

Louise Blatchford

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**From:** [REDACTED]  
**Sent:** 19 May 2022 13:19  
**To:** Janet Filbin; Elizabeth Hindle; Planning Services  
**Subject:** FUL/2022/0149 - Full planning application for the erection of 200 dwellings and associated works. AT: Hollin Cross Farm Woodplumpton Road Burnley

**Categories:** Louise

[CAUTION : **This email originated from outside of the organisation.**]

Dear Elizabeth and Janet

The parish council has considered the latest large planning application for Habergham Eaves, a parish which now seems to be swamped with applications, which can't be healthy for the local community or the environment. As always, as this application is in the Local Plan, the parish council has little say, but we trust you will listen and act on the concerns below, particularly the ecology ones, which are gleaned from one of our parish councillors who is a qualified ecological consultant and has specific knowledge of the development area.

We would also request that the ecology information (see below) is passed to Greater Manchester Ecology Unit to help in their assessment of the planning application and discussion on appropriate levels and types of mitigation for the large loss of biodiversity units and ask you to confirm if this is possible please.

We trust our input is seen as constructive and would welcome feedback and further discussion. We also hope we have understood the proposals correctly –it is difficult to fully understand all of the details presented across all of the reports and maps that have been submitted.

The parish council comments are:

- Transport - the applicant has completed a transport survey and suggested a new access out on to the A646 New Road, a road which already attracts heavy traffic, is fast moving and leads onto and into the residential area of Glen View Road. The plan to allow traffic to feed into the A646 from the right appears dangerous considering the above factors. The transport plan does not make it clear how the applicant will ensure the new home owners will use non traffic means of transport and there does not appear to be any allowance for bus users.
- The design of the houses is out of keeping with the character of the parish and there seems to be no provisions for the elderly or disabled. The affordable housing aspect is the minimum the developer has to provide under the National Framework and should be encouraged to increase considering Burnley's need for more affordable housing.
- Re the community involvement statement, following the online consultation, the parish council invited the developer's representative to attend a parish council meeting to discuss the concerns, but this was not taken up, which was disappointing considering the impact of this development on the community and the parish council's role in speaking on behalf of the community.
- Although the developer has pledged to include two hectares of public open space for existing and new residents, it seems the actual area may be less than this, as the attenuation pond does not seem like a suitable feature for recreational use, nor do the other areas sown with grassland wildflowers; it is unclear how the recreational value of the areas to be sown and managed as amenity grassland will be maximised. We request that consideration is given to the provision and on-going maintenance of outdoor benches and children's play equipment (which needs to be fenced to prevent dog fouling)

- There needs to be more indication as to how the developer will bring in renewables, such as electric charging points.
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- **Ecological Impacts**
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The proposed development site is in a quiet, rural location not far from the moorland area of Crown Point and Dunnockshaw Reservoir. It is a valuable wildlife asset, which will mostly be transformed for house building, gardens, access roads and the construction of a large attenuation pond, the primary purpose of which is to deal with storm surface water. Despite the advice, findings and various recommendations in the Ecology/Biodiversity Net Gain reports, it is evident that only limited provision has been made to provide appropriate mitigation to address likely impacts on key aspects of the biodiversity associated with the site. The BNG assessment clearly demonstrates that the development will result in a large loss of habitat units (calculated as a 45% net loss), whereas the development is obligated to provide a net gain in biodiversity (see below), and further losses are expected when specific species of conservation importance are taken into account (as detailed below).

We consider that this is unacceptable and contrary to the National Planning Policy Framework (2021) and Burnley Borough Council Policy NE1 derived from this. Current guidance requires all development to demonstrate Biodiversity Net Gain. The National Planning Policy Framework (2021) refers to minimising impacts to biodiversity and providing enhancements in Paragraph 174 (planning policies and decisions should contribute to and enhance the natural and local environment by ..minimising impacts on and providing net gains for biodiversity), and also in Paragraph 180 (which includes a number of principles that local authorities should apply when determining planning applications, including ensuring that “opportunities to improve biodiversity in and around developments ..be integrated as part of their design, especially where this can secure measurable net gains for biodiversity”). The Environment Act (2021) requires that developments demonstrate they will achieve at least 10% Biodiversity Net Gain, as calculated by the Defra Biodiversity Metric.

Our view is that it is insufficient to say that discussions are underway with the Greater Manchester Ecology Unit in relation to appropriate off-site mitigation for this large loss of biodiversity units and appropriate financial compensation levels. Full consideration of biodiversity should be made available and open to scrutiny; it should form part of the planning application. We request that this information is made available before any planning decision is made.

Specific concerns are set out below:

- The significance of the wettest low-lying part of the site and associated pockets of flushed ground/springs that feed into this (marked as marshy grassland in the Ecology Report) are not properly addressed. This is a locally important wetland feature; it supports a large population of common frogs and common toads, which use the pond for breeding and the adjacent rushy vegetation as a terrestrial habitat during the remainder of the year. This is not mentioned in the Ecology assessment. It is also an important location for over wintering snipe (listed as a Bird of Conservation Concern), with up to 25 individuals having been sighted here during the winter (this would have been identified if winter bird surveys had been undertaken; records of wintering snipe were evidently provided to the Ecological consultants by LERN). The vegetation cover and structure in this areas also provides habitat for other species, including ground nesting birds and hunting long-eared owl, barn owl and kestrel.
- The plan appears to be to clear/excavate this entire low-lying wetland area to form a large attenuation pond, which will destroy the existing habitat and any amphibians present. We request that a sizable section of this area is left undisturbed to act as a refuge/source for re-colonisation of the attenuation pond, noting that the Ecology Report also recommends retaining as much of the existing habitat as possible and that existing areas of habitat to be enhanced should be fenced off during development. It is also advisable that a search is carried out before the wetland area is cleared to remove any adult amphibians to the refuge area; and that the area is not cleared during spring and summer period when in use by breeding and juvenile amphibians, which would be highly damaging.

- In addition, the Drainage & Levels Statement says that the proposed attenuation pond will be designed as a 'dry area' to offer possible amenity to the development with it only being utilised during rainfall events; and the landscape plans shows the central section is to be sown with EM8 Meadow seed for wetlands, which is a mixture suited to seasonally wet soils not periodically submerged conditions. Treating this area as 'dry feature' and allowing free-access will minimise its potential value for biodiversity. It also fails to appreciate that the water-table in this area generally remains high, as demonstrated by the rush-dominated vegetation that is currently supports. We request that the design of the treatment of this low-lying wetland area and the planned attenuation pond is considered further; it could easily be designed as a valuable feature to help offset the large loss of biodiversity units. To act as a valuable feature, we would like to the plans revised recognising that this area should retain a reasonably high water-table, with areas of open water for amphibians to successfully breed in, a sizeable area of marshy vegetation (rather than grassland), adjacent terrestrial refuge for amphibians, small mammals, etc, and that secure metal railing is ensure that disturbance to wildlife and littering and dumping of garden waste are minimised.
- The main ditch supports a reasonably diverse invertebrate fauna and is partly flanked by semi-natural vegetation and native hedgerows. It should be treated as a locally important feature, which is retained with a 5 m wide buffer strip either side and developed for biodiversity, rather than simply being destroyed by burying it in an underground surface water sewer (the Drainage & Levels Statement states says that all surface water will be accommodated within oversized pipes). This is also advocated in the Ecology Report, which recommends that ditches and hedgerows on-site should be retained where possible to do so and that and that existing areas of habitat to be enhanced should be fenced off during development.
- The bird survey failed to identify breeding lapwing, which have successfully bred on the upper section of the site throughout 2018-2022. The whole site is also regularly used as a feeding area by long-eared owl, barn owl and kestrel, which are known to breed in the area and use the fields for foraging throughout the year. The bird survey confirms that at least seven other bird that are listed in under the NERC Act (2011) as Species of Principal Importance for conservation will be impacted by the development, several of which are Red-listed on the latest list of Birds of Conservation Concern. The whole point of listing these species is that special attention should be given to their conservation, which is not apparent in the proposals that have been submitted. The Ecology Report recognises that the development will negatively impact on several bird species listed as being of conservation concern at the national level. There is some potential to provide for these species within the site –however, targeted measures are required off-site to provide effective enhancements for breeding lapwing, over-wintering snipe, and foraging long-ear owl and barn owl.
- The Biodiversity Net Gain calculation indicates there will be loss of 45% of habitat units, whereas it should be providing a net gain. We have tried to understand the BNG assessment and have has several queries. Foremost is that the assessment does not include a map of showing the status of the site after the development has been completed (post-intervention); this is a serious omission as it makes it impossible to tell if the calculations for habitat retention and creation are correct. We do not understand which sections of ditch are to be retained and enhanced (as far as we can make out, no ditches are to be retained), nor how they will be enhanced to achieve 'good' condition. Similarly, we do not understand where 0.27 km of new ditch will be created and how this will attain 'good' condition. Nor why the condition target for the attenuation pond is set as 'good', which again seems unrealistic, is not backed up by an adequate explanation, and given that this feature is primarily designed to store surface flood water and does not appear to have been designed to maximise its value for biodiversity (see discussed above). The BNG calculation also shows that the BNG Trading Rules have not been satisfied. We respectfully request that sufficient details are provided to properly assess the Biodiversity Net Gain assessment and associated calculations.
- The management needs of all areas of green space designed for biodiversity mitigation need to secured through a suitably detailed and funded ecological management plan, which also needs the input of a suitably informed ecologist, something that is lacking in the current landscape management plan. Without this plan, there is no assurance that the habitat target condition for the BNG assessment will be achieved.

REBECCA HAY

CLERK TO CLIVIGER, OLD LAUND BOOTH, HABERGHAM EAVES PARISH COUNCILS  
AND DARWEN TOWN COUNCIL



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