

Ecology Response to Planning Consultation

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Application Ref: LCC/2024/0008

Proposal: Realignment, reprofiling and improvements to the 4th hole area through the importation of inert material, drainage infrastructure, levels changes, highways works and landscaping.

Location: Lytham Green Drive Golf Club, Ballam Road, Lytham St Annes

District: Fylde

Applicant: Mr Richard Lord

Planning Officer: Helen Ashworth

Thank you for your consultation in respect of the above planning application. I have reviewed the application documents with particular reference to ecological matters. The comments below have also been informed by a review of records accessible to Lancashire County Council.

The comments below are intended to inform Lancashire County Council's decision-making, with regard to the requirements of relevant biodiversity legislation, planning policy and guidance. These 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.

The main ecological issues arising from the proposal include:

- Ensuring the correct red line boundary (and appropriate buffer form this boundary where required) has been used to assess potential impacts on habitats and species.
- Confirmation is required that the ecologist/ecologists who undertook the surveys to inform the ecological assessment are suitably qualified in line with the British Standard 'Process for designing and implementing biodiversity net gain (BS 8683:202)'.
 - Ribble Estuary SSSI
 - Ribble and Alt estuaries SPA and Ramsar
- Full detailed species lists for the habitats present on site are required with an assessment of the abundance of each species.
- Statutory designated sites, including:
 - Ponds
 - Reedbed
 - Coastal and Floodplain Grazing Marsh
- Habitats of Principal Importance, including:
 - Great crested newts
 - Water Vole
 - Birds
 - Bats
 - Reptiles
- Protected species and their habitat, including:
 - Common Toad
 - Brown Hare
 - Hedgehog
- Species of Principal Importance, including:
 - Biodiversity Net Gain
 - Issues relating to BNG are provided below and in the planning authority comments section within the metric.

RECOMMENDATIONS

The application should not be approved unless or until all of the following matters have been adequately addressed:

- Clarification of the definitive red line boundary, ensuring that the ecological assessment is based on the definitive boundary.
- The Transport Assessment (Ref: Booth Ventures: 230876) for the site states that Saltcotes Road, located immediately adjacent to the site, is to be widened to 6.0m to allow access for construction traffic. No further information on these works has been provided. If the works are to form part of this application, then full details should be provided and all assessments updated to reflect the relevant redline boundary.
- Further info on habitats of principal importance
- Clarification regarding the extent of woodland loss
- Further information to demonstrate that the mitigation hierarchy has been applied in accordance with the requirements of the NPPF. It seems likely that impacts could be further reduced with some design amendments.
- Natural England should be consulted as required, regarding possible impacts on the following statutory designated sites:
 - Ribble Estuary SSSI
 - Ribble and Alt estuaries SPA and Ramsar
- Evidence needs to be provided to demonstrate that all ecological surveys, assessments and mitigation/compensation proposals have been undertaken and prepared by appropriately qualified and experienced ecologists.
- Subject to Natural England's comments, a Habitats Regulations Assessment may need to be undertaken prior to determination of the application. In this event, the applicant should be required to submit all necessary information to enable the planning authority to undertake this assessment. It is recommended that this should be in the form of a 'shadow' Habitats Regulations Assessment. Decision making in relation to the Habitats Regulations assessment should be informed by appropriate specialist advice and should be fully documented.
- Further protected species survey data
- If there are likely to be licensable impacts, then information to demonstrate that licencing tests can be met.

- If the applicant intends to acquire a district level GCN licence, then the IACPC needs to be submitted. Otherwise, further survey data for great crested newts is required for all ponds within 250m of the planning red line boundary and those within 500m with no obvious barriers to movement. If great crested newts are found to be present the proposed works may result in a breach of the Conservation of Habitats and Species Regulations 2017 (as amended). This will necessitate acquisition of a Natural England licence by the applicant prior to commencement of works. Lancashire County Council should not approve the application if there is reason to believe that such a licence would not be issued.
- Justification for the lack of survey data in relation to the species below needs to be provided or, where this is not possible, surveys will need to be completed and need to inform the design of the development and mitigation/compensation measures for unavoidable impacts:
 - Water Vole
 - Birds
 - Common Toad
 - Brown Hare
- It will need to be demonstrated that the scheme design will incorporate necessary mitigation/compensation proposals in relation to likely impacts on the following species (if found to be present on site or within influencing distance):
 - Water Vole
 - Birds
 - Common Toad
 - Reptiles
 - Brown Hare
 - Hedgehogs
- Prior to determination, all mandatory minimum Biodiversity Net Gain information must be provided.
- Further information is required prior to determination in order to demonstrate that the mandatory biodiversity gain condition is capable of being successfully discharged, including:
 - Details of retained significant onsite habitats.
 - Details of any proposed significant onsite enhancements, including supporting rationale for classifying onsite habitat as significant or not significant.
 - Draft Habitat Management and Monitoring Plan for significant onsite biodiversity enhancements.
 - Where possible, GIS shape files for the application area and any associated off-site BNG land.
 - An outline strategy for off-site BNG provision (if required).

- Prior to determination an updated baseline statutory biodiversity metric is required. The metric as currently submitted for this application has errors relating to chosen/missing habitats and their condition as detailed in the BNG section below.

When all of the above matters have been adequately addressed, if Lancashire County Council is minded to approve the above application (or any amended proposals), then planning conditions (or Section 106 agreements) will be necessary to address the following matters:

- Works for which a Natural England licence is expected to be required shall not commence unless or until the planning authority is provided with either;
 - a copy of the licence issued by Natural England, or
 - a copy of a written statement from Natural England, confirming that a licence is not required.
- If, at any point, before or during development work, the presence of a protected species that could be adversely affected by the development works is detected or suspected, then works must stop and advice must be sought on the need for a licence from Natural England and necessary species protection measures.
- No removal of vegetation shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. This also applies to vegetation which may support ground nesting birds.
- If the approved development does not commence within 2 years from the date of the planning consent or there is a change of site use, the approved ecological mitigation measures shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys.
- The site shall not be externally lit between dusk and dawn, unless otherwise agreed in writing by the local planning authority.
- A Construction Environmental Management Plan (or similar document) shall be submitted for approval by Lancashire County Council in consultation with its ecological advisors. This should be based on all relevant up to date survey data. The approved document shall be implemented in full. The document shall include (*inter alia*):
 - Precautionary working methods for the avoidance of any breach of legislation including (but not limited to):
 - The Conservation of Habitats and Species Regulations 2017 (as amended);
 - The Wildlife and Countryside Act 1981 (as amended).
 - Details of all licences/permits/consents/exemptions to be in place prior to commencement of works.

- Details of responsible persons and organisations, including lines of communication.
- The role and responsibilities and the operations to be overseen by an appropriately competent person (e.g. ecological clerk of works / on site ecologist).
- The times during the works when specialist ecologists will be present on site to oversee works.
- Training and/or briefing of site operatives on ecological matters and required working methods and procedures to ensure compliance with legislation and planning obligations.
- An ecological constraints plan to be issued to the contractor, including (*inter alia*):
 - Identification of biodiversity protection zones / exclusion zones around sensitive habitats and species;
 - Locations of demarcated working areas/exclusion zones, including details of barriers, fences and warning signs;
 - Designated sites;
 - Known locations of protected and priority species and their habitat;
 - Tree root protection areas;
 - Exclusion zones surrounding water bodies and water courses.
- Measures that will be taken to ensure compliance with relevant parts of BS42020 - Biodiversity Code of practice for planning and development.
- Procedures to be followed if the presence of protected species is detected or suspected at any stage before or during the works;
- Precautionary working methods for the avoidance of impacts on the following species and their habitats (where found to be present):
 - Bats
 - Great crested newts
 - Water voles
 - Reptiles
 - Wintering birds
 - Common Toad
 - Hedgehog
 - Brown Hare
 - Other Species of Principal Importance
- Precautionary working methods for the avoidance of impacts on the following priority habitats (where found to be present):
 - Ponds
 - Reedbed
 - Coastal and Floodplain Grazing Marsh
- Avoidance of impacts on nesting birds, their nests and eggs, including appropriate timing of site clearance works to avoid the nesting season (March to August inclusive).
- Protection of animals from entrapment in open excavations, pipes, etc.
- Measures to prevent disturbance of sensitive species and habitats as a result of lighting, noise, vibration, vehicle movements, storage of materials or other causes;

- Protection of retained and replacement habitats from construction works and related operations, including:
 - Measures to protect designated sites.
 - Tree root protection measures in accordance with BS5837.
 - Demarcation of working areas
 - Measures to protect habitats from machinery and storage of materials.
 - Protection of water courses and water bodies from silt or other pollution.
 - Avoidance of soil compaction
 - Control/eradication/preventing the spread of invasive non-native species, including:
 - Himalayan balsam
 - Any other plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)
 - Biosecurity measures.
- No site clearance, site preparation, demolition, earth moving or development, shall take place, and no material or machinery shall be brought onto the site until a detailed scheme for creation of on-site biodiversity enhancements has been submitted and approved by Lancashire County Council. The approved scheme shall be implemented in full and shall include:
 - Responsible organisations, personnel and lines of communication.
 - Full and complete biodiversity gain calculations, calculated using the statutory biodiversity metric and accompanied by supporting plans, demonstrating biodiversity gains in accordance with current requirements.
 - Clearly stated aims and objectives with reference to the site survey, evaluation and assessment of impacts.
 - Habitat creation and management for populations of protected and priority species affected by the works.
 - Details of all target habitats to be created, re-established or enhanced on the site, including in-situ habitat reinstatement and other on-site habitat creation to compensate for ecological impacts of the scheme and to deliver biodiversity net gain.
 - Planting and seeding mixes, comprising native species appropriate for the location, soil, hydrology and site conditions.
 - Protection measures for seeded/planted areas.
 - Planting plans and habitat management compartment plans.
 - Detailed habitat creation proposals, including site preparation and habitat establishment methods including watering.
 - Targeted habitat creation for species likely to be affected by the proposed scheme.
 - Clear demarcation and details of any excess biodiversity net gains that may be used for other developments.
 - No site clearance, site preparation, demolition, earth moving or development, shall take place, and no material or machinery shall be brought onto the site

until full details of any proposed nest boxes, roosting boxes, hedgehog shelters, hibernacula, habitat piles or other wildlife shelters along with their proposed locations, installation proposals and their maintenance have been submitted and approved.

- No site clearance, site preparation, demolition, earth moving or development, shall take place, and no material or machinery shall be brought onto the site until a habitat management and monitoring plan for significant on-site enhancements has been submitted and approved by Lancashire County Council. The approved plan shall be implemented in full and shall include.
 - A description and evaluation of the sites, habitats and features to be managed (or reference to this information in other documents).
 - Responsible organisations, personnel and lines of communication.
 - Measures that will be taken to ensure compliance with relevant parts of BS42020 - Biodiversity Code of practice for planning and development.
 - Clearly stated aims, objectives and success criteria.
 - Management options and constraints.
 - A rationale for all prescribed management
 - Detailed maintenance, management and monitoring prescriptions for all retained and replacement habitat, to achieve the stated aims and objectives.
 - Disposal of arisings.
 - Weed control methods
 - Management of recreational pressure.
 - A 5-year establishment maintenance plan for all habitats.
 - A further 25-year management plan (Years 6-30).
 - Monitoring locations, timing and durations.
 - Collection of baseline data to inform the monitoring proposals.
 - A monitoring plan, including details of data collection methods, to demonstrate successful habitat creation and achievement of stated objectives and to inform the need for adjustments to the approved management regime. This shall include submission of monitoring reports in years 2, 4, 6, 10, 15, 20, 25 and 30 as a minimum.
 - Contingency plans and remedial action to be implemented in the event of failed habitat establishment or other mitigation measures.
 - A detailed habitat compartment map.
 - A detailed work programme.
 - Periodic review of the management plan including reporting and consultation with the planning authority.
 - Stated legal, contractual and funding mechanisms to secure long-term management.

The applicant should be made aware of the following matters:

- If Lancashire County Council is minded to approve the above application or any amended proposals, then (unless it is demonstrated that the development is exempt) the applicant will need to be made aware of the mandatory biodiversity gain condition. The decision notice should set out:

- That the planning permission is deemed to be subject to the general biodiversity gain condition;
 - Exemptions to the condition and transitional provisions;
 - The planning authority for the purposes of the Biodiversity Gain Plan;
- (Please refer to government model paragraphs for Biodiversity Gain Information on the written decision notice).

The biodiversity gain condition is a pre-commencement condition. If planning permission is granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. It will be mandatory for the development to provide a minimum 10% Biodiversity Net Gain with a Habitat Management and Monitoring plan secured by a 30-year legal agreement (e.g. Section 106 agreement or Conservation Covenant). The Biodiversity Net Gain will need to be demonstrated and quantified through the statutory biodiversity metric. Biodiversity net gain is additional to other statutory and policy requirements and needs to provide conservation outcomes that would not otherwise have occurred. Any need for off-site biodiversity gain land will need to be explained.

Use of the standard Biodiversity Gain Plan and Habitat Management & Monitoring Plan templates is recommended.

- Licences from Natural England are likely to be required if protected species or their habitat would be affected.

JUSTIFICATION FOR RECOMMENDATIONS

LEGISLATION AND PLANNING POLICY

In determining this application, the requirements of the following legislation, planning policies and guidance should be addressed:

- The Environment Act 2021 (and associated secondary legislation);
- The Town & Country Planning Act 1990 (as amended);
- The Levelling-up and Regeneration Act 2023 (and associated secondary legislation);
- The Conservation of Habitats and Species Regulations 2017 (as amended);
- The Wildlife and Countryside Act 1981 (as amended);
- The Natural Environment and Rural Communities Act 2006 (as amended);
- The Countryside and Rights of Way Act 2000;
- The Protection of Badgers Act 1992.
- Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (DEFRA 01/2005, ODPM 06/2005).
- The National Planning Policy Framework (NPPF)

- Lancashire Minerals and Waste Development Framework Policies;
- Fylde Local Plan policies.

- Relevant Planning Practice Guidance, such as Biodiversity Net Gain and Natural Environment:
<https://www.gov.uk/government/collections/planning-practice-guidance>
- Government Biodiversity Net Gain guidance collection:
[Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/biodiversity-net-gain-guidance)
- Natural England standing advice.

The emerging Lancashire Local Nature Recovery Strategy should also be taken into account, for example, in considering the strategic significance of habitats:

- [Local Nature Recovery Strategy - Lancashire County Council](#)
- [Nature Recovery Map](#)

Please note the LNRS and associated mapping are still under development and may be in draft format.

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

ECOLOGICAL ASSESSMENT

Prior to determination of this application further information is required within the Ecological Assessment on the following matters:

- The planning red line boundary, PEA red line boundary and GCN survey boundary all differ. The red line boundary should be confirmed and all assessments must include the entire red line boundary (and a suitable buffer where required for protected species).
- Confirmation is required that the ecologist/ecologists who undertook the surveys to inform the ecological assessment are suitably qualified in line with the British Standard 'Process for designing and implementing biodiversity net gain (BS 8683:202)'.
 - Did the surveys represent the typical grassland composition or had it recently been cut?
 - Has the management of the grassland changed since these works were proposed e.g. has the mowing regime changed or has the site been left to go rank.

Such events should be described and the cause explained where known along with the implications, if any, for the main findings of the ecological report.

- Full detailed species lists for the habitats present on site are required with an assessment of the abundance of each species.

Further requirements in relation to habitats and species are discussed in the relevant sections below.

DESIGNATED SITES

Statutory Designated Sites

The Natural England SSSI Impact Risk Zone indicates that the proposals have the potential to result in adverse impacts on statutory designated sites. This includes (but may not be limited to):

- Lytham Coastal Changes SSSI
- Ribble Estuary SSSI
- Ribble and Alt estuaries SPA and Ramsar

The impact risk zone(s) are relevant to the following development types:

- All planning applications - except householder applications.

Natural England should be consulted prior to determination of the application.

The local planning authority is a competent authority for the purposes of the Habitats Regulations and has a duty to consider whether the proposals would result in likely significant effects on the European site.

The planning application should include sufficient information to enable the planning authority to establish whether or not there would be a likely significant effect on any European Protected Site. If there would be a likely significant effect, then the planning application should include sufficient information to enable the planning authority to undertake an appropriate assessment in accordance with the requirements of the Habitats Regulations and related case law. It is recommended that this should be in the form of a shadow Habitats Regulations Assessment.

Lancashire County Council should seek specialist advice when assessing the information submitted to inform any necessary Habitats Regulations Assessment.

The application site and surrounding land may have the potential to be used by qualifying bird species from nearby statutory designated sites. The planning application should address the potential of the application site and surrounding land to be functionally linked land. 'Functionally linked land' is a term used to describe areas of land or sea occurring outside a designated site which is considered to be critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which a Special Areas of Conservation (SAC)/ Special Protection Area (SPA)/ Ramsar site has been designated. These habitats are frequently used by SPA species and support the functionality and integrity of the designated sites for these features.

HABITATS OF PRINCIPAL IMPORTANCE (Section 41 NERC Act 2006)

DEFRA Circular 01/2005 indicates that UK Biodiversity Action Plan Priority Habitats (Habitats of Principal Importance, NERC Act 2006) are capable of being a material consideration in the making of planning decisions.

Further information is required on the following Habitats of Principal Importance which could be present and affected by the proposed development:

- Ponds
- Reedbed

There is no assessment of the presence/absence of common toad in the pond on site. Should common toad be present then the pond would be considered to be a priority habitat.

The habitats associated with the pond on site must be clearly defined, aerial imagery and photographs provided show reedbed habitats associated with the on-site pond which are not adequately described or considered in the report.

The site is mapped within the Natural England Priority Habitat Inventory as being largely composed of the priority habitat 'Coastal and Floodplain Grazing Marsh'. An assessment of the sites potential to support this priority habitat should be provided.

I recommend that should priority habitats be present on site, the applicant be required to submit proposals to ensure that impacts on these habitats are avoided or adequately mitigated.

PROTECTED SPECIES

DEFRA Circular 01/2005 (ODPM Circular 06/2005), referenced in Footnote 65 of NPPF 2023, 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”* and that *“the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted”* (Paragraph 99).

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 (Para 99).

Documents submitted with the planning application/Records accessible to Lancashire County Council indicate that the proposed development could affect protected species, including (but not limited to):

- Great crested newts

- Water Vole
- Birds
- Bats
- Reptiles

Further detailed information on these species is provided in the relevant sections below.

The proposed works have the potential to result in killing/injury/destruction of eggs/damaging levels of disturbance/damage to, or destruction of a breeding site or resting place.

The planning application needs to include habitat assessments and survey data for all protected species that could potentially be present and affected by the proposals. The survey methods used should be detailed in the planning submission. These should comply with recognised guidelines.

The woodlands shown to be impacted by the development in the Arboricultural report differ from those shown to be impacted in the PEA. It must be made clear which areas of woodland are to be impacted and any protected species surveys required should be undertaken.

The planning application should demonstrate that relevant species protection legislation will be adhered to and should include mitigation/compensation proposals for unavoidable impacts on such species and their habitats.

If any European protected species (such as great crested newts) are present, then the planning application should include measures to avoid any breach of The Habitats Regulations. If such a breach would be unavoidable, then a Natural England Licence would be required before development work could commence.

The Conservation of Habitats and Species Regulations 2017 (as amended) state that Local Authorities, in the exercise of their functions, must have regard to the requirements of the Habitats Directive. This means that the planning authority will need to have regard to the requirements of the Directive in reaching a planning decision. Therefore, if a Natural England Licence would be required for a development, then the planning authority will not be able to approve the application if there is reason to believe that the necessary licence would not be issued. This means that the planning authority will need to consider the licensing tests prior to determination of the planning application. In summary, these tests are that:

1. The works are required for a purpose specified in the Conservation of Habitats and Species Regulations (Reg 55), such as:
 - preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

- preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries.
2. There is no satisfactory alternative.
 3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

If there would be licensable impacts on any European protected species or its habitat, the planning application will therefore need to demonstrate how the above 3 tests will be addressed. This should include mitigation proposals to address the third test. The mitigation proposals should be informed by adequate survey data on population size and distribution, collected in accordance with recognised guidelines.

In respect of great crested newts, District Level Licencing is an alternative option. If the applicant chooses to use District Level Licencing, then an Impact Assessment and Conservation Payment Certificate (IACPC) needs to be submitted to the planning authority with the planning application. Provided the IACPC has been signed on behalf of Natural England and the site details and boundaries of the IACPC are the same as the planning application, the IACPC can be relied upon by the Local Planning Authority as confirmation that the impacts of the development on great crested newts are capable of being fully addressed in a manner which complies with the requirements of the Habitats Regulations.

Great Crested Newts

Detailed Great Crested Newt (GCN) surveys have been undertaken as part of the PEA submitted with the application. The report states that all ponds within 250m of the site boundary have been surveyed for GCN. However, the red line used in the amphibian report differs from the planning red line boundary. The GCN survey boundary should be based on the planning redline boundary which will then require the survey of 2 additional ponds within 250m.

Current standing advice¹ on the requirement for GCN surveys states;

"Surveys up to 250 metres are usually sufficient, but developers may need to increase this to 500 metres if there are no obvious barriers to newts dispersing into the wider environment."

Given there are a number of ponds which lie between 250 and 500m from site with no barriers to migration, robust justification should be provided as to why survey of these ponds is not required. Alternatively, a Natural England DLL must be applied for or survey of all ponds within 500m (of the planning red line boundary) must be undertaken.

¹ [Great crested newts: advice for making planning decisions - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Within the PEA images included under section 4.3.3 include photographs of a large waterbody at the edge of the site. Clarification should be provided as to whether this waterbody is capable of supporting breeding amphibians and, if it is, it should be included within the surveys noted above.

Should GCN be identified within influencing distance of the site a licence from Natural England may be required as discussed above.

Water voles

A pond and associated ditch are present on site and a network of ditches are present adjacent to site and in the wider area. The PEA identifies water vole as being recorded in the desktop records 500m west of site, however no assessment is made of the suitability of the pond or ditch on site to support this species.

Should water vole be found to be present on site then the planning application should demonstrate that relevant species protection legislation will be adhered to and should include mitigation/compensation proposals for unavoidable impacts on such species and their habitats. A licence may also be required from Natural England.

Birds

Wintering Birds

The site falls within a Sensitive Waterbird Area. The PEA states that the site is unsuitable for wintering birds and justification for this is provided. However, there is no assessment of the area immediately outside the site boundary where land more likely to support wintering birds is present. This includes a network of fields to the north of site and the land immediately east of site (covered by the Lytham Coastal Changes SSSI).

The Transport Statement (Ref: Booth Ventures: 230876) states that Access for the HGV / construction traffic will be provided via the existing access along Saltcotes Road which will be widened to 6.0m. It also states that it is likely that an additional 120 HGV trips per day will be required for the works and it will last 20-24 months.

An assessment should be made of the potential for onsite works to cause disturbance on surrounding land within an appropriate buffer including impacts from, but not limited to, noise, dust and visual impacts. An assessment of impacts from the works to Saltcotes Road and from the additional 120 HGV movements per day on wintering birds on land surrounding the proposed development should also be provided. Where it is considered there may be disturbance impacts then winter bird surveys should be undertaken to inform any necessary avoidance/mitigation measures.

Bats

The PEA identified no trees on site with potential to support roosting bats, however the CEMP states;

"11.3.10 To avoid killing/injury of bats potentially present and any other small mammal, any trees to be removed shall be inspected by a suitably qualified ECoW for potential bat roosting features prior to removal. If direct inspection is not possible, a bat emergence survey may be required, dependent on the time of year. If evidence of bats or a bat is discovered during inspection, licencing will be required to lawfully remove the tree.

11.3.11 Trees with potential bat roosting features shall only be removed under ecological supervision and shall be soft felled by hand using a chainsaw. Any potential bat roosting features shall not be sawn through as part of this process. If a bat is discovered during inspection or felling at any time during the works, all works within 10m of the bat shall cease and a suitably qualified ECoW shall be contacted immediately. Works must remain stopped within the area until consultation with the suitably qualified ECoW has been undertaken."

The PEA must be updated to confirm the presence or absence of trees with bat roosting potential and, for discharge of conditions, the CEMP will also need updating. Where trees with bat roost potential are present then detailed survey information must be provided prior to determination of this application.

Should roosting bats be found to be present on site and are likely to be impacted then a licence may be required from Natural England as described above.

Reptiles

There is no discussion on reptiles in the PEA, however the CEMP identifies that works on site have potential to cause:

"Disturbance/injury of local wildlife such as herptiles (amphibians and reptiles)"

Clarification must be provided on the likelihood of reptiles being present on site. Where reptiles are considered likely to be present on site then detailed surveys for reptiles may be required, unless adequate measures to avoid impacts are demonstrated, and appropriate mitigation/compensation measures should be provided.

PRIORITY SPECIES

The planning application will need to include an assessment of likely impacts on species of nature conservation value and mitigation/compensation measures for unavoidable impacts. This should include Species of Principal Importance (NERC Act 2006), red list species and any nationally or locally rare or scarce species.

The following Species of Principal Importance or their habitat would/could be affected by the proposed development:

- Common Toad
- Brown Hare
- Hedgehog

There is a pond on site and numerous ponds within influencing distance of the site which may be suitable to support common toad. No assessment of the sites potential to support common toad has been provided within the PEA. Prior to approval of this application a detailed assessment of the sites suitability to support common toad (including site survey where necessary) should be completed and an updated PEA provided.

Brown hare was recorded within 250m of the site. No assessment is made within the PEA of the sites suitability to support brown hare. Prior to approval of this application an assessment of the sites potential to support brown hare must be undertaken and the results provided within an updated PEA. This should be supported by detailed site survey where applicable.

Should common toad or brown hare be considered likely to be present on site then the planning application should include mitigation/compensation proposals for unavoidable impacts on such species and their habitats.

The scrub and woodland habitat on and immediately adjacent to the site may have potential to support hedgehog. Measures should be included within the CEMP for the site to prevent any impact on hedgehog.

INVASIVE SPECIES

Himalayan balsam has been identified on site. Measures must be provided within the CEMP for the site to prevent any spread of this species during the proposed works.

AVOIDANCE OF ECOLOGICAL IMPACTS

The application documents and data accessible to Lancashire County Council indicate that the proposed development could potentially have impacts on important habitats and species including:

- Ponds
- Reedbed
- Great crested newts
- Water Vole
- Birds
- Bats
- Reptiles
- Common Toad
- Brown Hare
- Hedgehog

It is not clear from the information submitted if, where there are predicted ecological impacts, these are unavoidable.

If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately

mitigated, or, as a last resort, compensated for, then planning permission should be refused (See NPPF Paragraph 186).

It needs to be demonstrated that measures have been taken to avoid detrimental impacts on the features listed above.

The planning application needs to demonstrate that the location and design of all elements of the proposed development and associated works have been informed by the ecological surveys, in order to avoid or minimise ecological impacts. The planning submission will need to include information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat. Any unavoidable impacts should be mitigated and compensation should be provided to achieve overall gains in biodiversity value.

The area and biodiversity value of each habitat type that would be lost, damaged, re-established, enhanced or brought into favourable management should be quantified in order to illustrate that the impacts of the development will be fully off-set and that overall biodiversity gains will be delivered. The statutory biodiversity metric should be used.

Planning decisions should limit the impact of pollution from artificial light on nature conservation (NPPF para 191).

If lighting is intended to be included in the application, then any external lighting associated with the development should be directional and designed to avoid excessive light spill and shall not illuminate bat foraging and commuting opportunities within the woodland directly adjacent to site. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers Guidance Note 08/18: Bats and artificial lighting in the UK, 2018).

MITIGATION, COMPENSATION AND BIODIVERSITY NET GAIN

The results of surveys and impact assessments undertaken should inform the design of the proposed development and associated mitigation, restoration, compensation and enhancement measures.

It should be demonstrated that impacts will be mitigated, that compensation will be provided for all unavoidable impacts and that enhancement measures will provide an overall net gain in biodiversity value. It should be demonstrated that mitigation and compensation proposals meet the requirements of legislation, policy and guidance listed above.

Mitigation measures should include protection of retained habitats, species and features of ecological value, including tree root protection measures. Details can be included within a Construction Environmental Management Plan or similar document.

Planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity,

including by establishing coherent ecological networks that are more resilient to current and future pressures (NPPF Para 180). Opportunities to improve biodiversity in and around developments should be integrated as part of their design (NPPF Para 186).

If approved, the planning permission will be deemed to be subject to the mandatory biodiversity gain planning condition as discussed above.

The planning application should include proposals for maintaining, restoring and enhancing habitat connectivity within the application area and the wider landscape.

Habitat creation should not be at the expense of existing habitats or features of ecological importance. Habitat creation proposals should comprise native plant communities appropriate to the location, soils, hydrology and site conditions. Guidance on native species selection is given on Lancashire County Council's Ecology webpages:

- <http://www.lancashire.gov.uk/council/planning/planning-application-process/ecology/ecology-advice-for-developers/habitat-re-establishment.aspx>
- [Plant-species-appropriate-for-habitat-creation-in-Lancashire.pdf](#)

Detailed comments on the BNG metric are included in the Planning Authority comments column of the statutory metric provided (Column AA) and below. These are split out into matters which must be dealt with prior to determination and a list of matters for information only, which can be dealt with at the discharge of condition stage.

Matters to be addressed prior to determination

- The Statutory Biodiversity Metric User Guide (Feb 24) states that '*Evidence for metric decisions should be provided and signposted within the 'User comments' column of the biodiversity metric tool*'. At present evidence provided is limited (with some boxes not completed) and there is no signposting to indicate how rows in the metric relate to maps provided.
- All habitats have been awarded the strategic significance of 'Location ecologically desirable but not in local strategy' Justification must be provided for this within the biodiversity net gain report.
- The area covered by the red line shown in the PEA does not match the red line boundary submitted as part of the planning red line boundary drawing. All land within the planning red line boundary must be included within the statutory metric.
- There is no information included in the report regarding who undertook the BNG assessment or their qualifications/experience for doing so. This information is required prior to determination of the application.
- A suitably detailed methodology for calculating the condition assessments on site has not been provided. In particular, where a number of species per m² is

required, the applicant should provide detail on how this was calculated including any relevant quadrat information and supporting photographs.

- The following habitats are noted in the PEA but are not included in the statutory metric:
 - Reedbed
 - Ditch
- Paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990 requires that where an applicant relies upon a significant increase in onsite habitat biodiversity value, the habitat enhancement (“significant onsite habitat enhancement”) must be subject to a planning condition, section 106 agreement, or conservation covenant requiring the habitat enhancement to be maintained for at least 30 years after the development is completed. In order to secure the relevant on-site gains the applicant should include a detailed assessment of what is deemed to be significant on-site gains. Where on-site gains are not considered to be significant then robust justification for their exclusion should be provided.
- Data on the species present within individual habitats included within the PEA is not considered sufficient to inform the BNG condition assessments, for example the grass on site (under section 4.2.5 and 4.2.6) is identified only to genus level as 'meadow grass species'. Assuming this refers to a *Poa* species, there are many species within this genus and it is not clear how many of these are present on site and hence how the condition assessment criteria should be scored. Similarly dock species on site are only identified to genus. The species present on site should be clarified through site survey within the appropriate survey period or, where this is not feasible, grassland condition criteria A should be considered to be achieved.
- The proposed increase in the biodiversity net gain report and in the statutory metric differ. The biodiversity net gain report states that "*The current proposal would result in a +16.92 habitat units / 105.1% net gain*" however the statutory metric identifies a gain of +16.94 units /105.21%.
- The Arboricultural report and PEA identify a number of individual trees on site which have not been taken account of within the statutory metric.
- The woodlands shown to be impacted by the development in the Arboricultural report differ from those shown to be impacted in the PEA. It must be made clear which areas of woodland are to be impacted and this must be recorded in the On-site habitat baseline tab of the statutory metric.

Matters for information only

- Information is required at discharge of conditions stage on how excess units will be used at the site. If there are any proposals to bank or sell excess units (above 10% net gain) then details of this must be provided in order to secure those units within the Section 106 agreement for the site and a suitable HMMP must be provided.
- It is not possible for the pond to be enhanced to good condition as criteria D (artificial connections) will always be failed, unless the pond is separated from the ditch network, criteria B may also be failed as the semi-rough, located adjacent to the pond is of low distinctiveness.

- Site proposals include two bunkers. Any bunkers should be included in the on-site habitat creation tab as 'Artificial unvegetated, unsealed surface'.
- Post development the site is anticipated to be largely composed of other neutral grassland in moderate condition. At present the site is dominated by modified grassland, which appears from the species identified to be nutrient rich (creeping buttercup, creeping thistle, dock species). Within the site proposals and HMMP Information should be provided on the suitability of the soil to support moderate condition other neutral grassland including any specific measures to reduce the nutrient load of the soil and ensure it is suitable to support other neutral grassland.

MANAGEMENT AND MONITORING

Establishment maintenance and long-term management and monitoring proposals for retained, restored and replacement habitats should be provided. The timescale of the management and monitoring commitment should be stated. This can be addressed through discharge of conditions.

It should be stated how the necessary maintenance and management will be secured for the lifetime of the anticipated planning obligations. Copies of any relevant third-party agreements will need to be provided.

Monitoring measures should be sufficient to measure the success of mitigation and compensation measures, to inform the need for remedial measures and to inform establishment maintenance and long-term management.

Use of standard Habitat Management & Monitoring Plan templates is recommended.

I hope these comments are helpful.

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