

**LAND AT BEE COTTAGE, UTTOXETER
ROAD, STAFFORDSHIRE**

PRELIMINARY ECOLOGICAL ASSESSMENT

A Report to: Hewitt & Carr Architects

Report No: RT-MME-120301-01

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REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 “Biodiversity, Code of practice for planning and development”.

Report Version	Date	Completed by:	Checked by:	Approved by:
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The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management’s Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client’s brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

VALIDITY OF DATA

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

NON-TECHNICAL SUMMARY

Middlemarch Environmental Ltd was commissioned by Hewitt & Carr Architects to carry out an initial ecological appraisal to develop 19 houses and associated gardens and road infrastructure at the land at Bee Cottage, Alton, Staffordshire. To fulfil this brief an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken.

The ecological desk study highlighted two statutory and eight non-statutory nature conservation sites within 2km of the proposed development. Additionally, four Ancient Semi-natural Woodlands were identified within 2km of the site. It also showed records of bats, badgers, grass snake, brown hare, hedgehog, water vole and 13 protected bird species within 1km of the site boundary.

The walkover survey was undertaken on 29th July 2015 by Ellie Rickman, Ecological Consultant. The site was comprised of three fields of improved and semi-improved grassland and an entrance track. Hedgerows, scrub, scattered trees and dry ditches were also present within the site boundary with an outdoor equestrian exercise area located in the centre.

The key ecological features on site in relation to the works proposed are the Saltersford Lane Meadows SSSI and the hedgerows, mature trees, bats, badgers, reptiles and breeding birds.

In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

- R1 Saltersford Lane Meadows Site of Special Scientific Interest SSSI:** Consultation with Natural England regarding the potential impacts of the Works is recommended within the Saltersford Lane Meadows SSSI Impact Risk Zone.
- R2 Habitat Loss and Enhancement:** In accordance with the provision of Chapter 11 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed works to maximise the ecological value of the site.
- R3 Hedgerows:** Species rich native hedgerows should be retained where possible and buffered from development works by a minimum of 2m. Any losses to sections of hedgerow should be mitigated through the creation of new hedgerows around the boundaries and/or the enhancement of hedgerows elsewhere on site. Hedgerow H2 is considered to be an 'Important' hedgerow under the Hedgerow Regulations 1997. Should some or all of Hedgerow H2 require removal, a hedgerow removal licence will be required from the local planning authority.
- R4 Mature Trees/Hedgerows:** Any trees and/or hedgerows on site, or overhanging the site, which are to be retained as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works on site.
- R5 Nesting Birds:** It is recommended that vegetation clearance is to take place out of the nesting bird season. If this is not possible, a nesting bird survey will be required to assess the likelihood of disturbance to any potential nests. Nesting bird surveys are usually carried out between the February to the end of October.
- R6 Reptiles:** A reptile survey is recommended in the grassland areas to assess the likelihood of disturbance to any reptiles during the construction phase. Reptile surveys can be carried out between the April and the end of October.
- R7 Roosting Bats:** If any mature trees with features suitable for roosting bats are to be impacted by the proposed development works a daytime bat survey should be undertaken. Daytime bat surveys can be completed at any time of year. Depending upon the results of the daytime survey, nocturnal emergence and dawn re-entry surveys could be required during the peak bat survey period which occurs between mid-May and August (inclusive).

- R8 Foraging and commuting bats:** Bats are likely to use the hedgerow corridors on the site boundaries for foraging and commuting. Therefore, any lighting, either temporary or permanent, along the site boundaries should be kept to a minimum and directed away from these boundary features to maintain 'dark' areas and corridors. The lighting strategy for any future development of the site should involve the use of low level and directional lighting, such as bollard lighting, to help to minimise light spill.
- R9 Badger:** A badger survey should be carried out of the site and suitable habitat within 30m of the site boundary to assess the likelihood of disturbance to any active badger setts during the construction phase. Badger surveys can be carried out year round.
- R10 Mammals Including Brown Hare and Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape.
- R11 Invasive species:** If the hedgerow containing *Cotoneaster simonsii* in the north west of the site is to be removed, care is to be taken not to allow this species to spread.

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1. INTRODUCTION

1.1 PROJECT BACKGROUND

In July 2015, Hewitt & Carr Architects, commissioned Middlemarch Environmental Ltd to undertake an initial ecological appraisal of the site of a proposed development on the land at Bee Cottage, Uttoxeter Road, Alton, Staffordshire. This assessment is required to inform a planning application associated with the proposed development of 19 houses with associated gardens and road infrastructure (client Drawing in Chapter 7).

To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on 29th July 2015.

1.2 SITE DESCRIPTION AND CONTEXT

The site was located at the south end of the village of Alton, Staffordshire. The site was three grassland fields set within a rural and residential area between Uttoxeter road to the West and Saltersford road to the south east, National Grid Reference SK075 419. The fields were rectangular in shape, and approximately 1.4 hectares in total with an access track entering from Uttoxeter Road to the west.

Native hedgerows formed the northern, eastern and south eastern boundaries of the site. Sections of ornamental and species poor hedgerows were also present to the west and south west with the rest of the boundaries formed by fencing. The two eastern fields, which gently sloped upwards from east to west, consisted semi-improved grassland with a few mature trees along the north and eastern hedgerows. Post and wire fencing separated the two eastern fields. The south eastern field included an outdoor equestrian exercise area with a small metal and wooden stable/shelter at the western end. The larger western field consisted of improved grassland with a tall hedgerow to the north and was split from the eastern fields by an outgrown hedgerow and scrub.

Adjacent habitats included grass fields and hedgerows to the east and south east with residential areas to the north, west and south west.

1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.1.

Document Name / Drawing Number	Author
00408_AL(0)01 Site Location Plan	Hewitt & Carr Architects

Table 1.1: Documentation Provided by Client

2. METHODOLOGIES

2.1 DESK STUDY

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - *MAG/C* website for statutory conservation sites;
- Staffordshire Ecological Record Centre

The desk study included a search for European statutory nature conservation sites within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats), UK statutory sites within a 2 km radius and non-statutory sites and protected/notable species records within a 1 km radius.

The data collected from the consultees is discussed in Chapter 3. Selected raw data are provided in Appendix 1. In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Appendix 2).

2.2 PHASE 1 HABITAT SURVEY

The walkover survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee (JNCC, 2010) and the Institute of Environmental Assessment (IEA, 1995). Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, the presence, or potential presence, of protected species was noted.

Whilst every effort is made to notify the client of any plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981, as amended) present on site, it should be noted that this is not a specific survey for these species.

Data recorded during the field survey are discussed in Chapter 4.

3. DESK STUDY RESULTS

3.1 INTRODUCTION

All relevant ecological data provided by the consultees was reviewed and the results from these investigations are summarised in Sections 3.2 and 3.3. Selected data are provided in Appendix 1.

3.2 NATURE CONSERVATION SITES

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised in Table 3.1.

Site Name	Designation	Proximity to Survey Area	Description
UK Statutory Sites			
Dimmings Dale and the Ranger	SSSI	1680 m north west	Dimmings Dale is a predominately wooded valley located about two miles east of Cheadle. The stream, a tributary of the River Churnet, has cut through the underlying Bunter Sandstone exposing several outcrops of the harder Keuper rocks. It carries exceptionally clean water which hosts a rich invertebrate fauna. Remnants of ancient semi-natural oak woodland along the valley have important populations of dead-wood invertebrates and, together with the outcrops, also support a rich community of mosses and liverworts.
Saltersford Lane Meadows	SSSI	455 m east	Saltersford Lane Meadows is situated to the east of the village of Alton in north Staffordshire. The site encompasses two species rich meadows, both examples of a traditionally managed hay-meadow. Such hay-meadows are now uncommon in Staffordshire, having declined due to changes in agricultural practice.
Non-statutory Sites			
Churnet Valley Railway	LWS	760 m north	This part of the former railway adjoins woodland on the northern edge for much of its length, including Parks Banks, Abbey Wood and Barberry Gutter. At the south-eastern end of the site, part of Crump Wood is directly adjacent to the south-western edge of the track bed. At various locations remnants of the former Caldon Canal lie beside the old railway, and several of these remnants constitute local wildlife sites.
Rakes Dale	LWS	835 m north west	Very steep sided valley with rough, lightly grazed grassy slope suffering some encroachment of scrub and young trees. Many of the field boundaries appear to have been removed and fertilizer application may be responsible for the lush growth of grasses on these slopes. The central spur between the converging valleys is now wooded on top.
Toothill Wood	BAS	705 m north west	Toothill Wood lies on a very steep slope above the River Churnet, at Alton. An unfenced road runs along the lower, north-eastern edge of the woodland and a public footpath runs up the slope through the woodland from its north-western corner.
Abbey Wood	LWS	825 m north	Abbey Wood is a large expanse of woodland surrounding the Alton Towers Leisure Park. The woodland bounds the southern side of the park and is 1.5km in length. The north western section and the far eastern section are sycamore

			plantation with the main core of woodland being semi-natural. Within the semi-natural woodland there is evidence of some planting but the antiquity of the site is represented by the good age structure of trees in particular the frequent mature beech, yew and maturing oak. Larch and silver birch are occasional with ash, common lime, Scot's pine and sweet chestnut also present.
Castle Wood	LWS	540 m north	An area of mature broad-leaved woodland on a steep north-facing slope directly above the River Churnet at Alton. On its southern boundary the site adjoins improved grassland. Several other LWS lie in close proximity to the site, including Crumpwood and the extensive Abbey Wood and Park Banks.
Saltersford Lane	LWS	200 m east	A green lane which runs from Alton in the west towards Denstone. The long distance footpath, the Staffordshire Way, follows this lane. The lane is quite wide and is bounded by hedges. Between the hedges there is a grassy area to one side of which flag stones have been laid to form a narrow surfaced path.
Crumpwood Fields, Caldon Old Canal and Park Banks Meadow	LWS	865 m north east	The site comprises a quite extensive unmanaged open area beside the River Churnet, known as Crumpwood Fields, together with an approximately 2 km length of disused canal. Crumpwood Fields are situated approximately 2 km east of the village of Alton, while the disused canal extends from the fields almost to the village. Park Banks Meadow is situated a short distance north of the river Churnet, approximately 2 km east of the village of Alton. Park Banks Wood adjoins the site on its northern and western boundaries while a disused canal marks the southern boundary. The site slopes quite steeply from the disused canal up to the northern boundary.
Crump Wood	LWS	800 m north east	Broad-leaved woodland on the side of a steep sided valley. Birch dominates in most areas with mature beech along the crest. Bracken dominates the ground flora.
Ancient Woodland Sites			
Barbary Gutter	ASNW/ARW	770 m north	A large area containing both ancient semi-natural woodland and ancient replanted woodland.
Crumpwood	ASNW	1360 m north east	An area of ancient semi-natural woodland running alongside the River Churnet.
Holly Wood	ASNW	1995 m north east	An area of ancient semi-natural woodland located besides Brookleys lake.
Moss Bank	ASNW/ARW	1375 m north west	Small fragments of a larger woodland containing both ancient semi-natural woodland and ancient replanted woodland. Located near the SSSI Dimmings Dale and the Ranger.
Key: SSSI: Site of Special Scientific Interest LWS: Local Wildlife Site BAS: Biodiversity Alert Site ASNW: Ancient Semi-Natural Woodland ARW: Ancient Replanted Woodland			

Table 3.1: Summary of Nature Conservation Sites

The development site lies within the impact risk zone for Saltersford Lane Meadows SSSI.

3.3 PROTECTED / NOTABLE SPECIES

Table 3.2 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Local BAP?	Legislation / Conservation Status
Birds						
Northern goshawk <i>Accipiter gentilis</i>	3	2004	Potentially within 1 km radius*	-	-	WCA1i
Kingfisher <i>Alcedo atthis</i>	10	2010	Potentially within 1 km radius*	-	-	WCA1i
Greylag goose <i>Anser anser</i>	1	2008	Potentially within 1 km radius*	-	-	WCA1i
Whooper swan <i>Cygnus cygnus</i>	1	2008	Potentially within 1 km radius*	-	-	WCA1i
Merlin <i>Falco columbarius</i>	1	2003	Potentially within 1 km radius*	-	-	WCA1i
Peregrine falcon <i>Falco peregrinus</i>	2	2006	Potentially within 1 km radius*	-	-	WCA1i
Eurasian hobby <i>Falco subbuteo</i>	6	2013	Potentially within 1 km radius*	-	-	WCA1i
Brambling <i>Fringilla montifringilla</i>	2	2012	Potentially within 1 km radius*	-	-	WCA1i
Common crossbill <i>Loxia curvirostra</i>	2	2010	Potentially within 1 km radius*	-	-	WCA1i
Red kite <i>Milvus milvus</i>	2	2014	Potentially within 1 km radius*	-	-	WCA1i
Redwing <i>Turdus iliacus</i>	13	2012	Potentially within 1 km radius*	-	-	WCA1i
Fieldfare <i>Turdus pilaris</i>	5	2013	Potentially within 1 km radius*	-	-	WCA1i
Barn owl <i>Tyto alba</i>	14	2013	400 m north east	-	✓	WCA1i
Reptiles						
Grass snake <i>Natrix natrix</i>	16	2003	40 m west	✓	✓	WCA 5 S9(1) WCA 5 S9(5)
Mammals – bats						
Pipistrelle bat species <i>Pipistrellus</i> sp.	1	2013	40 m west	-	✓	ECH 4, WCA 5, WCA 6
Brown long-eared bat <i>Plecotus auritus</i>	3	1988	50 m south	✓	-	ECH 4, WCA 5, WCA 6
Common pipistrelle <i>Pipistrellus pipistrellus</i>	13	2007	140 m west	-	✓	ECH 4, WCA 5, WCA 6
Bat <i>Chiroptera</i>	2	2014	300 m south west	-	-	ECH 4, WCA 5, WCA 6
Leisler's bat <i>Nyctalus leisleri</i>	1	2006	590 m north	-	-	ECH 4, WCA 5, WCA 6

Mammals - others						
Badger <i>Meles meles</i>	10	2014	†	-	-	WCA 6, PBA
Brown Hare <i>Lepus europaeus</i>	1	2006	Potentially within 1 km*	✓	✓	-
Hedgehog <i>Erinaceus europaeus</i>	1	2009	220 m north west	✓	-	WCA 6
Water vole <i>Arvicola amphibius</i>	3	1997	620 m north west	✓	✓	WCA 5
<p>Key: † Badger records are confidential and therefore proximity is not provided within the report. *: Grid reference provided was four figures only.</p> <p>ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection. PBA: Protection of Badgers Act 1992.</p> <p>WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times. WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). WCA 5 S9(1): Schedule 5 Section 9(1) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to intentional killing, injury or taking. WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal. WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods.</p> <p>Species of Principal Importance: Species of Principal Importance for Nature Conservation in England. Local BAP: Staffordshire</p> <p>Note. This table does not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).</p>						

Table 3.2: Summary of Protected/Notable Species Records Within 1 km of Survey Area

The following species that are listed as species of principle importance were provided in the desk study:

Birds

Lesser redpoll *Acanthis cabaret*, sky lark *Alauda arvensis*, lesser spotted woodpecker *Dendrocopos minor*, yellowhammer *Emberiza citrinella*, reed bunting *Emberiza schoeniclus*, common snipe *Gallinago gallinago*, herring gull *Larus argentatus*, linnet *Linaria cannabina*, spotted flycatcher *Muscicapa striata*, eurasian curlew *Numenius arquata*, house sparrow *Passer domesticus*, eurasian tree sparrow *Passer montanus*, grey partridge *Perdix perdix*, wood warbler *Phylloscopus sibilatrix*, willow tit *Poecile montana*, marsh tit *Poecile palustris*, dunnoek *Prunella modularis*, common bullfinch *Pyrrhula pyrrhula*, song thrush *Turdus philomelos* and northern lapwing *Vanellus vanellus*.

Invertebrates

Wall *Lasiommata megera*.

3.4 INVASIVE SPECIES

There were no records of invasive species provided in the desk study within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

4. PHASE 1 HABITAT SURVEY

4.1 INTRODUCTION

The results of the Phase 1 Habitat Survey are presented in the following sections. An annotated Phase 1 Habitat Survey Drawing (Drawing C120301-01-01) is provided in Chapter 7. This drawing illustrates the location and extent of all habitat types recorded on site. Any notable features or features too small to map are detailed using target notes. Photographs taken during the field survey are presented in Chapter 8.

The survey was carried out on 29th July 2015 by Ellie Rickman (Ecological Consultant). Table 4.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	17
Cloud (%)	90
Wind (Beaufort)	1
Precipitation	dry

Table 4.1: Weather Conditions During Field Survey

4.2 SURVEY CONSTRAINTS AND LIMITATIONS

There were no constraints to the survey. All areas of the site were accessible and the survey was carried out at a suitable time of year for botanical surveying.

4.3 HABITATS

The following habitat types were recorded on site during the field survey:

- Amenity Grassland
- Bare Ground and Gravel
- Building
- Semi-improved Grassland
- Improved Grassland
- Native Hedgerows
- Ornamental Hadgerows
- Scattered Scrub
- Scattered Trees
- Tall Ruderal Vegetation

These habitats are described below. They are ordered alphabetically, not in order of ecological importance.

Amenity Grassland

To the west of the site a track joined the site to Uttoxeter Road. Amenity grassland ran along the edges of the entrance track. This was mown short with a sward height of approximately 5cm. Grass species included perennial rye grass *Lolium perenne* and Yorkshire Fog *Holcus lanatus* and forbs recorded were ribwort plantain *Plantago lanceolata*, thyme leaved speedwell *Veronica serpyllifolia*, dandelion *Taraxacum officinale*, white clover *Trifolium repens*, creeping buttercup *Ranunculus repens* and common daisy *Bellis perennis*.

Bare Ground and Gravel

The entrance track between the amenity grassland edges to the west was predominantly gravel. In the eastern field, there was a fenced equestrian exercise area which was rectangular in shape and comprised mainly of sand, approximately 0.1ha in size. A gravel path also ran along the northern edge of the exercise area.

Building

There was a small wood and metal stable with metal roofing, approximately 108m² in size, located at the intersection between the west and eastern fields. The building, which was used as a horse shelter was open at the east side (Chapter 8, plate A3).

Hedgerows

A native hedgerow was located along the northern, eastern and some of the southern boundary. The hedgerows were infrequently managed. Five separate hedgerows were identified and are described below as H1 to H5. Hedgerow locations can be found in drawing C120301-01-01 in Section 7.

H1 – This was a well-managed and intact hedgerow located on the southern boundary, approximately 1.5m high, 1m wide, and dominated by hawthorn *Crataegus monogyna*, ash *Fraxinus excelsior*, elder *Sambucus nigra* and elm *Ulmus sp.* The understorey comprised of nettle *Urtica dioica*, ground elder *Aegopodium podagraria*, cleavers *Galium aparine*, bramble *Rubus fruticosus sp.* foxglove *Digitalis purpurea* and honeysuckle *Lonicera periclymenum*.

H2 – Located along a bank (1.75m wide) on the eastern boundary, this hedgerow was approximately 1.5m high, 1m wide and comprised of hawthorn, elder, hazel *Corylus avellana*, dogrose *Rosa canina*, blackthorn *Prunus spinosa* and holly *Ilex aquifolium*. Scattered trees recorded along the hedgerow included 2 mature oak trees *Quercus rubra* and 2 semi-mature sycamore trees *Acer pseudoplatanus*. The vegetation along the bank below included false oat-grass *Arrhenatherum elatius*, foxglove and forbs included nettle, wood avens *Geum urbanum*, fern *Dryopteris sp.*, red campion *Silene dioica*, hedge woundwort *Stachys sylvatica*, cleavers, bluebell *Hyacinthoides non-scripta*, hogweed and curled dock *Rumex crispus*. A small dry ditch was also located at the front of the hedge.

H3 – This managed hedgerow was located along the northern boundary approximately 1.5m high and 1m wide. The hedgerow was predominantly holly and hawthorn and included elder and bramble. There was tall grass and ruderal vegetation at the base and growing through the hedgerow.

H4 – This hedgerow was situated along the northern boundary at approximately 2m high, 1.5m wide. Species dominating the hedgerow included wild plum *Prunus sp.*, hawthorn, hazel, elder and holly. Species below the hedgerow included false oat-grass and raspberry *Rubus idaeus*, apple *Malus domestica*, goat willow *Salix caprea* and a semi-mature ash tree. The hedgerow was taller and denser to the west at approximately 3m high and 2m wide, with additional species including Buddleia *Buddleja sp.*, dog rose *Rosa canina* and Himalayan cotoneaster *Cotoneaster simonsii*.

H5 – This was a, species poor, well-managed hedgerow, approximately 1.5m high and 0.75m wide on the southern boundary. It was dominated by holly and hawthorn.

Improved Grassland

The larger of the three fields to the west of the site consisted of improved grassland with a sward height of approximately 15-20cm. It was occasionally grazed by sheep. The grass species comprised of Perennial rye grass *Lolium perenne* with some Yorkshire fog, red fescue *Festuca rubra*, cock's foot *Dactylus glomerata*, and bent *Agrostis sp.* Forb species included white clover, creeping buttercup and common cat's ear *Hypochaeris radicata*.

Ornamental hedgerow

Two sections of ornamental hedgerow were located to the west of the site. A short ornamental beech hedge *Fagus sylvatica* was present on the western boundary and a Leyland cypress hedgerow x *Cupressocyparis leylandii* approximately 2-3m high and 1m wide was present along the south side of the entrance track,

Scattered Scrub

There was scattered scrub located along the fence between the western and eastern fields. Species included holly, elder, hawthorn with an understorey including dog's mercury *Mercurialis perennis*, bramble and cleavers.

Scattered Trees

A number of mature ash trees were present within the northern hedgerow (H3), one in the north east corner had a rot hole in one limb. On the eastern boundary in hedgerow H2 there were 2 mature oak trees with a few small crevices and a large vertical crack was noted where the limb was broken. There were also 2 semi-mature sycamore *Acer pseudoplatanus* trees along this hedgerow.

Semi-improved Grassland

There were two semi-improved grassland fields located at the east of the site bisected by a post and rail fence. The fields were each approximately 0.3ha in size each and used as horse paddocks. The sward was regularly grazed and between 5 and 20cm tall. Grass species identified were Perennial rye grass *Lolium perenne*, Yorkshire fog, bentgrass *Agrostis* sp. and Timothy-grass *Phleum pratense*. Species of forbs in the grassland included creeping buttercup, creeping thistle *Cirsium arvense*, broad-leaved dock *Rumex obtusifolius*, broad-leaved plantain *Plantago major*, white clover, red clover *Trifolium pretense* and common hogweed *Heracleum sphondylium*,

Tall Ruderal Vegetation

Some sections of tall ruderal vegetation were recorded in the north east and along the inside of the hedge to the north of the site associated with heaps of horse manure. Stinging nettle was the dominant species plus false oat-grass, common couch grass *Elymus repens*, redshank *Polygonum persicaria*, common sow thistle *Sonchus oleraceus*, fat-hen *Chenopodium album*, bramble, broad-leaved dock, chickweed *Stellaria media*, pale persicaria *Persicaria lapathifolia* and cleavers.

4.4 FAUNA

During the survey field signs of faunal species were recorded. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Birds

The following bird species were observed on site during the field survey: house sparrow *Passer domesticus*, swallow *Hirundo rustica*, woodpigeon *Columba palumbus* and wren *Troglodytes troglodytes*.

Butterflies

The following butterfly species were observed on site during the field survey: small heath *Coenonympha pamphilus*, gatekeeper *Pyronia tithonus*, small tortoiseshell *Aglais urticae* and meadow brown *Maniola jurtina*.

Badger

During the survey, a potential outlier badger sett was identified in the northern boundary with a footprint considered likely to be badger directly outside indicating recent use. (Chapter 8, Plate A6).

Rabbits

Rabbit holes were identified in the northern boundary.

4.5 INVASIVE PLANT SPECIES

Cotoneaster species was found along the H4 section of hedgerow on the northern boundary (Chapter 8, Plate A3).

5. DISCUSSIONS AND CONCLUSIONS

5.1 SUMMARY OF PROPOSALS

It is understood that the proposals include the development of 19 houses with associated gardens and infrastructure accessed by a road from the west on land at Bee Cottage, Alton, Staffordshire.

The following discussion and recommendations made are based on Drawing: 00408_AL(0)01 Site Location Plan (Hewitt & Carr Architects, 2015).

5.2 NATURE CONSERVATION SITES

The desk study exercise identified no European statutory sites within 5 km of the survey area, 2 UK statutory sites within 2 km and 8 non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. The significance of these sites to the proposed development is discussed below.

UK Statutory Sites

There were two SSSI areas located within 2km radius of the site, Dimmings Dale and the Ranger 1.7km to the north west and Saltersford Lane Meadows, 455m to the east. The site is not linked to Dimmings Dale and the Ranger SSSI to the north west and is separated by the village of Alton, extensive arable fields and minor roads. Therefore it is not considered likely that the proposals will impact this SSSI.

The site does lie within the impact risk zone (IRZ) of Saltersford Lane Meadows SSSI, located 450m east. The development falls within the relevant risk categories for this IRZ including i) drainage, ii) construction, destruction or removal of roads, tracks, walls and fences, iii) erection of permanent structures and iv) use of vehicles likely to damage or disturb features of interest.

A recommendation is therefore made in section 6 with respect to the potential impacts of the Works within the Saltersford Lane Meadow SSSI.

Non-Statutory Sites

Eight non-statutory sites were recorded within 2km of the site, 7 Local Wildlife Sites (LWS) and 1 Biodiversity Alert Site (BAS). One of these sites, Saltersford Lane Staffordshire Way, is located 200m east of the development site and is a 'green lane' long distance footpath, with hedges on either side and flag stone paths on the grass verge. During construction no direct or indirect impacts to this footpath are predicted. Post construction there may be a slight increase in use of this path from new residents, however due to the small scale of the development, this impact is not likely to be significant.

The seven other non-statutory sites are further away from the proposed development and not linked to the site in any way. These are not a notable consideration in relation to the proposed development.

Ancient Semi-Natural Woodland

There were four Ancient Semi-natural Woodland sites (ANSW), two of which were Ancient Replanted Woodlands (ARW). These are all associated with the river Churnet some distance north of the site and separated from the development by several fields of arable and pasture. Therefore these are not a notable consideration to the proposed development.

5.3 HABITATS

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP. It also takes into account the intrinsic value of the habitat. Those habitats which are considered to be of intrinsic importance and have the potential to be impacted by the site proposals are highlighted as notable considerations.

A discussion of the implications of the site proposals with regard to the habitats present on site is provided in the text below. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 5.4.

Amenity Grassland

Amenity grassland is not a priority habitat in itself and is common in the wider area, therefore it is not a notable consideration.

Bare Ground and Gravel

The sand exercise area and gravel path are not priority habitats and contain little wildlife value, therefore are not notable consideration.

Building

The building was considered to have negligible bat roost potential due to its construction and open front. It could however provide opportunities for nesting birds, a recommendation regarding this can be found in Section 5.4.

Semi-improved and Improved Grassland

The grassland was not considered species-rich enough to be categorised as a Habitat of Principal Importance 'Lowland Meadow' and is not a notable consideration in itself. However, the grassland does provide habitat for protected species, particularly reptiles, and this is discussed in section 5.4.

Hedgerows

Native hedgerows are a 'Habitat of Principal Importance' in England. Several of the hedgerows on the site were species rich and one (H2) was considered to be categorized as 'Important' under the Hedgerow regulations 1997, due to the large number of woody species, woodland groundflora species and features such as a ditch, bank and standard trees. A recommendation for the retention and protection of hedgerows is made in Section 6.2.

The hedgerows also provide suitable habitat for species, particularly nesting birds and reptiles. This is further discussed in section 5.4.

Scattered Scrub

Scrub is not a priority habitat in itself and was a very small component of the habitats on the site. It is common in the wider area, it is not therefore a notable consideration. Scrub does provide habitat for species, particularly nesting birds, this is discussed in section 5.4.

Scattered Trees

Mature trees are of intrinsic value as they cannot be easily replaced in the short to medium. It is understood that the mature trees on site will not be impacted by the works. However any trees in close proximity to the proposed works area will require protection and a recommendation in relation to this is made in Section 6.2. Trees also provide some suitable bird nesting and bat roost potential and this is discussed in section 5.4.

Tall Ruderal Vegetation

The tall ruderal vegetation is not a priority habitat in itself and is common in the wider area, therefore it is not a notable consideration.

Habitats considered to be of relevance to the proposed development are summarised in Table 5.1.

Habitat Type	Habitat of Principal Importance?	Local BAP Habitat?	Summary of Potential Impacts
Hedgerows	✓	✓	Habitat damage/disturbance; changes to management regime
Scattered trees	-	-	Habitat damage/disturbance/removal

Table 5.1: Summary of Potential Impacts on Notable Habitats

5.4 PROTECTED/NOTABLE SPECIES

The following paragraphs consider the likely impact of the site proposals on protected or notable species. This is based on those species highlighted in the desk study exercise (Chapter 3) and other species for which potentially suitable habitat occurs within or adjacent to the survey area.

Birds

Of the bird species recorded during the survey only house sparrow was classified as a Species of Principal Importance in England. The site contained a number of suitable habitats for nesting birds including hedgerows, an open fronted building, scattered scrub and mature trees. The majority of suitable nesting sites will be retained post-development. The development will involve the loss of the building, grassland and some scrub and will potentially affect small sections of hedgerows. A recommendation for the protection of nesting birds is therefore made in Section 6.3.

Reptiles

The desk study identified sixteen records of grass snake within 1km of the site. There were no reptiles noted during the survey. The improved and semi-improved grasslands provide potential foraging areas for reptiles such as grass snake and slow worm with hedgerows and scrub providing suitable shelter and hibernation habitat for these species.

The development will involve the loss/disturbance of grassland, hedgerows and scrub, therefore a recommendation for further survey is made in Section 6.3

Bats

The desk study found twenty records of four species of bat, two of which are listed in the local BAP (Pipistrelle bat species and common pipistrelle *Pipistrellus pipistrellus*) and one designated as a Species of Principal Importance, Brown long-eared bat *Plecotus auritus*. The closest record was 40m west, pipistrelle bat species.

During the survey, mature oak and ash trees scattered in the hedgerows were identified as having low bat roost potential due to crevices, knot holes and cracks. One mature oak tree to the east had medium bat roost potential due to a vertical crack from a lost limb. Hedgerows and trees at the boundaries of the site also provide potential foraging and commuting opportunities for bats.

If the trees are to be removed, a bat survey is recommended to ascertain whether bat roosts are present on the site and to give an indication of population size. This is detailed in Section 6.3 along with a precautionary recommendation to minimise lighting disturbance to foraging and commuting routes.

Badgers

A potential outlier badger sett was identified during the survey with a badger footprint in the entrance. The desk study identified 10 records of badgers within 1km of the site, the most recent of which was from 2014. The site provided potential foraging opportunities for badgers and the presence of a likely outlier hole indicates that badgers are likely to be using the site.

A recommendation for a badger survey is therefore made in Section 6.3.

Brown Hare

One record of brown hare was identified in the desk study potentially within 1km of the site. Hares are a Species of Principal Importance in England and is listed in the local BAP. Habitats on site are suitable for brown hare as they include areas of grassland for foraging and hedgerows for shelter. However, the site is regularly disturbed by people due to the equestrian activities, making it less likely that hares would be present, and there are large areas of suitable habitat in the wider area. Therefore this species is not considered to be notable consideration for the proposed development. A precautionary recommendation for the protection of mammals during construction is made in Section 6.3.

Hedgehog

One record of hedgehog was recorded in the desk study in 2009, 220m north west. Hedgehogs are a Species of Principal Importance in England and have suffered severe declines in recent years. The most valuable habitats on the site for hedgehogs (boundary hedgerows) will be retained within the development, therefore they are not a notable consideration, however a precautionary recommendation for this species is outlined in section 6.3.

Water Vole

The desk study identified three records of water vole within 1km, the closest record being 620 m north west of the site. This is a Species of Principal Importance as well as being listed on the local BAP. The site contained a dry ditch in front of the second section of hedgerow. However, the site did not contain suitable

habitat for water voles and the nearest water body was located 360m north east of the site. Therefore, this species is not a notable consideration at this site.

Invertebrates

The wall butterfly was identified as a Species of Principal Importance in the desk study, however, as suitable surrounding habitat will be present post construction, this species is not a notable consideration.

Other Species

The following protected species are not considered to be material considerations due to the lack of desk study records and absence of suitable habitats within the development site; otter and dormouse.

Summary

Species considered to be of relevance to the proposed development are summarised in Table 5.2.

Species / Species Group	Species of Principal Importance?	Local BAP Species?	Summary of Potential Impacts
Breeding birds	#	#	Disturbance to/loss of habitat
Reptiles	✓	✓	Disturbance to habitat, harm during construction works
Bats	#	#	Disturbance to foraging habitats through lighting
Badgers	-	-	Disturbance, risk of harm during construction works
Brown Hare	✓	✓	Temporary disturbance during construction works
Hedgehog	✓	-	Temporary disturbance during construction works
Key: # - Species Dependent			

Table 5.2: Summary of Potential Impacts on Notable Species

5.5 INVASIVE PLANT SPECIES

No desk study records identified invasive plant species. However, a *Cotoneaster simonsii* plant was identified during the survey in hedgerow H4 the north west of the site. If the hedge is to be impacted during the construction phase, care must be taken not to allow this species to spread.

A summary of legislation and policy relevant to the ecology of the site is included in Appendix 2.

6. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd's current understanding of the site proposals correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

6.1 NATURE CONSERVATION SITES

- R1 Saltersford Lane Meadows SSSI:** Consultation with Natural England regarding the potential impacts of the Works is recommended within the Saltersford Lane Meadows SSSI IRZ.

6.2 HABITATS

The following recommendations are made regarding the habitats present on site:

- R2 Habitat Loss and Enhancement:** In accordance with the provision of Chapter 11 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed works to maximise the ecological value of the site. This will involve, for example, the planting of native seed/fruit bearing species which will be of value to wildlife and creation of open flower-rich habitats for bees.
- R3 Hedgerows:** Species rich native hedgerows should be retained where possible and buffered from development works by a minimum of 2m. Any losses to sections of hedgerow should be mitigated through the creation of new hedgerows around the boundaries and/or the enhancement of hedgerows elsewhere on site. Hedgerow H2 is considered to be an 'Important' hedgerow under the Hedgerow Regulations 1997. Should some or all of Hedgerow H2 require removal, a hedgerow removal licence will be required from the local planning authority.
- R4 Mature Trees/Hedgerows:** Any trees and/or hedgerows on site, or overhanging the site, which are to be retained as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works on site.

6.3 PROTECTED / NOTABLE SPECIES

To ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

- R5 Nesting Birds:** It is recommended that vegetation clearance is to take place out of the nesting bird season. If this is not possible, a nesting bird survey will be required to assess the likelihood of disturbance to any potential nests. Nesting bird surveys are usually carried out between the February to the end of October.
- R6 Reptiles:** A reptile survey is recommended in the grassland areas to assess the likelihood of disturbance to any reptiles during the construction phase. Reptile surveys can be carried out between the April and the end of October.
- R7 Roosting Bats:** If any mature trees with features suitable for roosting bats are to be impacted by the proposed development works a daytime bat survey should be undertaken. Daytime bat surveys can be completed at any time of year. Depending upon the results of the daytime survey, nocturnal emergence and dawn re-entry surveys could be required during the peak bat survey period which occurs between mid-May and August (inclusive).
- R8 Foraging and commuting bats:** Bats are likely to use the hedgerow corridors on the site boundaries for foraging and commuting. Therefore, any lighting, either temporary or permanent,

along the site boundaries should be kept to a minimum and directed away from these boundary features to maintain 'dark' areas and corridors. The lighting strategy for any future development of the site should involve the use of low level and directional lighting, such as bollard lighting, to help to minimise light spill.

R9 Badger: A badger survey should be carried out of the site and suitable habitat within 30m of the site boundary to assess the likelihood of disturbance to any active badger setts during the construction phase. Badger surveys can be carried out year round.

R10 Mammals Including Brown Hare and Hedgehog: Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape.

6.4 INVASIVE PLANT SPECIES

R11 Invasive species: If the hedgerow containing *Cotoneaster simonsii* in the north west of the site is to be removed, care is to be taken not to allow this species to spread.

7. DRAWINGS

Drawing C120301-01-01 – Phase 1 Habitat Map

8. PHOTOGRAPHS



Plate A1: Entrance track from the west



Plate A2: Improved grassland western field



Plate A3: Hedgerow H4 and Cotoneaster



Plate A4: Field dissection scrub and metal stable/shelter



Plate A5: northern hedgerow H2 section



Plate A6: Potential badger outlier sett



Plate A7: Outdoor equestrian exercise area



Plate A8: Semi-improved grassland field, looking west



Plate A9: Mature oak tree



Plate A10: Ornamental hedge at the entrance

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APPENDICES

APPENDIX 1: Summary of Statutory Nature Conservation Sites

APPENDIX 2: Overview of Relevant Legislation and Policy

APPENDIX 1

Summary of Statutory Nature Conservation Sites

Site Check Report Report generated on Wed Jul 29 2015

You selected the location: Centroid Grid Ref: SK075419

The following features have been found in your search area:

Ancient Woodland (England)

Wood Name

BARBARY GUTTER

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1104521

Area (Ha)

6.6

Wood Name

BARBARY GUTTER

Theme Name

Ancient Replanted Woodland

Theme ID

1104521

Area (Ha)

57.63

Wood Name

CRUMPWOOD

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1104527

Area (Ha)

3.18

Wood Name

HOLLY WOOD

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1104528

Area (Ha)

10.9

Wood Name

MOSS BANK

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1104517

Area (Ha)

0.04

Wood Name

MOSS BANK

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1104517

Area (Ha)

0.08

Wood Name

MOSS BANK

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1104517

Area (Ha)

0.34

Wood Name

MOSS BANK

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1104517

Area (Ha)

0.14

Wood Name

MOSSS BANK

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1104517

Area (Ha)

22.46

Wood Name

MOSSS BANK

Theme Name

Ancient Replanted Woodland

Theme ID

1104517

Area (Ha)

30.87

Sites of Special Scientific Interest (England)

Name

DIMMINGS DALE & THE RANGER

Reference

1002235

Natural England Contact

JENNIFER THORP

Natural England Phone Number

0845 600 3078

Hectares

23.35

Citation

1007136

Hyperlink

<http://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1007136>

Name

SALTERSFORD LANE MEADOWS

Reference

1002035

Natural England Contact

JENNIFER THORP

Natural England Phone Number

0845 600 3078

Hectares

4

Citation

1007149

Hyperlink

<http://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1007149>

Local Nature Reserves (England)

No Features found

National Nature Reserves (England)

No Features found

SSSI Impact Risk Zones – to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)

1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?

2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:

All Planning Applications

Infrastructure

Pipelines, pylons and overhead cables. Any transport proposal including road, rail and by water (excluding routine maintenance). Airports, helipads and other aviation proposals.

Wind & Solar Energy

Quarry

Planning applications for quarries, including: new proposals, Review of Minerals Permissions (ROMP), extensions, variations to conditions etc.

Rural Non Residential

Residential

Residential development of 100 units or more.

Rural Residential

Any residential development of 50 or more houses outside existing settlements/urban areas.

Air Pollution

Pig & Poultry Units. Any other development/ industrial or commercial process that could cause AIR POLLUTION.

Combustion

General combustion processes >20MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.

Waste

Landfill. Incl: inert landfill, non-hazardous landfill, hazardous landfill.

Composting

Any composting proposal with more than 500 tonnes maximum annual operational throughput. Incl: open windrow composting, in-vessel composting, anaerobic digestion, other waste management.

Discharges

Water Supply

Large infrastructure such as warehousing / industry where net additional gross internal floorspace is > 1,000m² or any development needing its own water supply.

Guidance

[/Metadata for magic/SSSI IRZ User Guidance v2.2 MAGIC 05May2015.pdf](#)

Ramsar Sites (England)

No Features found

Special Areas of Conservation (England)

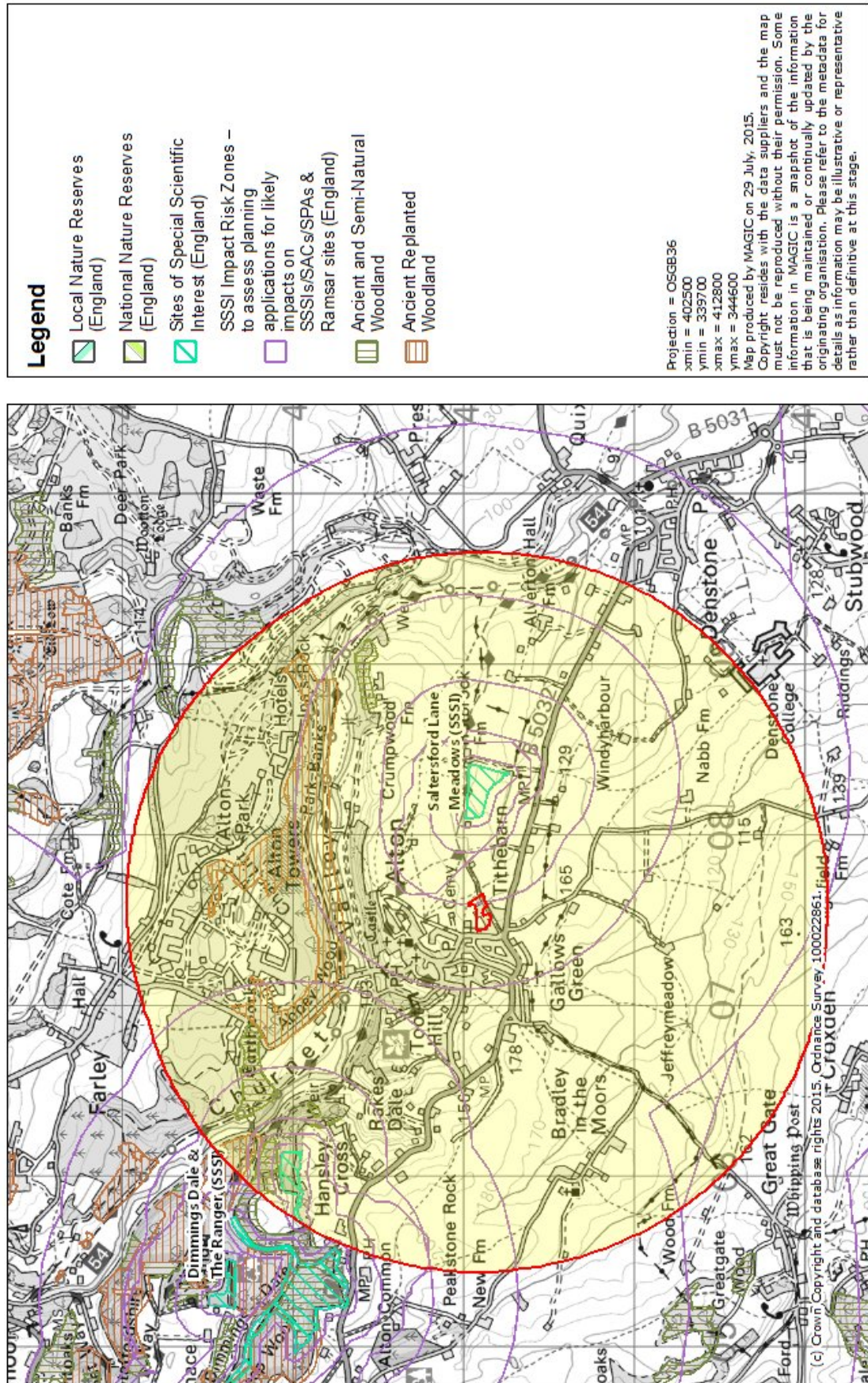
No Features found

Special Protection Areas (England)

No Features found

MAGiC

Land at Bee Cottage



APPENDIX 2

Overview of Relevant Legislation and Policy

This section provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in England.

GENERAL BIODIVERSITY LEGISLATION AND POLICY

Conservation of Habitats and Species Regulations 2010, as amended (Habitats Regulations 2010, as amended)

The Habitats Regulations 2010 consolidate and update the Conservation (Natural Habitats, &c.) Regulations 1994 and all its various amendments. The Habitats Regulations 2010 are the principal means by which the EEC Council Directive 92/43 (The Habitats Directive) as amended is transposed into English and Welsh law.

The Habitats Regulations 2010 place duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria are, in conjunction with the European Commission, designated as Sites of Community Importance, which are subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. The regulations also place a duty upon the government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA) and, in conjunction with SACs, form a network of sites known as Natura 2000. The Habitats Directive introduces for the first time for protected areas, the precautionary principle; that is that projects can only be permitted having ascertained no adverse effect on the integrity of the site. Projects may still be permitted if there are no alternatives, and there are imperative reasons of overriding public interest.

The Habitats Regulations 2010 also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively. Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations.

The Habitats Regulations 2010 were amended in August 2012 to ensure clearer transposition of the provisions of Articles 2, 3, 4(4) (second sentence) and Article 10 of the Wild Birds Directive, by giving additional and specific duties to relevant bodies. A number of amendments were also made to transpose more clearly certain elements of the Habitats Directive.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2010 (as amended), offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species. All relevant species specific legislation is detailed later in this Appendix.

The Countryside and Rights of Way (CROW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CROW Act 2000.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

UK Biodiversity Action Plan

The United Kingdom Biodiversity Action Plan (UK BAP), first published in 1994 and updated in 2007, was a government initiative designed to implement the requirements of the Convention of Biological Diversity to conserve and enhance species and habitats. The UK BAP contained a list of priority habitats and species of conservation concern in the UK, and outlined biodiversity initiatives designed to enhance their conservation status. Lists of Broad and Local habitats were also included. The priority habitats and species correlated with those listed on Section 41 and 42 of the NERC Act.

The UK BAP required that conservation of biodiversity was addressed at a County level through the production of Local BAPs. These were complementary to the UK BAP, however were targeted towards species of conservation concern characteristic of each area. In addition, a number of local authorities and large organisations have produced their own BAPs.

Species and Habitats of Material Consideration for Planning in England

In 2011, the government published the 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' to replace the previous England Biodiversity Strategy. In 2012 the UK BAP was replaced by the UK Post-2010 Biodiversity Framework.

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

NATIONAL PLANNING POLICY FRAMEWORK AND PRACTICE GUIDANCE

In early 2012, the National Planning Policy Framework (NPPF) replaced much previous planning policy guidance, including Planning Policy Statement 9: Biological and Geological Conservation. The government circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, which accompanied PPS9, still remains valid. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 11, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and, where possible, provide net gains in biodiversity. Opportunities to incorporate biodiversity gains into a development should be encouraged.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused.

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG).

This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England. The guidance includes a section entitled 'Natural Environment: Biodiversity, ecosystems and green infrastructure' which sets out information with respect to the following:

- the statutory basis for minimising impacts on biodiversity and providing net gains where possible;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;

- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- the considerations for local (non-statutory) designated sites;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how development can enhance biodiversity;
- how policy is applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured; and,
- the consideration of ancient woodlands and veteran trees in planning decisions.

LOCAL PLANNING POLICY

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

<http://www.staffs Moorlands.gov.uk/sites/default/files/documents/pages/Adopted%20Core%20Strategy%20March%202014%20with%20front%20cover.pdf>

Core Strategy Development Plan Document (adopted version)

SO9. To protect and improve the character and distinctiveness of the countryside and its landscape, biodiversity and geological resources.

NE1 - Biodiversity and Geological Resources

The biodiversity and geological resources of the District and neighbouring areas will be conserved and enhanced by positive management and strict control of development by:

1. Resisting any proposed development that could have an adverse effect on the integrity of a European site alone or in combination with other plans or projects unless it can be demonstrated that the legislative provisions to protect such sites can be fully met.
2. Conserving and enhancing any Sites of Special Scientific Interest. The Council will not permit any development proposal which would directly or indirectly (either individually or in combination with other developments) have an adverse effect on a Site of Special Scientific Interest.
3. Conserving, and enhancing regional and locally designated sites. The Council will not permit any development proposal which would directly or indirectly result in significant harm to geological and biodiversity conservation interests including ancient woodland, unless it can be demonstrated that:
 - a. there is no appropriate alternative site available; and all statutory and regulatory requirements relating to any such proposal have been satisfied; and appropriate conservation and mitigation measures are provided; or
 - b. if it is demonstrated that this is not possible the need for, and benefit of, the development is demonstrated to clearly outweigh the need to safeguard the intrinsic nature conservation value of the site and compensatory measures are implemented.
4. Supporting opportunities to improve site management and increase public access to wildlife sites including supporting the objectives of the Staffordshire County Council Rights of Way Improvement Plan.
5. Ensuring development where appropriate produces a net gain in biodiversity, and ensuring that any unavoidable impacts are appropriately mitigated for.
6. Ensuring development promotes the appropriate maintenance, enhancement, restoration and/or recreation of biodiversity through its proposed nature, scale, location and design. The Staffordshire Moorlands Biodiversity Opportunity Map, in conjunction with the Staffordshire Biodiversity Action Plan, will be used to guide biodiversity enhancement measures to be included in development proposals as appropriate to the nature and scale of development proposed and other environmental interest, in particular supporting opportunities to increase grassland and heathland habitats including supporting targets in the UK and Staffordshire Biodiversity Action Plan.
7. Protecting and enhancing habitats and species of principal importance for the conservation of biodiversity as identified in legislation, and recognising and implementing appropriate measures, including landscape-scale conservation management, to take account of the fact that the distribution of habitats and species will be affected by climate change.

8. Recognising the value of the natural environment for sport and leisure activities and the need to manage such activities to ensure there is no conflict.
9. Ensuring the provision and protection of green infrastructure networks in line with Policy C3.

SPECIES SPECIFIC LEGISLATION

This section contains a summary of legislation with relation to the species present or potentially present in the survey area. The reader should refer to the original legislation for definitive interpretation.

Badger

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.
- To willfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as:

- *'Any structure or place that displays signs indicating current use by a badger'.*

'Current use' is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate 'current usage'.

Badger setts can be disturbed inadvertently by a multitude of operations including excavation and coring, even if there is no direct interference or damage to the sett. Any intentional or reckless work that disturbs badgers is illegal without a licence from Natural England (NE).

Badger sett interference can result from a multitude of operations including excavation and coring, even if there is no direct damage to the sett, such as through the disturbance of badgers whilst occupying the sett. Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England³⁰. In England a licence must be obtained from Natural England before any interference with a badger sett occurs.

The reader should refer to the original legislation for the definitive interpretation.

Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive European protection under The Conservation of Habitats and Species Regulations 2010, as amended (Habitats Regulations 2010, as amended). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2010 (as amended), states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2010 (as amended) for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* (rather than deliberately) kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CROW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The following bat species are Species of Principal Importance for Nature Conservation in England and are priority species on the Lowland Derbyshire Biodiversity Action Plan: Barbastelle Bat *Barbastella barbastellus*, Bechstein's Bat *Myotis bechsteinii*, Noctule Bat *Nyctalus noctula*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Brown Long-eared Bat *Plecotus auritus*, Greater Horseshoe Bat *Rhinolophus ferrumequinum* and Lesser Horseshoe Bat *Rhinolophus hipposideros*.

The reader should refer to the original legislation for the definitive interpretation.

Birds

The Conservation of Habitats and Species Regulations 2010 (as amended) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

SCHEDULE 1 BIRDS

Schedule 1 - Part I

Birds and their young, for which it is an offence to intentionally or recklessly disturb at, on or near an 'active' nest.

Avocet
Bee-eater
Bittern
Bittern, little
Bluethroat
Brambling
Bunting, ciril

Bunting, Lapland
Bunting, snow
Buzzard, honey
Capercaillie (Scotland only)
Chough
Corncrake
Crake, spotted
Crossbills (all species)
Divers (all species)
Dotterel
Duck, long-tailed
Eagle, golden
Eagle, white-tailed
Falcon, gyr
Fieldfare
Firecrest
Garganey
Godwit, black-tailed
Goshawk
Grebe, black-necked
Grebe, Slavonian
Greenshank
Gull, little
Gull, Mediterranean
Harriers (all species)
Heron, purple
Hobby
Hoopoe
Kingfisher
Kite, red
Merlin
Oriole, golden
Osprey
Owl, barn
Owl, snowy
Peregrine
Petrel, Leach's
Phalarope, red-necked
Plover, Kentish
Plover, little ringed
Quail, common
Redstart, black
Redwing
Rosefinch, scarlet
Ruff
Sandpiper, green
Sandpiper, purple
Sandpiper, wood
Scaup
Scoter, common
Scoter, velvet
Serin
Shorelark
Shrike, red-backed
Spoonbill
Stilt, black-winged
Stint, Temminck's
Stone-curlew
Swan, Bewick's
Swan, whooper

Tern, black
Tern, little
Tern, roseate
Tit, bearded
Tit, crested
Treecreeper, short-toed
Warbler, Cetti's
Warbler, Dartford
Warbler, marsh
Warbler, Savi's
Whimbrel
Woodlark
Wryneck

Schedule 1 - Part II

Birds afforded special protection during the close season which is 1 February to 31 August (21 February to 31 August below high water mark) but which may be killed or taken outside this period.

Goldeneye

Pintail

Greylag goose (in Outer Hebrides, Caithness, Sutherland and Wester Ross only)

Reptiles

All of the UK's native reptiles are protected by law. The two rarest species – sand lizard (*Lacerta agilis*) and smooth snake (*Coronella austriaca*) – benefit from the greatest protection; however these two species are not known to occur within Derbyshire. Common lizard (*Zootoca vivipara*), slow-worm (*Anguis fragilis*), adder (*Vipera berus*) and grass snake (*Natrix natrix*) are protected under the Wildlife and Countryside Act 1981 as amended from intentional killing or injuring.

In England and Wales, this Act has been amended by the Countryside and Rights of Way Act 2000 (CRoW), which adds an extra offence, makes species offences arrestable, increases the time limits for some prosecutions and increases penalties. The Natural Environment and Rural Communities (NERC) Act 2006 places a duty on Government Departments to have regard for the conservation of biodiversity and maintains lists of species and habitats which are of principal importance for the purposes of conserving biodiversity in England and Wales. All native reptile species are included on these lists.

This is a simplified description of the legislation. In particular, the offences mentioned here may be absolute, intentional, deliberate or reckless. Note that where it is predictable that reptiles are likely to be killed or injured by activities such as site clearance, this could legally constitute intentional killing or injuring.

Water vole

Water voles receive protection under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to:

- Intentionally kill, injure or take (capture) a water vole;
- Possess or control live or dead water voles or any derivatives;
- Intentionally or recklessly* damage, destroy or obstruct access to any structure or place which water voles use for shelter or protection;
- Intentionally or recklessly* disturb water voles whilst occupying a structure or place used for that purpose; or
- Sell, offer for sale or advertise for live or dead water voles.

*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

Water voles are listed as Species of Principal Importance on the UK Post-2010 Biodiversity Framework (2012), and as such are capable of becoming material considerations in the planning process.

The reader should refer to the original legislation for the definitive interpretation.