

# DEVELOPMENT CONTROL COMMITTEE

Thursday 28<sup>th</sup> November 2019

## Further Late Correspondence/Verbal Reports

### AGENDA ITEM 6a

Pages 19-58

**FUL/2019/0319 – Erection of 130 no. dwellings with associated access roads, open space and landscaping and vehicular access from Standen Hall Drive following the demolition of No. 64 Standen Hall Drive at Land to the north of Higher Saxifield Street, Briercliffe, Burnley**

**Higher Saxifield Objection Group** - Two reports have been submitted from this Objection Group in respect of Highway and Transport Impacts and Ecology Impacts. These reports are available to view in full on the web site through the application reference number and also with the Committee papers. A summary the highway report and comments on this have already been published.

The 'Review & Ecological Appraisal' submitted on behalf of the Higher Saxifield Objection Group is prepared by GC Ecology, dated November 2019.

A summary of the main content and points raised in the report is provided below:-

1. The report is based upon the collection and review of data from a desk study and existing field surveys.
2. The report outlines the relevant legislation, policies and designations that relate to the site. It acknowledges that there are no designations on the site and the site is outside the South Pennines Special Conservation Area. The report affirms that the site has an important role as a biological stepping stone to priority habitats that exist in the wider landscape.
3. The site consists of neutral grassland which is a Priority Habitat and states that it is of both Local and National ecological value.
4. It identifies the drystone wall that adjoins a western boundary as affording connectivity between habitats within the wide landscape as having Local Value.
5. Running water and sinks/issues feature on the site and provide stepping stone mosaic habitat for amphibian species and possibility of increased dispersal opportunities which would exhibit value at a local level.
6. Allotments and gardens in the south east comprised of mature and semi-mature tree species and hedgerows with secondary scrub and pond habitats which is considered to be of potential National and Local Ecological Value.
7. There are nesting and foraging opportunities throughout the site due to habitat available and records of bird species within 100m zone of the site;
8. Bat roosts potentially exist within allotment buildings to the south east. Bats may forage across the site or use it as a commuting route but are unlikely to be roosting within the site itself.

9. Water bodies on site could provide suitable habitat for amphibians, particularly where shallow brackish water occurs within seasonally wet pastures and local gardens. Other water features within allotments and further upstream would be potentially more suitable for breeding amphibians.
10. Consider that the recording of vegetation patterns and more diverse grassland species may in April 2019 may not be accurate due to wildflower species associated with more diverse neutral grasslands typically flowering between June and September.
11. Allotments were not surveyed due to access limitations and could be host to multiple protected species.
12. Could lead to damage on site and downstream in more notable habitats.
13. The selection of the site for development is potentially arguable; recommends carrying out an extended survey, more appropriately timed field survey of neutral grassland species, amphibian and hedgehog surveys within allotment grounds and bat emergence survey within existing allotment mature and semi-mature trees and outbuilding structures.
14. Could potentially be counterintuitive to Burnley's Gi policy, particularly where increased run-off could reduce water quality and result in damage to delicate aquatic habitats downstream within Biological Heritage Sites.
15. Recommends the use of the site for protecting and enhancing biodiversity, improving water quality, alleviating flooding, grassland management and improving/extending existing greenways and public footpaths for recreation.

GMEU has already provided comments on this report which have been published. Their comments disagree with the evaluation of the site and its conclusions. In addition, the following observations are made by the Case Officer:-

- The report incorrectly identifies the boundaries of the application site.
- No new surveys have been undertaken.
- The extracts from LCC Mario Maps are not land use designations in the Local Plan and have no policy status.
- The report contains maps (figures 2 and 3) and states that these are excerpts from the Local Plan which is incorrect. They are contained in the Green Infrastructure Strategy which helped to inform the Local Plan but has no status in its own right as a policy document.
- The report refers to new legislation on Biodiversity Net Gains which may come forward in Spring 2020 which is not a material consideration. It should be noted however that the proposal provides mitigation to compensate for the loss of habitat and the report does not consider or refer to this.
- The report does not indicate that there is any substantive case for refusing the application on ecology grounds.

**Additional Condition**

GMEU recommends a further condition to require a Construction Environment Management Plan which would deal with any potential for siltation during ground clearance and construction works and measures to avoid possible pollution of watercourses.

**Condition**

Prior to the commencement of any development or site clearance works, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall detail protection measures to avoid pollution of watercourses during site clearance and the construction of the development. The measures contained within the approved Plan shall be implemented in their entirety for the full period of site clearance and construction works until the completion of the development.

Reason: To ensure adequate precautionary and protective measures against the potential for siltation to cause pollution and affect wildlife in downstream watercourses, in accordance with Policy NE1 of Burnley’s Local Plan. The Construction Environment Management Plan is required prior to the commencement of development in order to ensure that the measures approved by the Plan can be in place at the appropriate stage of the development to ensure their effectiveness.

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