ditches on site to be suboptimal for Water Vole and the presence of Water Vole was discounted (e.g. table 3.24). Based on the submitted information and a review of records and mapping accessible to LCC it seems reasonably unlikely that the proposals would result in adverse impacts on Water Vole.

### **Birds**

The hedgerows and trees on the site provide suitable habitat for birds (foraging, nesting and sheltering) including Species of Principal Importance such as Dunnock and Song Thrush (e.g. table 3.24).

The proposals would result in such loss of such habitat and the development of the site into residential use will be likely to result in increased disturbance and resulting displacement of birds from hedgerows and trees to be retained within the developed area. However, in my opinion it appears that the proposed habitat creation/landscaping away from developed areas would be likely to sufficiently compensate for any losses in the long term and may have the potential to increase the value of the site for birds.

In order to compensate for temporary losses whilst planting matures I recommend that replacement bird nesting opportunities (such as bird boxes and/or nesting spaces built into proposed house in appropriate locations) are installed. I recommend that this is made subject to planning condition.

In addition, if Ribble Valley Borough Council is minded to approve the application it needs to be ensured that adverse impacts on nesting birds are avoided during the works. A planning condition is recommended above to address this matter.

### **Semi-natural habitat: avoidance of impacts, losses, habitat creation/compensation and management**

The proposals would result in the loss of 130m of hedgerow and 5 mature trees (section 6, ecology report).

The extent of proposed habitat creation/landscaping has potential to more than compensate for the losses and to enhance the biodiversity value of the site. However, it needs to be ensured that appropriate species mixes are planted and that landscaping does not result in adverse impacts on existing habitats. The landscaping/habitat creation plan should therefore be revised to address the following matters:

- The proposed "native tree planting" mix contains a number of species not native to the locality. The following species should be omitted: Sycamore, Cypress Oak, Common Beech, Dawyck Beech and Copper Beech. In addition to inclusion of Alder, Pedunculate Oak and Crack Willow I recommend that consideration is given to inclusion of Wild Cherry (*Prunus avium*), Rowan (*Sorbus aucuparia*), Hazel (*Corylus avellana*) and Silver Birch (*Betula pendula*).

- All species in the proposed native hedgerow mix are native and appropriate to the area, however I recommend that Elder is excluded due to its invasive nature in hedgerows.
- Planting of marginal vegetation in the existing pond is proposed. New planting should not be introduced to existing ponds.
- A number of species proposed in the marginal and floating planting mixes are inappropriate to the locality. Arrowhead (*Sagittaria sagittifolia*), Greater Pond-sedge (*Carex riparia*) and Greater Spearwort (*Ranunculus lingua*) should be omitted. Alternative appropriate species would be Lesser Spearwort (*Ranunculus flammula*) and Flowering Rush (*Butomus umbellatus*).
- In addition a number of species proposed for aquatic planting are inadvisable as their invasive nature would cause future management problems and would accelerate the succession of the pond. I recommend that Yellow Iris (*Iris pseudacorus*) and Lesser Pond-sedge (*Carex Riparia*) are omitted.

The British Seed Houses wildflower mix proposed (WF1) contains species inappropriate to the locality, however due to the proposed location of such planting (affectively as amenity beds within the residential development) in this case this is acceptable.

Retained and replacement habitat should be protected from the operational phase of the development and managed to maintain and enhance their biodiversity for the lifetime of the development.

Existing waterbodies should not be used as part of the SUDS system. There is opportunity to design any proposed SUDS to maximise its benefit for biodiversity. Please see *Sustainable drainage systems-maximising the potential for people and wildlife: A guide for local authorities and developers*, RSPB & WWT. A copy can be found at: [http://www.rspb.org.uk/Images/SuDS\\_report\\_final\\_tcm9-338064.pdf](http://www.rspb.org.uk/Images/SuDS_report_final_tcm9-338064.pdf)

Hedgerows should be managed to grow tall and bushy and be allowed to flower and fruit, as appears to be proposed. Further information on appropriate hedgerow management can be found on the hedgelink website: [www.hedgelink.org.uk](http://www.hedgelink.org.uk)

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