

Response from Leigh Ornithological Society in respect of further additional material related to the above application submitted by Northleigh Park Group Limited, dated on Wigan MBC's planning website as July 11 and 12, 2012. The letter from Mr D Rawsthorne advising of this new material and requiring a response within 21 days is dated July 10, 2012.

The Society intends to sustain its objection to the outline planning application A/12/76665 because the vast and complex development contained in the associated reserved matters remains impossible to properly evaluate and threatens a significant loss of habitat biodiversity and connectivity affecting significant species. The current inclusion of Wigan MBC land at Pickley Green is a welcome move to improve mitigation potential, but much more information is yet needed, together with safeguards for wildlife corridors and finance details of future management. The Society remains of the opinion that the application would be best resolved via a Public Inquiry.

Comments on ARUP's latest submission follow:-

The material has been added to an application which does not comply with the UDP in force when it was submitted and the Core Strategy under which the developers were at pains to have the application considered has been stalled by the Inspector. It also is difficult to see whether the allocations of land to housing, industrial and green space uses on Northleigh in the Core Strategy have been determined in a legitimate way in relation to the Council's Greenheart vision and planning procedures.

ARUP have chosen to reply to selected items drawn from submissions made by various respondents to the original outline planning application. Their text is not particularly useful in the main as it deals in generalities which leave details for future determination, thus offering little clarity, resolution or commitment on key aspects – especially in relation to the early stages of any development which may be approved.

The Urban Design Consultation comments which Arup have responded to specifically highlight that “the proposed open green spaces seem to be ‘areas of land left over after planning’ as well as mentioning the missed opportunity “to establish a truly unique green urban spine” as the green spaces don't connect with one another.

ARUP say that such matters will be dealt with at detailed design stages in reserved matters applications and refer to the “Proposed Design Code Condition” which is set out and merely includes “Landscape design principles” as the sole heading relevant to green spaces. Later on they mention that the “joints” between the three proposed discrete green parks will contain features like green/brown rooftops and an underpass with light penetration at both ends and gravel car parks with soft edges. Reducing the intensity of development appears not to be an option. It is unclear why not.

There seems little likelihood that any aspect of Greenheart has conditioned designers' thinking, otherwise the layout and location of the development in a regional park would probably be used as selling points for the plans.

Additional land for ecological compensation

The prospect of 32.27ha of additional land being made available by Wigan MBC for compensatory habitats to be provided to the NE of Pickley Green is welcome, subject to the current ecological value of that land not exceeding that of the development site and no net losses being “shunted” down the line. If used, some form of regulatory protection should be afforded to it in perpetuity. There is also connection from this land to the SE with open ground reaching to Atherton and Lilford woods and beyond.

The highly significant Westleigh Brook corridor lies between this new land and the development site and is also worthy of consideration for protection as an essential link here, preferably with protection being extended over the full length of the corridor.

The focus on the Pickley Green land should be the appropriate enhancement of the site, if possible, to replace significant habitats and species lost from Northleigh. There has been a long history in Wigan of developers not delivering on long-term compensatory habitat creation and management agreements or the associated finance. Enforceable conditions with timescales must be applied to any agreement for this site and should be open to independent monitoring.

Ecological connectivity

The indicative masterplan does not set out areas available for mitigation for habitat loss, it purely highlights areas where fragments of the original significant site vegetation will be accommodated in the development – a vastly different concept – hence the move to provide the land at Pickley Green for mitigation measures.

The north-south corridor is constrained between the discrete parks and the connectivity provisions mentioned will only be suitable for use by a restricted range of species rather than allowing free movement.

The use of swales/ditches has been commented on in an earlier response by the LOS. The points then raised about the confusing information on the finished site profile (development platform) and when it would be achieved; the fact that site drainage would be installed across the whole site in Phase 1; the need for extensive excavation to remove contaminants before work commences and the fact that swales would be installed before Phase 2 and 3 reach detailed approval stage; all combine to suggest extensive habitat loss before any mitigation measures can be undertaken and become established. None of these issues has been commented upon by ARUP in relation to ecological impacts and all of the development is predicated initially upon outline planning approval for just three road junction improvements.

It is all very well to say that green corridor width will be maximised, but the possibilities are limited by the intensity of the development and the apparently already determined zoning.

European Protected species

It would seem that the scheme already fails one of the three Habitat Regulations tests –

The activity must be for imperative reasons of overriding public interest or for public health and safety – The only poll of local residents (conducted by the developers) saw 68% of respondents reject the development; there are no details given of any contamination of the site arising from toxic material buried under the capped areas or of unacceptable other risks on site associated with public use of what is effectively open country.

Until the details of mitigation works, the re-profiling for the development platform and its timing are available it is impossible to gauge whether ARUP's assertion, that current populations of water voles and great crested newts can be maintained on site, is actually achievable. The comments provided under "Remediation Works prior to Construction" do not help at all.

A full Critical Path Analysis detailing all components of the whole development would be most useful.

Extensive areas of bare ground on site for up to 15 years, with run-off and dust, still seem real possibilities.

The envisaged positioning of swales and ditches (and expected wildlife use) seems not to have considered the impact of the inevitable numbers of cats and dogs in close proximity as the housing developments proceed. Locating such features as far from houses as possible might help a little but swales are to be constructed before housing approvals apparently.

The proposed improvements to Westleigh Brook require consideration within a detailed strategy for that SE corner of the site. Consideration still needs to be given to upgrading the PRow on adjacent land rather than cutting a new access and increasing disturbance of what is the quietest and most undevelopable part of the site ("left over after planning"). The practicality of ponds here remains an issue. The EA only seem to have suggested brook improvements adjacent to the proposed new bridge.

Fishing Lake

The Society agrees with Wigan MBC's view that intensive fishing at the main lake should not be supported.

There is mention in ARUP's response about "creation of an appreciable draw-down zone and network of shallows" in the lake. This seems contradictory and likely to see fish and invertebrates marooned in small pools. A constant level would seem a better objective for this pond and would avoid odour issues associated with drying marginal mud.

Long-term Management

No indication of funding is given.

Bird Survey and mitigation

ARUP's response studiously ignores the previous comment by the Society that it would be more relevant to focus any breeding site provision for wildlife in or on buildings, for Starlings, House Martins, Swifts and bats – rather than providing the ubiquitous boxes for garden and woodland birds which are generally less at risk and more likely to be catered for by people living on site.

Retention of trees and other habitats

ARUP's comment that the ELS will seek to retain all suitable habitat where possible needs to be set against the existing plan in the application showing minimal tree retention in parts of the site and the two plans showing differing versions of the finished site profile – one of which appears to propose about 1m of spoil being tipped on the southern half of the site.

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