

Marshfield Gate Farm, Marshfield Lane SWT Comments

Application Reference: SMD/2024/0516

Location: Marshfield Gate Farm Marshfield Lane, Biddulph

Proposed development: Conversion and alteration of former agricultural buildings to form 2no. dwellinghouses and associated works

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.

We have viewed the following documents:

- Bat and Bird Survey Report, Fauna Forest Ecology October 2024
- Proposed Elevations and Floor Plans
- Existing Elevations and Floorplans
- Proposed Site Plan Tuesday 27th August 2024
- Existing Site Plan Tuesday 27th August 2024
- Planning Statement, Rob Duncan Planning Consultancy, November 2024
- Application Form

Staffordshire Wildlife Trust recommends a **holding objection** as the following until the required documents for bats and BNG have been produced and assessed or confirmation that a priority habitat is not being removed.

BNG

The application form and planning statement state that the development is exempt from BNG as the de minimis exemption has been applied.

On the Location Plan, it is unclear whether the hedgerows are within the site boundary. A longer length of hedgerow (assuming the green line is a hedgerow, there is no key on the map) is included in the Existing Site Plan, but this has no site boundary, so it is unclear whether this is within the site boundary.

The application form states in the BNG section '*No loss of habitat proposed. Removal of 4m of linear hedgerow falls below the de-minimis threshold*'. The Proposed Site Plan also states '*4m length of existing hedgerow removed*'.

The Planning statement states '*The proposed development is exempt from statutory Biodiversity Net Gain requirements as the proposal will not result in the loss of any habitat, as all of the alterations to the external layout of the site will involve land that is already laid to hardstanding. The de-minimis exemption therefore applies.*'.

These appear to be contradictory as one document states the proposal will not result in the loss of any habitat and the other document states that there will be removal of 4m of hedgerow. In addition, the location plan does not appear to include the hedgerow. Please

could clarification be made as to which document is correct and appropriate changes made so that both documents and the site location outline are correct.

In addition to this, the Biodiversity Gain Requirements (Exemptions) Regulations 2024 state:

*'4.—(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.
(2) The first condition is that the development does not impact an onsite priority habitat.'*

Hedgerows are listed as priority habitats under section 41 of the Natural Environment and Rural Communities Act 2006. If hedgerows are being removed, then the development does not meet the first condition to enable the de minimis condition.

If 4m of hedgerow is to be removed, then this application is subject to the biodiversity net gain condition and the following need to be supplied:

- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
- the pre-development biodiversity value(s), [either on the date of application or earlier proposed date \(as appropriate\)](#);
- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- [the completed metric calculation tool](#) showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value (['degradation'](#)), and where they have:
 - o a statement to the effect that these activities have been carried out;
 - o the date immediately before these activities were carried out;
 - o the pre-development biodiversity value of the onsite habitat on this date;
 - o the completed metric calculation tool showing the calculations, and
 - o any available supporting evidence of this;
- a description of any [irreplaceable habitat](#) (as set out in [column 1 of the Schedule to the Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

[Bats, Birds and Mammals](#)

We require further information and have some comments in relation to bats, birds and mammals; these are listed below:

- Species ID should ideally be confirmed. We can't see any DNA analysis of droppings found and Noctule bats, recorded commuting across site, can use barns as feeding roosts.
- The methodology indicates 2 hours dusk survey after sunset, but it looks like 2 hours in total (15mins before sunset and 1hr 45 mins after). This is a minor point.
- An 'at darkest point' NVA shot is required for each NVA used and for each survey to ensure they are recording appropriately.
- It is not clear whether if any of other buildings nearby have been assessed for bats, and depending on the scheme these may need to be or a statement as to why they can be excluded.
- Conditions should be made for the production of a bat mitigation plan (i.e. bat box number, location and specs) and sensitive lighting plan for during and after construction. The bat boxes should be fitted prior to commencement of works.

A bat mitigation licence will be required prior to the commencement of works.

For birds, a pre-commencement condition should be set to detail a bird nest box scheme which includes specifying the number, type and citing of bird boxes required, this should provide for species including but not limited to House Sparrow and Barn Swallow. As well as the loss of breeding habitat in the buildings, this should provide for loss of breeding habitat in the hedgerow that is to be removed. Appropriate checks and measures should be put in place prior to and during construction as detailed in paragraph 4.19 and 4.20 of the Bat and Bird report. If the hedgerow is to be removed, measures detailed in the Bat and Bird report paragraphs 4.19 and 4.20 should be adhered to.

Planning conditions should also be set to avoid entrapment of mammals during construction works.