

Date: 24th January 2022

Dear Jonathan,

Ecological comments

Planning Application No: **LCC/2022/0003**

Proposals: **Demolition of existing building and erection of purpose built building (and ancillary structures) to house high temperature treatment facility for the management of medical waste**

Location: **Culzean W2E Ltd, Tower House, Stopgate Lane, Simonswood Industrial Park**

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

It seems reasonably unlikely that the proposed development would have any significant ecological impacts provided the planning conditions recommended below are attached to any approval.

RECOMMENDATIONS

If Lancashire County Council is minded to approve the above application or any amended proposals, **planning conditions are recommended to address the following matters:**

- No building demolition shall take place in the bird nesting period and not between 1st March and 31st August inclusive, unless a survey has been undertaken by a competent ecologist immediately prior to commencement of works to assess the nesting bird activity on site during this period and this has shown it is absolutely certain that nesting birds are not present and would not be affected.
- External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site, the roof or eaves of the nearby buildings or vegetation along the railway corridor/embankment. The principles of relevant guidance shall be followed (the Bat Conservation Trust and Institution of Lighting Engineers *Guidance Note 08/18: Bats and artificial lighting in the UK*, 2018).

In addition, Lancashire County Council may wish to condition the installation of bat and bird nest boxes in order to provide some net gain at the site (discussed below).

JUSTIFICATION FOR RECOMMENDATIONS

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

- The Conservation of Habitats and Species Regulations 2017 (as amended)
- The Environment Act 2021
- 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 2021 (NPPF)
- Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (DEFRA 01/2005, ODPM 06/2005).
- Lancashire Minerals and Waste Development Framework Policies.

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

Bats

The building to be demolished has been assessed as having negligible potential for roosting bats. The proposals would be reasonably unlikely to result in any adverse impacts on roosting bats.

The railway line to the south of the site provides foraging / commuting habitat for bats and lighting of the site is proposed. As highlighted in the *Ecological Impact Assessment (EclA)*, Bats can be discouraged from using their flyways/foraging commuting habitat due to the introduction of artificial lighting. The NPPF states that *Planning decisions should limit the impact of pollution from artificial light on nature conservation* (para 185).

Accordingly, the EclA states that wildlife friendly lighting has been incorporated into the site design and includes lighting guidance. Fixed lighting is shown on the *Proposed Layout Plan* but there does not appear to be any details of the proposed lighting submitted. I therefore recommend that a planning condition be attached to any approval to ensure that lighting is designed sensitively.

The EclA also states that *to further reduce any potential impact to the lowest practicable level, night working (defined as 30 minutes before sunset to 30 minutes after sunrise) will not take place*. However, it appears from the submitted information included in the *Planning Statement* (e.g. paragraph 2.3.19) that it is planned that works would take place at these times. Based on the location and nature of the site, the ecological value of the site and immediate surrounding industrial estate, and the distance to habitat suitable for bat foraging; in my opinion, if lighting is designed to be directional and to minimise light spill in accordance with the recognised guidance, then also restricting the working hours would seem disproportionate.

Nesting birds

The EclA states that the building to be demolished has a number of exposed crevices between the wooden beams and roof which may provide nesting and roosting areas for birds. It needs to be ensured that impacts (and offences) on nesting birds are avoided. The EclA recommends measures to ensure that such impacts are avoided, and these can be attached to any approval via planning condition as recommended above.

Wintering birds

The submitted EclA assesses the potential for impacts on wintering birds and concludes that the proposed development will not have a significant adverse impact upon wintering birds. For the reasons outlined in the report and based on a review of ecological data, mapping and aerials available to LCC I agree with this conclusion. The EclA goes on to state that in order to reduce the potential impacts, the proposed demolition works should take place outside of the peak wintering bird season and should be avoided during November to February. However, given that it seems reasonably unlikely that the proposals would result in any adverse impacts on wintering birds and the restrictive nature of this mitigation, in my opinion it seems disproportionate.

Biodiversity Net Gain

The NPPF states that planning decisions should contribute to and enhance the natural environment by protecting and enhancing sites of biodiversity.... and by providing net gains for biodiversity (para 174).

A Biodiversity Net Gain Assessment has been provided by the applicant. The applicant has used the DEFRA Metric 2.0 calculator. This has been updated to Metric 3.0 and there is also now a Small Sites Metric beta test, which may be more appropriate for a site like this. Net Gain and use of the Metric is not yet a legal requirement, and it is not yet finalised what types of application/application sites will be exempt from Net Gain.

I have the following comments to make on the submitted information:

- The area surveyed and included within the Net Gain calculation is smaller than the red line boundary (the red line boundary includes land up to the adjacent building to the west). In terms of assessment of ecological impacts this makes no material difference due to the nature of the site, however it does mean that the Net Gain calculations will not be correct.
- I agree with the applicant's Ecologist that it is more appropriate that the bare ground on the site be included as *developed land: sealed surface*, as it is simply a build-up of mud over hardstanding.
- The screenshot of the Habitat Creation section of the spreadsheet does not appear to be correct - it includes ground level planters (which are not proposed) and highlights an error that the area of development and habitat creation does not match the area of habitat lost.
- The *Net Gain Assessment* states that if the existing areas of bare ground were considered to be sealed surface instead of bare ground, then this would result in an increase of 0.01 BU (a net gain of 28.67%). This is incorrect. Actually, this would result in the existing Biodiversity Units on site reducing from 0.29 to 0.01.
- The *Net Gain Assessment* states the ecological value of the site post development will decrease to 0.02 BU, however it would actually decrease to 0 BU (a 100% Net Loss) as habitat retention and creation at the site would be all a sealed surface. Other than hardstanding and a building no other habitat creation is proposed. This loss is due to the loss of a very small area of sparsely vegetated ground, for which no compensation is proposed (no compensation is required for the loss of sealed surface).

In theory ground level planters could be used to offset this loss on the site. However, given the scale and nature of the losses, and because use of the DEFRA Metric is not yet a requirement, in my opinion requiring Net Gain of habitats at this site would not seem necessary. However, Lancashire County Council may wish for the applicant to address this matter.

The EclA highlights that enhancements could be provided at the site through the provision of bird nest and bat roosting boxes. This is true in theory although the site does not seem the ideal location for high uptake of bird/bat boxes, being somewhat isolated from any vegetation, within the industrial estate, disturbed and subject to light pollution. Lancashire County Council may however wish for bird/bat boxes to be erected subject to planning condition. Any bat boxes to be installed on the site should be attached securely to a building elevation away from light pollution (such as the west elevation). All boxes should be installed as per recognised advice and where they would not be subject to direct disturbance.

The above comments 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.

I hope these comments are helpful.

Yours sincerely,

Rebecca Stevens
Senior Ecologist
Lancashire County Council