



Lancashire,
Manchester &
N Merseyside

29th October 2021

Dear South Ribble Council

Re: PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR THE PRINCIPAL MEANS OF ACCESS FOR A RESIDENTIAL DEVELOPMENT OF UP TO 180 DWELLINGS (USE CLASSES C3 AND C2), GREEN INFRASTRUCTURE AND ASSOCIATED INFRASTRUCTURE, PICKERING'S FARM SITE, FLAG LANE, PENWORTHAM, LANCASHIRE COUNTY, PR1 9TP

Thank you for your consultation, sent to our 'general inquiries' HQ email address on 29th September 2021 at 14:22 and subsequently forwarded to me.

THE APPLICATIONS

Given charitable time-constraints, these comments relate particularly to the larger of the two parallel outline applications, 07/2021/00887/ORM, but may be inferred to also relate to the smaller.

Although we have no objection in principle to these applications we do have specific objections to some of the processes, assertions &c which lead us to believe the applications, as submitted, lead to unsound conclusions in respect of the required delivery of nature's recovery. These are outlined below.

In the revised masterplans submitted, and the open space plan included in the Planning Statement, natural / semi-natural spaces shown don't seem to be associated with a particular strategy linked to a wider ecological network or to the movement of wildlife within and through the site, or to any concept of a [nature recovery network](#). We particularly note that hedges retained are proposed to form part of house-boundaries and so susceptible to individual householders undertaking inappropriate or no management for biodiversity or even replacement of hedges by low fences or walls; and that even before reserved matter submissions come forward. Hedges on the application site are assessed by the applicant's ecologist as major contributors to the site's current local significance for breeding bird communities – some of which are UK "Red" or "Amber" list species - and it will be important to secure such bird communities' habitats onsite or, failing that, offsite before development commences in order to maintain, preferably increase, the local avian population size and diversity. Similar considerations pertain to the site's current use by local bats, as confirmed by the applicant's commissioned assessment; *"the hedgerows, trees, ditches and ponds within the site provide suitable foraging and commuting habitat for bats"*.

There is reference to a 'Construction Environment Management Plan', viz:

"During the construction phase of the development, a Construction Environment Management Plan ('CEMP') will be produced prior to commencement on site and implemented throughout the construction period. This will manage and reduce the potential effects of this development phase on ecological receptors".

However, the Outline CEMP set out in Section 8 of the Supporting Planning Statement does not include content about protecting ecological features. There clearly needs to be a requirement to submit a CEMP (including measures to protect trees, hedgerows &c), such Plan to be approved by your authority before any approved development is commenced.



It is also stated that a;

“landscape and habitat management plan will be produced and implemented.

and that;

This management plan will serve to enhance and maintain the quality of retained and newly created habitats in the long-term, including the traditional orchard, deciduous woodland, trees and hedgerows as well as maintenance of bat, barn owl and bird boxes”.

This isn't mentioned in the section about developer contributions or a Section 106 agreement. Again, this must surely be approved by your authority before any development is commenced. It would seem likely that this will need to be made specific to each phase of development, *i.e.* before the development of any particular phase is commenced.

We would particularly draw your attention to ecological consultant's TEP's conclusion in the ecological section of the Environmental Statement that;

“Overall the assessment shows that even prior to mitigation, impacts in traditional EIA terms are not significant (i.e. in CIEEM terms impacts are significant at no more than the local context). Furthermore, the assessment concludes that after mitigation the overwhelming majority of residual impacts are reduced to neutral, with the few remaining impacts reducing to neutral within only a medium term.”

The emphasis is ours

The applicant's consultant ecologist has, therefore, qualitatively concluded that the development, if implemented as proposed, would, at best, only be net neutral for the site's biodiversity resource and that some of the initial biodiversity losses would not achieve that net neutrality until the medium term with no provision for mitigation for interim losses until 'the medium term' (how long that would be is not defined?) had passed. Use of Natural England's Biodiversity Metric 3.0 would demonstrate this more quantitatively, at least in respect of priority habitats.

POLICIES

National policy sets out that planning should provide biodiversity net gains where possible.

The Government's 25-year Environment Plan sets out the aspiration to mainstream biodiversity net gain in the planning system and move towards approaches that integrate natural capital benefits.

The Environment Bill, when enacted – probably by November this year – will require a minimum 10% net gain, calculated using DLUHC/Defra Natural England Biodiversity Metric 3.0 or any successor (or the related Small Sites Metric for proposals smaller than these Pickering's Farm applications), and approval of a net gain plan, with habitat secured for at least 30 years via obligations and/or conservation covenant.

National Planning Policy Framework (2021), Paragraphs 174(d), 175, 179(b) and 180(d) refer to this policy requirement and the Natural Environment Planning Practice Guidance (PPG), last updated on 21st July 2019, provides further explanation on how this should be done; notably paragraphs **022** to **027** inclusive.



The proposal would appear to us to contradict guidance in the current National Planning Policy Framework (NPPF); and particularly in paragraph **180**:

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The **emphases** are ours.

The proposal also fails to demonstrate quantitative delivery on adopted Central Lancashire Core Strategy (2012)'s

Policy 22: Biodiversity and Geodiversity

Conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area, through the following measures:

(a) Promoting the conservation and enhancement of biological diversity, having particular regard to the favourable condition, restoration and re-establishment of priority habitats and species populations;

(b) Seeking opportunities to conserve, enhance and expand ecological networks;

(c) Safeguarding geological assets that are of strategic and local importance.

The **emphases** are ours

For similar reason, we would contend that it is also against the intent of **Policy G16 – Biodiversity and Nature Conservation** of the adopted South Ribble Local Plan (2015);

and particularly

a) The need to minimise impacts on biodiversity and providing net gains in biodiversity where possible by designing in wildlife and by ensuring that significant harm is avoided or, if unavoidable, is reduced or appropriately mitigated and/or, as a last resort, compensated

Again, the **emphasis** is ours.

A planning appeal inspector's report on an appeal in Kent would appear to cast some light on where things may currently stand:

APP/M2270/W/18/3215766

Planning appeal decision date 24th July 2019; Land at Common Road, Sissinghurst, Cranbrook, Kent TN17 2JR; Tunbridge Wells BC (Paragraphs 29 to 32 cover biodiversity)

"Para. 32:

An empirical means of measuring whether the mitigation listed by the appellant would result in a net gain in biodiversity has not been submitted. Therefore, I cannot be certain the measures would result in a net gain, as required by Paragraph 170 of the National Planning Policy Framework. The



submissions include differing expert opinions on this point. This is a material consideration weighing against the appeal scheme even though there would be no conflict with the requirements of the development plan, which are now out of date.”

SUGGESTIONS

As this is an outline application, it is – frustratingly - impractical to comment in detail on biodiversity net gain at this stage; though – as mentioned above - we note that no baseline assessment, from which net gain could be quantitatively demonstrated, has apparently been made; preferably using Natural England’s online Biodiversity Metric (Version 2.0 has been replaced by Version 3.0 recently).

If your authority would agree, we suggest that the best outcome would be a planning condition requiring 10% net gain to be provided using assessment by Biodiversity Metric 3.0 in respect of habitats - there is no metric for species populations, which must be accounted for separately, but in relation to habitat suitability - if that be enforceable at the present time: the Environment Bill, which statutorily requires such biodiversity net gain is not expected to be enacted until later this year (November?).

If it is not enforceable, *perhaps* – we have no legal steer on this - because the Environment Act *per se* was not quite law at the time of the applications’ respective verifications (though direction of travel has been clear for some time), then we suggest that the next best approach would be a requirement to demonstrate Biodiversity Net Gain in respect of each reserved matter application using whichever Natural England Biodiversity Metric may be current at that time.

If the applicant is to enter into a s106 agreement, it would be preferable to include a clause undertaking to provide net gain of 10% in respect of each phase of the development (if that be reasonably achievable). The ‘net gain’ argument in the submitted documents is heavily reliant on retention of trees and hedgerows but does not address the restoration, potential expansion, and subsequent management of these (to say nothing of any other priority habitats) for the actual retention and enhancement of their characteristic biodiversity, including appropriate adaptation to “baked in” local climate change over the proposed development’s lifetime. In that particular regard, the open space plan doesn’t appear to indicate any strategy for ecological corridors and links to corridors / wildlife sites outside the application boundary or to identify and propose delivery of nature recovery networks.

Thank you for consulting us: we hope that the above comments are helpful.

Kind regards



David Dunlop
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