

**Leigh Ornithological Society wishes to register a formal objection to the Outline Planning Application A/12/76665 for the following reasons –**

Outline Approval is only sought for access works on three junctions in relation to an overall scheme covering around 75ha (latest figure). Public highway routes on the site are apparently being provided by the developers at their expense, amounting to c£4m. Approval in these circumstances appears to rubber stamp the progression of the development in principle and possibly negates aspects of the planning process. The proposals do not conform to the current UDP. Previously protected land is being released for this project.

The site has been included in the Council's Core Strategy, not yet passed by the Planning Inspector, with the areas of residential and commercial development and greenspace set out at 44ha, 8ha and 18ha which also seems to pre-empt the planning process. The developers are at pains to have the application considered more in relation to the unapproved Core Strategy rather than the UDP.

The developers' own consultation publications since November 2010 have contained material which repeatedly misrepresented visual site conditions and the need for remediation and redevelopment. This material was contested by Leigh Ornithological Society and many local residents, but it has been persistently repeated in the local press by the developers over the last 12 months despite the errors being drawn to their attention. The worst aspect being their claims that the development would enhance site biodiversity. Such enhancement is not supported at all by the material submitted in respect of the reserved matters connected to this planning application.

The results of the developers own consultations with local residents (including the only public poll of local opinion) do not give numbers or enough indication of the area of housing covered by the consultation, or proof of delivery of material and some of the results are selectively reported. For example: In the Statement of Community Engagement, 3.1.4 - Analysis of feedback, the pie chart clearly shows that **68% of respondents disagreed with the development, 29% agreed and 3% were undecided**. Actual numbers on which the pie chart is based are not given. The developers' accompanying text aggregates and mis-reports the proportion agreeing/strongly agreeing, while only reporting one category of disagreement. The text then suggests that just over half were against and one-third in favour. Clearly this is a continuation of a dishonest response to inconvenient facts; it is an approach which generates strong scepticism about their proposals and more or less eliminates any trust that might otherwise have existed.

This outline planning application is considered to be premature and appears to be the latest stage in a contrived progression to implementation of a massive development without properly detailed consultation. The 3000 or so pages of the application are not presented on the Council's website in a logical way, making access and interpretation difficult. That situation is compounded by unclear/unreadable detail on drawings, by hand-written untitled notes, drawings without captions and by a selection of miscellaneous photographs as part of a landscape and visual appraisal. To expect lay people to access, comprehend and respond to such a massive proposal in a timescale of 21 days may be legally sound, but is utterly impractical in the Society's view.

Construction of just the three junctions specified without any other works will not have a significant effect on the site's breeding birds, but this application is seen as a "Trojan horse" to endorse a start on the overall development without a clear agreed plan. The junction at Atherleigh Way seems well in advance of the construction of the new road from Westleigh Lane which is said to be in Phase 2 in 2019-2026. In the meantime, joining Westleigh Lane to Leigh Road so close to existing junctions looks very unlikely to help with alleviation of traffic congestion.

The current presentation of data generates confusion and seems to depict phased development of a re-profiled and mainly bare site which suffers disturbance for 15 years. The proposed development has insufficient provision for retaining wildlife interest.

In the view of Leigh Ornithological Society, the outline application A/12/76665 should be rejected until details of all works associated with each of the proposed phases are clearly set out in sequence and consulted upon so that people can see the implications of the development.

**Some of the Society's concerns about information provided on reserved matters in the application are set out below.**

A range of ecological surveys has been carried out for the developers in 2011. The bird survey seems broadly accurate in our view although slightly higher numbers of pairs of Linnet (+2), Reed Bunting (+2), Dunnock (+4) and Sedge Warbler (+2) were considered to be present and there were at least 8 Grasshopper Warblers singing at one stage. Skylarks also held territory adjacent to the football pitch in the NE corner. Reported Magpie numbers seemed high. Pheasant numbers are assumed to be based on females as the males are polygynous. Canada Geese bred on Pond 20 on the small island and were possibly the pair which later appeared with young on the main site pond as Pond 20 was deserted. Moorhen also bred on this pond. Both species nested marginally outside the site boundary. The pond is noted in the report as excellent habitat for Great Crested Newts, but there is a strong population of coarse fish.

There is confusion in presentation of the results, especially Table 12 page 3 of the Environmental Statement where data locations are mixed between the Main Site and Former railway alignment headings, possibly meaning some data are missing.

The Society's assessment of the bird population there in 2011 by regular walkovers included the following additional species: Mute Swan, Tawny Owl, Jay, Great Spotted Woodpecker, Stock Dove, Sand Martin, Lesser Redpoll (Red List), Siskin. These species were mainly visitors at various times of year with Redpolls and Siskins frequenting Alders on site, especially those along the former railway line. In addition, a Lesser Whitethroat held territory near the crematorium and may have bred. Those underlined may have been holding territories on/adjacent to the site.

The proposals for habitat creation/redistribution as they currently stand within the residential development are not yet detailed, so the prospects of their making any meaningful contribution to habitat provision for red and amber-listed bird species currently breeding on site are difficult to assess, but they look inadequate at present. No attempt seems to have been made to quantify numbers of Key red and amber list species likely to be lost from site versus the numbers of them considered likely to adapt to any new provision on the finished site. Any narrow linear habitat provision is likely to be more easily disturbed and unsuitable than appropriately-sized blocks of habitat for species such as Linnet, Whitethroat, Grasshopper Warbler and Reed Bunting. Linnet, as a year-round seed-eater, will be disadvantaged by any shortfall in wild seed availability near potential breeding sites and may well desert the site. Despite it being a Red List species, it does not appear in the list of key species/no. of pairs in 7.6.70 of the Environmental Statement

Off-site mitigation for key species such as Lapwing, Grey Partridge and Skylark which will be completely lost from site has not been discussed. Nor is it discussed in relation to decreases on site of other red and amber list species which form characteristic bird communities on Wigan's new greenspace network on brownfield sites like this one. These communities occur where extensive pioneer and established grasslands, bramble, open scrub and ruderal species are present in dry and damp conditions with natural succession occurring and are seldom managed or protected despite their value.

The prospect of a viable wildlife corridor through the development seems blocked by accesses and buildings between the areas of greenspace on most drawings. Given the current proposals to further develop Bickershaw North (lying immediately SW of this site) for recreation and conservation, a connecting corridor for people and wildlife would be a sensible provision.

The proposed habitat creation work in the south-eastern corner of the site includes on-line ponds fed from Westleigh Brook within the brook's flood zone, but the EA acknowledge that water quality in the brook is poor and disproportionately expensive to improve anytime soon. It may be unusable. Further difficulties there include: Wigan MBC's stated desire not to lose tree cover east of Westleigh Brook and the presence of steeply sloping ground on both sides of the brook next to the flood plain (where there seems to be some form of old settling pond). Species

including Moorhen, Linnet, Greenfinch, Whitethroat and Reed Bunting already breed in this area but were not noted on the bird survey, although included later as species likely to be attracted to the “new” habitats there.

A new multi-use path is proposed within the Westleigh Brook valley, but is likely to generate new disturbance in such constricted surroundings and devalue any ecological works. The existing public footpath route along the valley, which could be upgraded, is on a line which could reduce disturbance if it was used instead, with appropriate landscaping.

North of Pickley Green, the marshland and open grasslands flanking Westleigh Brook have fair ecological interest. This area is part of a wildlife corridor notionally stretching from near Firs Lane to the open country north of Wigan Road and on to Westhoughton, despite constricted stretches. The construction of the road from Westleigh Lane to Atherleigh Way involves crossing Westleigh Brook with a 16m span bridge whose supports will sit behind the existing walls of a former bridge. If the new bridge is set at an adequate height/width to allow larger mammals (eg deer) to pass under it by lowering or removing the existing walls and constructing a more natural bank, a good through route for many species will be established and provide some compensation for the obstructive nature of the road in terms of wildlife movement in the Westleigh Brook corridor. It may still be necessary to provide the badger and amphibian tunnels mentioned further east on the relevant drawing, but not detailed. The existence of this wildlife corridor should not be used to excuse poor provision/continuity of habitats within the proposed development. The opportunity should be taken to establish through-site connectivity of habitats from the SE corner of the development site to the old railway in the north and along the new road. The new road is only likely to have a 2m verge on the south side and a 3m multi-use path on the north side. Some existing tree cover is proposed for retention but enhancement opportunities appear to be limited.

Much effort was devoted by Wigan and many partners to the NIA proposal recently submitted in respect of the nationally significant east-west wetland corridor through the Borough, but a north-south wildlife corridor like that associated with Westleigh Brook/Northleigh is of Borough importance at least. It bisects the urban arc stretching from Hindley to Leigh, and is worthy of protection in perpetuity in the Society’s view, particularly with a substantial loop through Northleigh and connection to Bickershaw.

Wardell Armstrong appear to have been commissioned by the developers to devise and execute a further extensive site investigation over a 12-month period, which should have started last month, to assess site gas levels and to accurately determine the extent and precise nature of contaminated land associated with former landfill areas. The work is needed to determine how contaminated material is to be treated, with options to be considered including on-site treatment and off-site removal. This will result in habitat loss prior to re-profiling work.

A drawing showing “proposed levels” (Wardell Armstrong) indicates lowering of the colliery spoil tip in the NE corner to facilitate Phase 1 of the residential development and construction of the new road between Leigh Road and Westleigh Lane. The southern half of the site appears likely to be raised by at least one metre over much of its area, presumably with on-site spoil. A different drawing shows the new road across site apparently in a cutting through the spoil heap. Overall 600,000 cubic metres of material is expected to be moved on site. Since re-profiling work necessarily precedes construction, it seems the habitats on site may all be eliminated with their wildlife before any compensatory provision can be made. It also seems that bare ground could ensue for up to 15 years.

In the Construction Method Statement, the words: *“Variation from proposals described could occur related to particular contractors’ resources, preferred method of working and method of procurement of works”* do not inspire confidence in delivery of any part of the scheme as envisaged.

Other documents refer to the installation of swales/drainage throughout the site as an essential part of Phase 1 but they would, in that case, be installed before the planning approval of second and third phases of residential housing development. Current positions of swales shown on one site plan provided (in areas between housing and greenspace for example) are likely to be highly disturbed and of little use to wildlife. Narrow linear features provided

for wildlife habitat between houses and alongside paths are likely to be of less/no value than blocks of appropriate cover which are resistant to *ad hoc* disturbance, connected by hedgerows and green spaces.

There seems to be a presumption in the text that provision of paths across the green spaces will restrict disturbance of wildlife areas. The presence of around 5000 people on site in due course does seem to militate against that being achievable.

A plan showing the aggregation of the tallest buildings on site (up to 4 storeys/16m high), tightly spaced around the central green area, goes against the provisions in the Council's LDF design guide for residential development (2006). Namely – *"The site layout must create sufficient amenity space around the development in order to retain a feeling of spaciousness"* and *"The massing and height should not overshadow and overlook any adjacent buildings and spaces"*. Equally, the proposed housing closely approaches the biggest pond on site and with the new road just metres away from that pond, on the opposite side, the quality of greenspace provision is greatly diminished.

The LDF design guide says that *"any existing mature trees and/or landscaping should be maintained and incorporated into the development scheme in such a way that their long-term survival can be assured"*. There is minimal retention in the south of the site and tree cover east of the large pond is also lost – all apparently connected with re-profiling *"to provide a development platform"*.

The swales through the centre of the site are apparently capable of temporarily holding 1 in 30 and 1 in 100 year precipitation events. Since there is to be absolutely minimal baseline water retention in them and that will be subject to evaporation, the prospect of them providing significant wildlife habitats seems remote. They will probably be dry most of the time. The example pictured has short grass with loose stone weirs. It seems very likely that they will become play areas unsuitable for wildlife, especially if public access *"desire lines"* become established across or along them.

The provision of three discrete areas of greenspace termed *"Green Lanes"* on the SW perimeter of the site does not seem to be explained in the text and possibly does not conform to the accepted use of that term in relation to public rights of way. However, a continuous wildlife corridor embodying these patches, perhaps with an access route, could have merit if it stretched from the new Leigh Road junction around the site perimeter to the exit on to Nel Pan Lane or to the SE conservation area and might allow more retention of tree cover. It could perhaps also join with any connection to Bickershaw North.

The Greenheart Regional Park concept is strongly supported by the Society, but seems very much at odds with the proposed intensity of development on Northleigh.

It is not clear to what extent actual houses and garden areas associated with housing may contribute to wildlife provision. Any artificial nest site provision in the housing construction or in gardens should focus on House Sparrow, Starling, House Martin and Swift rather than the boxes commonly provided for the commoner woodland species. Much practical expertise is available in ecological and construction industry circles. Provision for bats should also be considered in this context.

If the scheme progresses to further planning applications the Society will respond to each one.

A set of pictures taken on site in Spring 2011 is included with this response to illustrate the current attractive nature of the site.

**Roy Rhodes**

**Conservation Officer, Leigh Ornithological Society**

The Rough Lee, Naylor's Terrace, Belmont, Bolton BL7 8AP Tel. 01204 811203 Mobile 07980 659066