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ECOLOGICAL ASSESSMENT FOR

LAND AT HEATH HOUSE FARM

ROSS ROAD, WHISTON

ST10 2JF

For Hewitt and Carr Architects

26th May 2016

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1. Introduction

A walkover ecological survey was undertaken on the 24th May 2016 in respect of land located at Heath House Farm, Ross Road, Whiston, Staffordshire, ST10 2JF. The brief was to carry out a walkover survey and assess the ecological value of the site. The current proposal is for the construction of an agricultural shed with associated access and infrastructure Recommendations for mitigation, ecological enhancement and further surveys will be made as required.

2. Site Description

The site is located south of Whiston within open countryside. The majority of the site is poor semi-improved grassland. Common species include cocksfoot, perrenial rye grass, creeping buttercup, white clover, creeping thistle, spear thistle, broad leaved dock, common sorrel, common nettle and germander speedwell. In the far south-west corner (which is slightly damper) there is also cuckooflower and some soft rush.

Some works have already started in respect of an access track and the foundation areas of the new agricultural building.

The 1:25:000 Ordnance Survey map for the site does not show any ponds or areas of standing water within or directly adjacent to the site. No ponds or areas of standing water were identified while on site.

3. Survey Methodology

An ecological Survey was carried out following the standard methodology. This involved walking over the site and assessing the habitat. Notes were made in respect of any habitats or features of interest and any sightings of protected or rare species. This included searching for evidence of badgers/other species and also inspecting any other features to establish their potential for roosting bats.

4. Survey Results

Badgers

No evidence of badger setts, outliers or digging was found within or near to the proposed development area. There is a badger track in the north-west corner leading under a fence with hairs on the wire.

Bats

The part of the site to be developed does not support any structures which would offer any potential roost sites for bats. The trees around the site perimeter have a low potential for roosting bats, no deep cracks, rot holes or fissures.

Great crested newts and amphibians

There are no ponds or areas of standing water within or immediately adjacent to the site. It is likely that the damp area of the field will support common amphibians.

Reptiles

There was no evidence of reptiles which could be seen during the walk-over survey. It is possible that reptiles such as slow-worms may be present although this seems unlikely for the area proposed for development.

Hedgehog

No hedgehogs were seen at the time of the survey. They are however mainly nocturnal and it would be difficult to see them during this type of survey. The boundary hedgerows would provide excellent cover, presence should therefore be assumed.

Nesting birds

Birds will use the boundary hedgerows and trees site nesting and also for general shelter. Birds noted during the survey were goldfinch, dunnock, linnet, robin, blue tit, blackbird and swallow.

5. Evaluation and Legislation

The presence of a species protected under European or UK legislation is a material consideration when a planning authority is considering a development proposal which, if carried out would be likely to result in disturbance or harm to the species or its habitat. Section 74 (2) of the CroW Act 2000 (now updated by Section 41 of the Natural Environment and Rural Communities Act (NERC) 2006 requires the publication of lists of habitats and species that are of principal importance for the purpose of conserving biological diversity. The list is regularly changed and updated and many bat species appear on it. NERC consolidates the requirements of the CROW Act in placing duties upon government agencies, including local authorities, to ensure the conservation of Biodiversity.

Badgers

Badgers are protected by the Protection of Badgers Act 1992. Under this Act it is illegal to destroy, damage or obstruct access to a sett or disturb a badger while it is using the sett. A sett is defined by the Act as any structure or place showing signs of current or recent occupation by a badger. Under the current interpretation of the Act a license is required for the following operations:

a. Use of hand tools within 10 metres of a badger sett
b. Use of light machinery within 20 metres of a badger sett
c. Use of heavy machinery within 30 metres of a badger sett

The only evidence of badgers was the single run leading towards the north-west corner where it went under the fence. It can be assumed that badgers pass through the site as part of their regular foraging pattern. The badger reasonable avoidance scheme shown below in Appendix 2 must be followed.

Bats

Bats and their roosts are protected by the Wildlife and Countryside Act (as amended) and the Conservation (Natural Habitats & c) Regulations 1994. The Habitats Directive has recently been superseded by The Conservation of Habitats and Species Regulations 2010 which came into force on the 1st April 2010. This makes it unlawful to harm, disturb, or destroy either bats or their roosts. Any work which may potentially disturb a roost (whether bats are present or not) may require a license.

To summarise it is illegal not only to intentionally kill, injure or take any bat but also too recklessly or intentionally damage, destroy or obstruct access to any place that a bat uses for shelter or protection, or to disturb a bat while it is occupying such a place. A roost is protected whether or not bats are present at the time. The reason for this is that bats have a tendency to remain loyal to certain roost sites, often over a long period of time.

There do not appear to be issues in respect of bats based upon the existing proposals unless any large trees are due to be removed.

Great crested newts

The great crested newt *Triturus cristatus* is listed on Schedule 5 of the Wildlife and Countryside Act (as amended), and is afforded full protection under the terms of Section 9. This makes it an offence if any person:

9(1) *"… intentionally kills, injures or takes* [a great crested newt]*"*;

9(2) *"… has in his possession or control any live or dead* [great crested newt] *or any part of, or anything derived from such an animal"*;9(4) *"… intentionally or recklessly (a) damages or destroys, or obstructs access to, any structure or place which* [a great crested newt] *uses for shelter or protection; or (b) disturbs any such animal while it is occupying a structure or place which it uses for that purpose";*

9(5) "… (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead [great crested newt], or any part of, or anything derived from, such an animal; or (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things".

Great crested newts are also afforded additional protection through inclusion on Schedule 2 ("European protected species") of **The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)**, which transpose into British law the European Community's **Habitats Directive (92/43/EEC)**. The Habitats Directive has recently been superseded by **"The Conservation of Habitats and Species Regulations 2010"**, this came into force on the 1st April 2010.

Based upon the existing level of information there do not appear to be any issues in respect of great crested newts.

Reptiles

All species of British reptile are protected against intentional killing, injury or sale under the Wildlife and Countryside Act 1981 (as amended). The Sand Lizard and the Smooth Snake are afforded a higher degree of protection under Regulation 41 of The Conservation of Habitats and Species Regulations 2010 making it an offence to:

- Intentionally kill, take or injure these species of reptile.
- Damage, destroy or obstruct a place a these species use for breeding, resting. shelter or protection or to disturb these species in such a place.
- Possess or control these species alive or dead, or any part of them, or anything derived from them.
- Sell, offer for sale, advertise for sale or offer to these species, or a part of them or anything derived from them.
- Deliberately disturb or deliberately take or destroy the eggs of these species.

The distribution of Smooth Snakes and Sand Lizards is limited to heathland habitats in Surrey, Dorset, Hampshire and Sussex. The Sand Lizard is also known to occur on sand dune habitats in Merseyside and has recently been introduced to some areas of North Wales.

Licenses can be issued in order to allow activities that would constitute an offence under the legislation. Licenses can be issued for specific purposes including scientific study, photography, conservation management and development.

In England and Wales a development license must be obtained from Natural England or the Welsh Government before undertaking any works that will affect Sand Lizards or Smooth Snakes or their habitat. A license is not required to carry out surveys or mitigation for other reptile species.

The site may support common reptiles although the potential appears to be low. They are more likely to be restricted to the boundary features or other areas of the site where the habitat may be more suitable.

Hedgehogs

Hedgehogs have been recorded in the area and they are a UK BAP Priority Species.

The proposals will involve some excavation and groundworks although some works have already started. Any trenches/footings etc should either be covered or a ramp (plank of wood) installed to enable hedgehogs to escape.

Nesting birds

All breeding birds are protected under Section 1(1) and 1(2) of the Wildlife and Countryside Act 1981, as amended. This makes it an offence to damage, disturb, or obstruct access to nests during the bird breeding season (generally March to August).

Birds will use the hedges/trees etc so any planned removal for access or otherwise will have to be undertaken between October and February inclusive (to avoid the nesting season).

6. Impact assessment, Mitigation and Enhancement Recommendations

At the present time the proposal is for the construction of an agricultural barn with associated access and infrastructure

- Based on the level of current information it would appear that the only impact will be the partial loss of poor semi-improved grassland.

- The development of the site should not impact upon birds as long as the boundary features are retained. All nesting birds are protected by the Wildlife and Countryside Act (as amended) and no work should take place (particularly clearance of vegetation/trees) which may affect nesting birds between March and September inclusive.

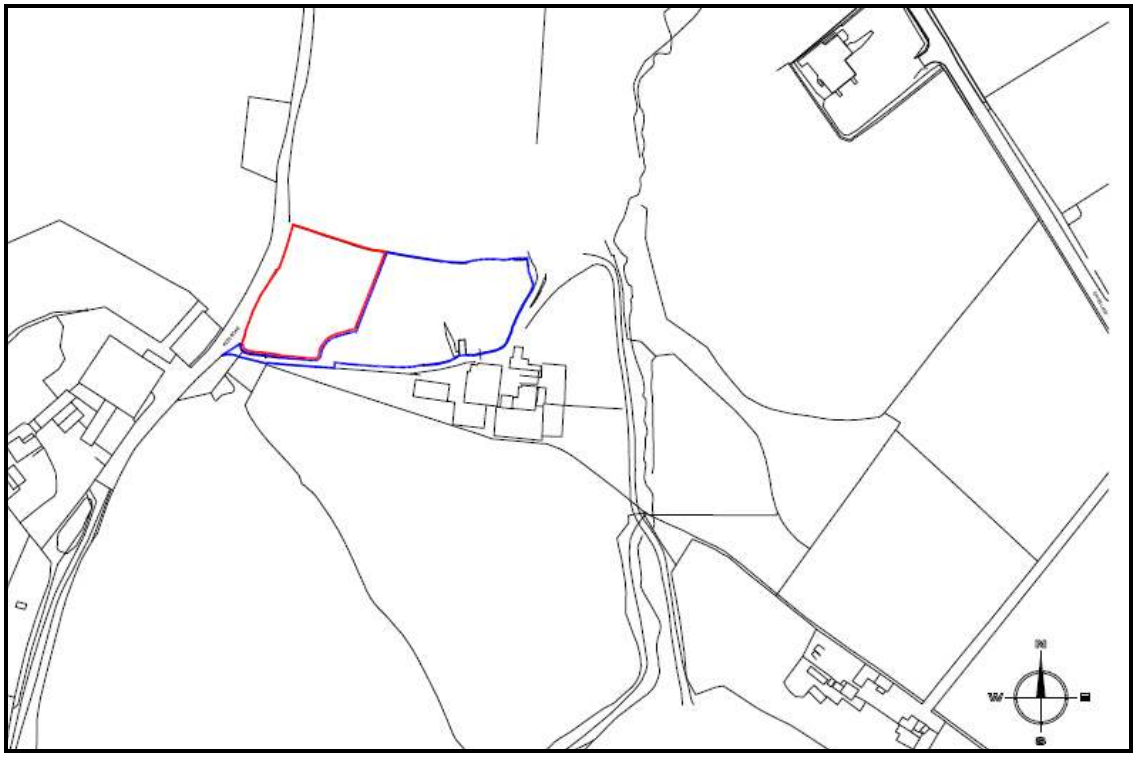
- Native hedgerow planting is encouraged along with some tree planting, species can include holly, hawthorn, dogwood, ash, cherry, oak and field maple.

8. References

Rose, F. (1989) *Grasses, Sedges and Ferns* Viking Press

Stace, C. (2005) *New Flora of the British Isles* Cambridge University Press, Cambridge

Appendix 1 – Site plan



Appendix 2 – Badgers - Reasonable Avoidance Scheme

- **Ideally all open footings/drains should be covered by plywood sheeting or similar each day. If that is not practical then a suitable ramp such as a long wooden plank should be placed to enable escape. Freshly poured concrete areas must all be covered unless they have been in place over 24 hours and have set.**

- **All ground excavations should be in-filled and made good to ground level at the earliest opportunity (within 24 hours if possible) to remove and reduce any further hazard to badgers and hedgehogs**

- **All chemicals and liquids should be stored in secure containers off the ground and if possible within a secure fenced compound or site unit.**

- **Keep the duration of all ground works as short as possible.**

- **If any areas of digging are noticed before or while the works are being undertaken then further advice should be obtained from an ecologist.**

- **If a badger was found within any excavated area of drain then it would be advisable to obtain professional help because a trapped badger would be very difficult to handle. A local vet would probably be the best place to go in the first instance.**

I wish to make the following comments in relation to the hedgerows around this piece of land the loss of them, not only adversely impacting on the local wildlife but also the loss of native woody species that are not being replaced.

Date	Application	Comments
25.02.2013	SMD/2012/1192	12/01340/FUL – 25.02.2013 The planning permission contains a report by Clywydian Ecology (25.5.2016) which states that with suggested planting of hawthorn, dogwood, ash, cherry, oak and field maple the "development of the site should not impact upon birds as long as the boundary features are maintained" – the ecology report in these plans dated 21.12.2012 states that the western boundary to the site is likely to be considered 'important' under hedgerow regulations and also likely to qualify under Staffordshire BAP Habitat – and yet in the process of putting in the access granted under SMD/2016/0806 and now undertaking work on the proposed new vehicular access SMD/2020/0212 all of this hedgerow has been removed having a negative impact on the character and content of the rural area. **See appendix 1 pictures**
24.03.2017	SMD/2016/0806	This permission states that within three months of the date of the planning permission the existing "approved access driveway" shall be removed from the site in its entirety including all materials and the area occupied by the existing driveway shall be turfed/grassed over..." See original site plan showing this access. It should be noted that to date this has still not been completed – please see **appendix 2** as to the negative impact that this has had on the character and appearance of the rural area, as well as the impact on trees and ecology. In his recommendations for approval Chris Johnston stated that the access track had caused damage to the roots of the trees alongside Ross Road and although proposed new planting was shown no details were provided. This area has now been cleared even further of hedgerow and grass areas causing more damage to the native hedgerows **see appendix 1 pictures**
28.05.2020	SMD/2020/0212	In this planning request I can see no mention of the hedgerows and how they will be reinstated. Although these things were asked for in previous planning it would seem that due to long time scales etc no one has ever checked that the current and previous applicants have complied with these requests. Or if they have they have not done anything about this. Without something being added into this current planning application these important parts of our natural heritage will never be replaced and will be gone forever, when will the next piece of hedgerow be taken out and then the next all to be replaced by wall or a different material.

Appendix 1



Entrance agreed under SMD/2016/0806

SMD/2012/1192 – see notes relating to the western boundary that has now been fully removed and looks like this as at 13.05.2020 although it is considered to be 'important' and under Staffordshire BAP Habitat.



View of the lower part of the western boundary again with hedgerow removed although part of this was fencing.

Appendix 2







The section of the hedgerow that was removed for vehicular access is **10.5m's** wide (approx 34') – how could this length of removal be necessary and how can this have been removed without the appropriate approval of the local and district councils? These pictures, taken on 28.05.2020 and show that despite part of the decision for SMD/2016/0806 being agreed was to put this right in 3 months we are now several years on.

The proposed site plan 00484 AL(0)02 G details the above as "existing gate for agricultural field access and maintenance only – as you can see this is not correct as there is not nor has there ever been a gate situated in this particular location.

This is the hedgerow on the other side of the lane that is the access to Heath House Farm. Both sides of the lane had the same hedgerow which was believed to be planted in excess of **50 years ago**. A survey of the remaining hedge reveals that it contains at least the following **woody species**; blackthorn, common ash, elder, hawthorn, holly, common hazel, sycamore, European plum (species of rose), various brambles including the European dewberry and elm leaf blackberry.

The hedgerow is a hive of activity for nesting birds, small animals and insects including the honey bee.

In the hedge bottom there are foxglove, cow parsley, dock leaves, dandelions, meadow buttercup, zig zag clover to name but a few.



Land at Heath House Farm

The field lies immediately north of Heath House Farm and comprises species poor semi-improved grassland. The grassland is dominated by perennial rye grass (*Lolium* perenne), crested dog'stail (*Cynosurus cristatus*), meadow foxtail (*Alopecurus pratensis*), creeping buttercup (*Ranunculus repens*) and clovers (*Trifolium spp*). This field is of limited value to fauna due to its lack of species diversity and simple structure (lack of cover).

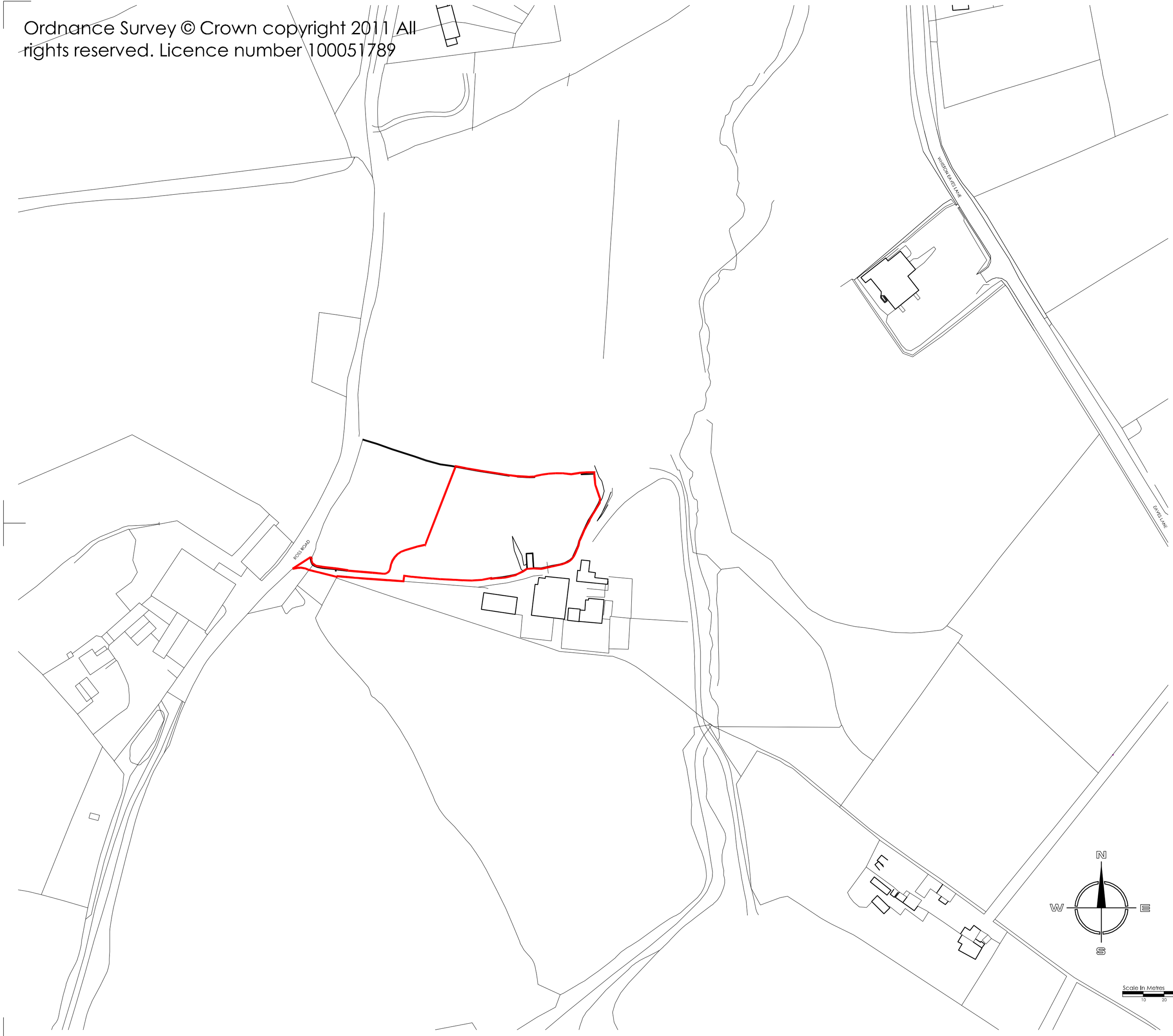
A trimmed hawthorn (*Crataegus monogyna*) hedge lines the access road to Heath House Farm and forms part of the southern boundary to the field. A mature ash (*Fraxinus excelsior*) on the eastern end of the hedge has a well used bird box. The ash tree provides potential bat roosting and both the tree and hedge provide potential bird nesting habitat.

The western boundary of the field is contiguous with a lane with steep embankments topped by a mature trimmed native hedge (old laid) comprising hawthorn (*Crataegus monogyna*), holly (*Ilex aquifolium*), sycamore (*Acer pseudoplatanus*) and ash (*Fraxinus excelsior*). Hedge bank species included bluebell (*Hyacinthoides non-scripta*), cleavers (*Galium aparine*), hogweed (Heracleum sphondylium), broad buckler fern (*Dryopteris dilatata*), garlic mustard (*Alliaria petiolata*), pignut (*Conopodium majus*) and honeysuckle (*Lonicera periclymenum*). This hedgerow is likely to be considered as 'Important' under the hedgerow regulations and is also likely to qualify as a Staffordshire BAP Habitat. Hedgerows provide bird nesting habitat. The section of this hedge adjacent to the field close to Heath House Farm is gappy in places and would benefit from management (in fill of gaps) which may provide a net benefit for wildlife.

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Client
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Project
Reconstruction and Conversion of Whiston Eaves Stable Block to Form Dwelling and Tourist Accommodation

Title
Site Location Plan

PLANNING

Status
Planning

Date Jun 2012

Drawn NJH

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Project No 00102

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