

**From:** [Kate Dewey](#)  
**To:** [Curley, Jane](#); [Planning Comments \(SMDC\)](#)  
**Cc:** [Alex Fitzroy](#); [Steve Massey](#); [Nick Mott MCIEEM](#); [SCC Flood Team](#); [Anne-Marie McLaughlin](#); [contact@derbyshirelandandplace.com](mailto:contact@derbyshirelandandplace.com)  
**Subject:** SMD/2021/0550 Fole Dairy  
**Date:** 21 February 2022 08:01:37

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**Ref number** SMD/2021/0550

**Application Location** Fole Dairy, Uttoxeter Road, Fole, Uttoxeter, Staffordshire, ST14 5EH

**Application description** Approval of reserved matters, appearance, landscaping, layout and scale relating to SMD/2018/0234

**Site size hectares** 2.09

Staffordshire Wildlife Trust has been asked to review the above application as part of a service level agreement with Staffordshire Moorlands District Council to provide ecology advice regarding planning and development management functions.

### Surface Drainage

We would like to submit some additional comments regarding the updated drainage information, to inform any proposed layout amendments. The comments below relate to drainage only; please still refer to previous comments for other issues. Further comments will follow pending any revised layout.

We have reviewed the proposed drainage plans (drawing number 21047-100, 15.07.21) and feel that they could do more to maximise benefits to people and wildlife, if possible. We recommend that principles set out in The SuDS Manual (C753, CIRIA, 2015) are followed. This includes prioritising surface based SuDS components over underground and piped features, due to the many benefits this can provide. These include: increasing biodiversity, reducing pollution, increasing climate change resilience, and increasing visual amenity and providing access to nature. It can also be a cheaper solution to construct when implemented well.

At present the proposed plans show several large underground cellular attenuation tanks- consideration should be given as to whether some of these could be surface features instead. Given the need to avoid infiltration, these would need to be lined, but could be spread over several smaller areas. Surface based SuDS components not only help filter pollution naturally through vegetation, but make it much easier to spot and treat spillages in the first place before it enters downstream habitats.

We strongly encourage the inclusion of lined rain gardens -shallow dipped planting beds with ornamental and native varieties suited to seasonally wet/dry environments. Raingardens increase available habitat and can greatly improve visual amenity, for example when used as traffic calming measures within roads or pavements. Any vertical vegetation on walls of buildings would green the site visually as well as holding and evaporating water to some extent.

Swales or detention basins would also greatly benefit the site by naturally slowing the flow of water, filtering out pollutants, and further encouraging biodiversity. These can also act as safe interactive play areas if well designed and integrated with open spaces. Some good examples are shown on the following link: <https://www.haringey.gov.uk/parking-roads-and-travel/roads-and-streets/road-care-and-maintenance/drains-and-flooding/sustainable-drainage-systems-suds#benefits>

Reinforced grass or gravel could be considered for some parking spaces, turning areas or roadways that will not be used often- this would soften the urban feel to blend with the rural location as well as reducing water collection. Could the parking spaces adjacent the pumping station be treated in this way, and the turning head be brought back away from the river to link to these spaces? This could reduce hard areas and intrusion into the riverside area.

Rainwater harvesting systems could also be included, which could be underground, and would also reduce water use and increase sustainability. This was stated in the Design & Access Statement at outline stage (SMD/2018/0234): Re: SMD/2021/0550 Fole Dairy "Water butts will be incorporated on all properties and consideration given to potential of grey water recycling."

Could the 3 plots on the eastern edge of the site, across the road, use soakaways if this area is not subject to contamination issues?

### Brook design

Engineered outfalls into the brook channel and river should be avoided in favour of natural open channels or spillways, as this helps to mimic natural inlets/ tributaries.

Ideally, the new brook channel detailed design would include some further features such as pools, riffles and channel variation, with a variety of substrates. Shallow 'beach' areas or a stony ford area

would allow access for play; alternatively a 'welly splash' feature could be installed. 'Leaky dams' of woody material should be included- these let water through at normal flow but slow water at peak rainfall events, as well as trapping sediment and forming habitat for fish and invertebrates. This would serve to enhance the habitat, but also create a more natural appearance and with more sounds of water and and greater amenity value.

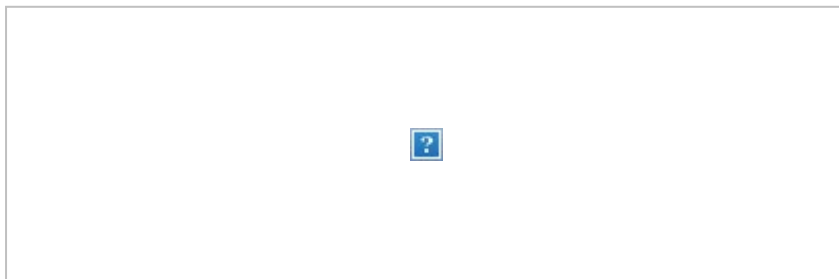
Regards,

**Kate Dewey BSc (Hons) MCIEEM**

**Senior Planning Officer**

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## 2 Attachments

On Mon, 25 Oct 2021 at 15:04, Kate Dewey <[k.dewey@staffs-wildlife.org.uk](mailto:k.dewey@staffs-wildlife.org.uk)> wrote:

**Ref number** SMD/2021/0550

**Application Location** Fole Dairy, Uttoxeter Road, Fole, Uttoxeter, Staffordshire, ST14 5EH

**Application description** Approval of reserved matters, appearance, landscaping, layout and scale relating to SMD/2018/0234

**Site size hectares** 2.09

Staffordshire Wildlife Trust has been asked to review the above application as part of a service level agreement with Staffordshire Moorlands District Council to provide ecology advice regarding planning and development management functions.

Having further reviewed flood risk, drainage issues, and proposals affecting the river bank, we would like to submit additional and revised comments.

**SUMMARY** – Holding objection - further information and amendments required.

Required prior to determination:

1. A full sustainable drainage scheme, including amphibian friendly design features.
2. Layout amendments to ensure good quality boundary habitats and natural habitat 8m river bank easement.
3. Updated otter survey of River Tean
4. Further details of works within 8 metres of the river, including the brook inlet and an outline design for the new brook channel.
5. Updated landscaping plan showing additional enhancements and planting list.
6. Updated Flood Risk Assessment

Secure via condition should approval be granted:

1. An Construction Environmental Management Plan (CEMP) to tie in the following:
  - a. Root protection areas (RPAs) for all retained hedgerows and trees following BS 5387:2012.
  - b. Pollution prevention measures as set out in section 5.2.3 of the PEA report.
  - c. Timing of works on or near to hedgerows and trees to avoid bird nesting season (March – August, inclusive).
  - d. Pre-commencement watervole survey and any necessary mitigation measures
  - e. Amphibian and mammal precautions.
  - f. Bat method statement for remedial tree works (trees 12 to 15) including survey and/or supervision.
  - g. Installation of any integrated bat or bird enhancement boxes/bricks.
2. Detailed brook restoration design including cross-sections
3. 20 year habitat management plan, including control of non-native species if present.
4. A sensitive lighting scheme, minimising light spill onto the River Tean and brook corridor.

## HABITATS

### River Tean and Broadgate Hall Brook

It is not clear at this point how much construction work is proposed on or near to the River Tean mill race, or how restoration of the brook will impact the river during construction. The outfall for the brook to the river was a concrete structure previously- it is not known whether this has been removed or how the inlet to the river will be designed.

There is a great opportunity to restore the river channel as well as the brook, if there are no constraints to doing so. Removing more artificial bank reinforcements would be very beneficial. It is not clear how much hardstanding is still in place along the river, and whether further construction work will occur within 8 metres of the bank. This is particularly key to judge potential species impacts (see later comments).

The brook design will need to consider flood risk and balancing, as well as best practice in terms of natural channel design and slowing water flows. Further information on the design principles is required, that will also need to comply with drainage and flood management needs.

Further details of works within 8 metres of the river, including the brook inlet and an outline design for the new brook channel should be provided before determination.

### Drainage and Flooding

We support the comments from the Environment Agency and SCC Flood team regarding the need for updated flood risk information, and surface water / SuDs design required by conditions 15 and 16 of the outline permission.

Plot 21 appears to be within Flood Zone 2, in which case the layout will need to be amended to avoid built development in this area.

The previous FRA noted the need for surface water balancing and initial proposals included a balancing ditch/ swale on the northern boundary, and potentially storage capacity within the new brook channel. There appears to be a roadside water feature shown on the Proposed Site Plan dated July 2021, however it is not shown on the landscaping plans. SuDs need to be addressed as part of the layout and landscaping, as this will have significant implications for the design.

## SPECIES

### Otter and Water Vole

The PEA report 2018 found the river to have potential for otters to use, although no potential resting sites were found. Evidence of water voles was recorded downstream of the site, but a lack of access to the riverside and high water levels at the time was a limitation to adequate survey.

It is not clear how close works will need to occur to the river bank, as some areas of hardstanding may be present. Restoration of the brook inlet will also impact directly on the river. Restoration of river banks is also desirable, but could temporarily impact otters and water vole.

Water vole protection and the small area of direct impact that the proposals would have on the river bank itself means that adequate measures can be put in place within the construction methods and can therefore be conditioned.

However, as otters are a European protected species, disturbance of otters in their resting places is an issue that needs further consideration before determination to ensure that the 3 tests under the Habitat Regulations can be met. An updated otter survey is therefore required, to identify any otter habitat and ensure that sufficient protection measures are put in place. If a resting place were to be found, this may entail avoiding any construction within an appropriate distance of the river, which may be greater than 8m, and also pose a constraint to any built development in the area without a licence. If a licence were required, the design would need to show overriding public interest and no satisfactory alternative to the works. The layout could be amended to avoid any impact to the river, so this needs to be considered at the reserved matters stage.

### Amphibians

The risk of great crested newts using the site is deemed to be low, due to the barriers between the site and nearby ponds, as well as the site conditions. However it is not impossible that amphibians may have migrated onto the site, and so precautions need to be made part of any CEMP.

Regards,

**Kate Dewey BSc (Hons) MCIEEM**

**Senior Planning Officer**



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## 2 Attachments

On Wed, 20 Oct 2021 at 09:10, Kate Dewey <[k.dewey@staffs-wildlife.org.uk](mailto:k.dewey@staffs-wildlife.org.uk)> wrote:

**Ref number** SMD/2021/0550

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**Site size hectares** 2.09

Staffordshire Wildlife Trust has been asked to review the above application as part of a service level agreement with Staffordshire Moorlands District Council to provide ecology advice regarding planning and development management functions.

**SUMMARY** – Holding objection - further information and amendments required.

Required prior to determination:

1. A full sustainable drainage plan, including amphibian friendly design features.
2. Layout amendments to ensure good quality boundary habitats and 8m river bank easement.
3. Updated landscaping plan showing additional enhancements and planting list.

Secure via condition should approval be granted:

1. An Ecological Construction Management Plan (ECMP) to tie in the following:
  - a. Root protection areas (RPAs) for all retained hedgerows and trees following BS 5387:2012.
  - b. Pollution prevention measures as set out in section 5.2.3 of the PEA report.
  - c. Timing of works on or near to hedgerows and trees to avoid bird nesting season (March – August, inclusive).
  - d. Otter and water vole survey and any necessary mitigation measures
  - e. Mammal precautions.
  - f. Bat method statement for remedial tree works (trees 12 to 15) including survey and/or supervision.
  - g. Installation of any integrated bat or bird enhancement boxes/bricks.
2. Detailed brook restoration design including cross-sections
3. 20 year habitat management plan, including control of non-native species if present.

4. A sensitive lighting scheme, mitigating for light spill onto the River Tean to protect habitats.

**Documents reviewed:**

- 461-KL-ZZ-00-DR-L-001 P1 Landscape Strategy Fole Dairy 07.09.21
- 7796\_150C\_Proposed Site Plan CAD
- 7796\_156A\_Proposed Site Plan\_Landscaping Principles
- Application Form
- 2018s0059 - FRA Fole Dairy with App.- FINAL v3.0 (SMD/2018/0234)
- B15296 225 - P1 Ditch Easement (SMD/2018/0234)
- Preliminary Ecological Appraisal Report – January 2018 (SMD/2018/0234)
- Bat Survey - February 2018 (SMD/2018/0234)
- Bat Activity Survey - May 2018 (SMD/2018/0234)
- Tree Report and Arboricultural Impact Assessment (SMD/2018/0234)
- Consultation Response Arboricultural Officer
- Decision Notice (SMD/2018/0234)

**DESIGNATED WILDLIFE SITES & WIDER ECOLOGICAL NETWORK**

The development does not appear to impact directly on any designated wildlife sites. Providing adequate mitigation and enhancements are included indirect impacts can also be avoided (see below).

The River Tean which runs adjacent to the southern boundary is an important corridor within the wider ecological network, thus both design and construction measures are needed to buffer protect this feature and the species that may use it.

**HABITATS**

**Biodiversity Net Gain**

Policy NE1 in the Staffordshire Moorlands Local Plan Adopted September 2020, expects that ‘all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development. In circumstances where adverse impacts are demonstrated to be unavoidable, developers will be required to ensure that impacts are appropriately mitigated, with suitable compensation measures towards loss of habitat used only as a last resort where there is no alternative’.

It appears clear that the proposals will provide a net gain, due to the current site being largely hardstanding and proposed habitats including gardens, meadow areas, open water channel, and new tree planting along with retained boundary features. Therefore, we do not require a Biodiversity Impact Assessment. However, some enhancements to the landscaping and layout would maximise benefits (see below).

**River Tean**

Condition 14 of the outline planning decision states:

*14. There shall be no built development within 8m of the top of the bank of the River Tean.  
Reason: - To ensure there is a natural corridor and appropriate buffer zone from the River Tean and to reduce the risk of flooding to the proposed development and future users.*

In order for the river to function as an adequate wildlife corridor, the easement needs to be as natural as possible. The easement also facilitates access for any river maintenance, which could involve large machinery, and for flood protection. While some areas are to be seeded as meadow, the plans show the end of a roadway, surfaced paths and front gardens within the easement on the western side of the site. These need to be moved back and the layout amended.

Condition 20 of the outline application requires a detailed pollution remediation scheme to be submitted and approved prior to construction. In addition to the above, section 5.2.3 of the preliminary ecological appraisal (2017s7101\_Fole Dairy Uttoxeter\_PEAR\_V0.4) recommends a number of steps to avoid impacts to the River Tean during construction. These are to be followed in full. From an ecological perspective this will be critical in ensuring no contaminants enter the River Tean or its sources during construction.

### **BroadgateHall Brook**

The restoration of an open channel is very much welcomed. Referring to best-practice would maximise habitat value and hydrological function. A greater variety in the channel topography would be beneficial, with pools and riffles, shallow berms in some areas and features such as dead wood 'leaky dams', rocks etc. that will give greater flood capacity and slow flows entering the Tean. A detailed design for the channel, including cross-sections, should be secured via condition and agreed with relevant consultees such as the Environment Agency.

### **Retained Trees and hedgerows**

As per condition 25 of the outline planning application, all retained trees and hedgerows need to have adequate root protection areas (RPA). Following guidelines set out in British Standard 'BS 5837:2012 – Trees in Relation to Design, Demolition and Construction' in full.

### **Layout**

The arboricultural comments submitted for the previous outline layout stated that *'There is virtually no space within the site red edge available for planting along the northern boundary, between this boundary and the edge of the shared access drive to Plots 28 – 32. Again this fails to support the landscape strategy objective of establishing a new native hedgerow to the site frontage in place of the existing Leylandii hedge – and indeed anyway we may well reasonably require a landscape buffer to this boundary of a lot more substance than just a single hedgeline.'* Informative 3 within the outline decision notice also refers to this.

Plots 37 and 48 in the updated layout are still very close to the northern site boundary. This is to the detriment of the proposed native hedgerow and associated planting. Within plot 37 for example, the proposed access to the side of the property and the corner of the house itself extend towards the edge of the proposed ditch, preventing any hedgerow planting here. The parking for this plot is also immediately adjacent to the proposed hedge. This is likely to result in increased cutting pressure and ultimately reduce the quality of habitat provided.

Plot 8 would also appear to be too close to the western boundary.

Although outside of our expertise, it is unclear if the previous comments submitted for the outline application by the Arboricultural Officer have been satisfied. As it appears that some of the proposed dwellings are still within the crown spread or root protection areas of retained trees, for example plots 22, 23, 25, and 26.

The current layout could therefore be improved. Some adjustments are needed to reduce management pressure and ensure good quality boundary habitats with adequate buffers.

### **Landscaping**

Overall we welcome the landscaping proposed, however, a few amendments are requested.

As per plan 461-KL-ZZ-00-DR-L-001, a number of habitats are proposed utilising native planting. However, no planting species list is provided. The landscaping plan should be updated to show this. We welcome the use of short flowered lawn mix in selected areas to increase diversity or amenity grassland. Proposed meadow areas should utilise seed collected from a local donor site rather than commercial seed mixes, as these often contain species that are not locally characteristic and are generally more expensive.

Any hedgerow planting or enhancements of existing hedgerows should aim to increase species diversity. Habitat piles should be included in appropriate locations, near to water and meadow areas.

Updated landscaping details and layout amendments are required prior to determination.

The design and access statement for SMD/2018/0234) states that '*Habitat management will be implemented to encourage floristic and structural diversity and provide a foraging and refuge resource for local wildlife.*'. This is welcomed. A management plan covering at least 20 years should be secured via condition.

## **Drainage**

As per conditions 8 and 13, detailed plans for surface water and foul drainage are required. It is essential these are integrated into the design at the reserved matters stage, to ensure they are feasible within the proposed habitat creation and maximise functionality.

The D+A statement submitted for the outline application states that '*Water butts will be incorporated on all properties and consideration given to potential of grey water recycling.*'. These need to be detailed within the plans.

## **SPECIES**

### **Bats**

Bat surveys of the buildings on site were conducted. The bat surveys did not appear to survey the trees on site. The bat activity surveys recorded common pipistrelle roosts within the mill building. As indicated in section 4.1 of the arboricultural report, trees 12 to 15 located along the southern boundary may have bat roosting features.

The plans do not show any works to the mill building at present. Therefore, this the presence of bats here should not impact on the current application. However, future works on this structure will require additional survey, mitigation including licensing, and compensation.

The trees along the southern boundary are being retained, however, as remedial works are likely required they will need to be subject to a bat survey/inspection prior to works commencing. If a tree is deemed to have bat roosting potential the works will need to be supervised by a licensed bat ecologist, following an appropriated method statement. Section 5.2.1 of the PEA report in relation to Bats and Trees recommends a number of steps. To be followed in full as part of a bat method statement.

A lighting plan will be required along the southern boundary to reduce light spill onto the River Tean to protect foraging and commuting habitat.

Enhancements – To enhance the site for bats, several bat boxes or bat bricks should be installed. Many designs are available, including integrated bat boxes that require no maintenance and blend into the design of the building. We recommend that houses on plots 12, 13, 16, and 21 (7796\_150C\_Proposed Site Plan) have bat boxes or bat bricks installed due to their proximity to the River and potential commuting/foraging habitat. These should be installed on the southern elevation, ideally at least 4 m above the ground, away from predator access and not directly lit. To be detailed within updated plans prior to determination.

### **Otter and Water Vole**

The PEA report 2018 found the river to have potential for otters to use, although no potential resting sites were found. Evidence of watervoles was recorded downstream of the site, but a lack of access to the riverside and high water levels at the time was a limitation to adequate survey.

If an adequate 8m buffer is provided, this should protect the riverside habitats sufficiently. The only area where construction could impact the river banks directly is the restoration of the brook inlet to the Tean – it is not clear what level of construction would be involved here. Prior to construction an otter and watervole survey should be conducted within the optimal survey season (April to September, inclusive) to check any constraints, gain licences where necessary and plan work to avoid direct or disturbance impacts.

### **Amphibians**

We recommend that an amphibian friendly road design is implemented. Dropped kerbs should be utilised instead of raised kerbs, as these can be a barrier to movement and increase road mortality. Gulley pots must be avoided as these can act as traps - unless amphibian escape features can be implemented, such as amphibian ladders.

## **Birds**

As a precaution, works on or near to hedgerows and trees must be avoided during the bird nesting season (March – August inclusive), unless subject to a check prior to commencement and supervision of works by an ecologist. To be part of a bird method statement within an Ecological Construction Management plan (ECMP).

The development should incorporate bird boxes throughout the development as enhancements. We recommend that integral swift bricks are installed in clusters on some of the houses. These should be installed in clusters of 2 to 4 on gables near the roofline. There should be a minimum of 5 m clearance in front and below the entrance, so locations above windows and doors should be avoided. We recommend a minimum of 5 houses include swift enhancements.

We also recommend that a variety of general bird boxes are installed throughout the site, this can include within any of the larger retained trees.

## **Mammals (general precautions)**

Condition required to secure recommendations set out in sections 5.2.1 of the PEA report in reference to badgers and otters during construction. Summarised this includes:

- All excavations to be covered over night or mammal escape ramps to be provided.
- No overnight working, unless light disturbance can be mitigated for.
- 8 m river easement to be delineated with fencing.

To be part of a mammal method statement within an Ecological Construction Management plan (ECMP).

## **Hedgehogs**

Garden fencing within the development needs to provide a commuting route for hedgehogs to ensure habitat fragmentation does not occur. These should link up to habitat piles. These features should be included within the updated landscaping plan. Required prior to determination.

## **Invasive Non-native Species (INNS)**

Section 5.2.2 of the PEA report recommends that an invasive species survey is undertaken due to the potential presence of Himalayan balsam. If identified, a management plan will be required.

## **Ecological Construction Management Plan (ECMP)**

An Ecological Construction Management Plan (ECMP) is required to tie in all of the above mitigation (amphibians, mammals, bats, birds, pollution prevention, and root protection areas). This should also include instructions for any bat or bird boxes that need to be integrated within the walls of the dwellings, and amphibian friendly road drainage features, as contractors will need to be aware of their inclusion to avoid the need for retrofitting. This should include clear steps, timelines, and responsible persons identified for implementation. To be secured via condition.

## **SUSTAINABLE DESIGN**

We recommend that solar panels are included where feasible, and that roof orientation and design are considered to provide maximum opportunities.

Regards,

**Kate Dewey BSc (Hons) MCIEEM**

## Senior Planning Officer



07494852383

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