

# North West of Cloud Park Farm Dial Lane SWT Comments

Application Reference: SMD/2024/0361

**Location:** Single storey brick built agricultural building to North West of Cloud Park Farm, Dial Lane, Congleton

**Proposed Development:** Change of use of single storey agricultural building to dwelling and associated external domestic amenity; new vehicular access; temporary siting of static caravan.

## Additional Documents Reviewed:

- Email response to comments – received 28<sup>th</sup> May
- Email response to comments – received 19<sup>th</sup> June
- CPFB-100 D Plans as Proposed (bird, bat and bee boxes added to elevations)
- CPFB-101 F Site Block Plan as Proposed (revised annotation on nest boxes)
- CFBC-LP B Location Plan (revised location plan redline to accord with BNG site plan)
- Invasive Species Method Statement

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 reviewed the new documents and responses provided and recommend a **holding objection** until the following have been resolved:

- Provision of a draft HMMP
- Provision of a LEMP or similar plan detailing how ground conditions will be prepared, seed mixes etc in particular for the Other Neutral Grassland in good condition creation
- Further detail and justification as to why the Other Neutral Grassland has been classified as Other Neutral Grassland and not Modified Grassland.
- Either results of a soil test or evidence provided showing that correct ground condition can be achieved and seed mixes chosen for the creation of other neutral grassland in good condition without soil test results.
- S106 set to manage and monitor the BNG
- Conditions set as recommended at the end of this document.

## Responses to Email Received 28<sup>th</sup> May 2025

Email sent by Ross Ankers pasted below. SWT comments in [blue](#).

Please find attached the following revised drawings:

- CPFB-100 D Plans as Proposed (bird, bat and bee boxes added to elevations)
- CPFB-101 F Site Block Plan as Proposed (revised annotation on nest boxes)
- CFBC-LP B Location Plan (revised location plan redline to accord with BNG site plan)

In response to SWT comments below is the plan of action: Please can you respond with your thoughts and comments on those items in red:

- Habitat/ Location Plan: Location Plan adjusted and submitted (attached).
- Bat/ Bird/ Bee accommodation now shown on elevations (attached).
- Invasive species Method statement- with client to produce.
- Construction lighting plan: I believe this is still over zealous for a small domestic self-build/ conversion project where lighting will be adhoc and limited to internal works during the winter months- please can you provide your thoughts on this matter?

This recommendation is based on the Arbtech Bat Entry and Re-entry Surveys (BERS) dated 30<sup>th</sup> September 2024 which recommends 'A low impact lighting strategy will be adopted for the site during and post-development...'. This is important as bats are legally protected species and the recommendations made by an Ecologist with a bat license are made to ensure that their client does not break the wildlife legislation. If you wish to deviate from your Ecologist's recommendations, we recommend that you discuss this with them and ask them to provide evidence that a sensitive lighting plan during construction is no longer required. This can be in the form of a brief letter.

- BNG- comments on capability of discharge of conditions.- are these conditions to be placed on the consent by the local planning authority? I've also referred these comments back to our ecology consultant for clarification and advice.  
Based on BNG PPG and PAS recommendations please see comments below.
- Are in agreement with SWT's recommendation for soil sampling and a CEMP; again being mindful of the self-build/ domestic nature of the project this seems overzealous and would be more suited to a larger scale commercial development?  
This comment is confusing with the additional comments in the email sent on 19<sup>th</sup> June.

## Responses to Email Response Received 19<sup>th</sup> June

Arbtech comments **red**

SWT comments **blue**

The production of a CEMP/ LEMP/ HMMP should not be required for planning determination. These documents and their approved contents can be secured by way of pre-commencement condition once planning is granted. This is certainly standard practice for a project of this scale, i.e. small developments.

As detailed in our previous comments, as well as the net gain condition, BNG requires a further condition or section 106 to secure the management and monitoring of significant onsite BNG (this is a 'must' in the Planning Practice Guidance). This should be where the monitoring schedule is agreed with SMDC. Planning conditions and S106s need to be set prior to the decision of whether planning permission is granted. To agree the monitoring and management and set the S106 or planning condition, a draft HMMP is required and, to determine whether ground conditions etc. are suitable for habitats to develop, a LEMP or similar document is required. It is important that the HMMP and LEMP demonstrate that 10% BNG can be achieved as [government guidance](#) for LPAs entering legal agreements states '*LPAs and responsible bodies should not enter into an agreement if they do not think the landowner will meet their obligations*'. Therefore, before securing the monitoring and management with a S106 or condition, the LPA needs to be sure that the landowner will deliver the 10% BNG. This is also recommended in the [Biodiversity Net Gain Planning Practice Guidance](#) which states:

*'The purpose of planning obligations is to make development acceptable in planning terms. If planning obligations are going to be used for biodiversity net gain, it is good practice to submit information about any potential planning obligations which may need to be entered into should the proposal be granted planning permission. For example, this may be appropriate if pre-application engagement has indicated the need for:*

- *significant increase of onsite biodiversity enhancements, then applicants are encouraged to provide a draft Habitat Management and Monitoring Plan as part of the application which sets out the proposals for long term maintenance of habitats to be secured through planning condition or planning obligation*

*... decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged. Matters for consideration may include the following (but this is not an exhaustive list):*

*...Any planning conditions which need to be imposed to secure any significant onsite habitat enhancements, including any conditions requiring the maintenance of the enhancement for at least 30 years after the completion of the development. Prior to the determination of the planning application, decision makers will also want to discuss with the applicant whether any section 106 planning obligations are required to secure either significant onsite habitat enhancements or offsite gains for the development.*

*...Paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990 requires that where an applicant relies upon a significant increase in onsite habitat biodiversity value, the habitat enhancement ("significant onsite habitat enhancement") must be subject to a planning condition, section 106 agreement, or conservation covenant requiring the habitat enhancement to be maintained for at least 30 years after the development is completed.*

*The Department for Environment, Food, and Rural Affairs has published further [guidance about significant onsite habitat enhancements](#).*

*These significant onsite habitat enhancements are likely to form an integral part of the development, and where these are being proposed an application for planning permission would likely be expected to include detailed proposals of these habitat enhancements as part of the plans, drawings and supporting information accompanying the application.’.*

We request a draft HMMP, so that conditions or S106 that in guidance ‘must’ be set before a planning decision is taken can be set. Ideally this should be in the form supplied by the government. Also we request a LEMP or similar document detailing how soil conditions suitable for the creation of Other Neutral Grassland will be achieved as well as the seed mix etc. prior to determination. The CEMP can be supplied as a pre-commencement condition.

With regards to the soil sampling, we would also consider this to be excessive. It is not unreasonable to consider the enhancement of existing grassland to provide other neutral grassland in good condition feasible. The existing conditions that support other neutral grassland were documented in the baseline neutral condition; this is evidenced by the species list collected at the PEA stage. No acid grassland indicator species were identified during the site visit, but species indicative of neutral grassland were identified as were species indicative of agricultural improvement. It is important to recognise that soil chemistry and structure can be significantly influenced by long-term land use history—particularly in agricultural settings. In this case, there is evidence to suggest the site has been subject to intensive historical management, including fertiliser applications, grazing, livestock management and reseeded, which would have altered the surface soil characteristics over time, reducing acidity and increasing fertility.

This botanical assemblage strongly supports the classification of the grassland as neutral rather than acidic, and more specifically, poor condition neutral grassland based on UKHab 2.0 and NVC guidance. Therefore it is feasible to enhance this grassland toward good condition neutral grassland over the 30-year period, consistent with the Biodiversity Metric approach. It may be worth noting that the temporal risk multiplier within the Biodiversity Metric already accounts for the time required and potential risk associated with achieving this habitat enhancement. Therefore, additional soil sampling is not strictly necessary to establish baseline feasibility, as the current botanical evidence provides sufficient indication of the site's potential.

The grassland could be enhanced through an appropriate management regime, i.e. cut and collect twice a year in Spring and Autumn, and the species diversity can be boosted with use of a seed mix and overseeding. In any case, these details are suitable to provide once planning is granted.

The BNG report (Arbtech, 18/11/2024) states in the condition assessment of the Other Neutral Grassland '*Low proportion of indicator species, with species indicative of suboptimal conditions i.e. common nettle, creeping buttercup and white clover... Distribution of vascular plants was sporadic, with white clover being abundant*'. The condition is given as poor. A species list is not provided with the BNG report. This slightly contradicts the PEA which states '*Species that only occurred rarely were white clover and common plantain*', however this is confusing as within the same paragraph, in the PEA, white clover is classed as both abundant and rare. '*Dominant species were meadow grass, Yorkshire fog, cocks foot. Abundant species identified include perennial ryegrass, creeping buttercup and white clover. Frequently occurring species included bush vetch, meadow buttercup and ribwort plantain. Occasionally occurring species include dandelion, common rush and marsh grass. Species that only occurred rarely were white clover and common plantain.*' Marsh Grass are included in the species list – we are unsure which species the common name '*Marsh Grass*' is referring to. Marsh Grass is not listed in plant and grass ID books including Stace, 2022, Collins Flowers, Poland, Fitter et al, 1984, Hubbard<sup>1</sup>, 992 and Rose (grasses), 1989 – Hubbard has Marsh Bent (also known as Creeping Bent) and there is also a Marsh Foxtail listed in Fitter et al.

As described within the PEA report for the same site (Arbtech, 2024). The BNG Assessment report by Arbtech (18/11/2024) mentions '*To the north of B1 is an area of neutral grassland historically used for grazing stock. The sward height was uniform in the centre but was left longer along the boundaries and to the north of B2 and B3. Height In the centre was <7cm, areas in the margins were >30cm. There was <5% damage and bare ground within the grassland area. Areas were waterlogged directly behind the derelict outbuildings... Condition Assessment Poor: Passes 3 of 6 criteria excluding criterion A and F.*', additional detail is given in the appended condition assessment '*Low proportion of indicator species, with species indicative of suboptimal conditions i.e. common nettle, creeping buttercup and white clover... Distribution of vascular plants was sporadic, with white clover being abundant*'. It does not meet the criteria for 10 or more vascular plant species per m<sup>2</sup> present.

The UK Hab definition for Modified Grassland is '*Species-poor vegetation (<9 species per m<sup>2</sup>) dominated by a few fast-growing grasses on fertile, neutral soils. It is frequently characterized by an abundance of Rye-grasses *Lolium* spp. and White Clover *Trifolium repens*. Most broadleaved species present will be associated with high fertility.*' The criteria assessment indicates that there are less than 10 vascular plants per m<sup>2</sup> and the condition assessment states that there are '*species indicative of sub optimal conditions*' and the email in the 19<sup>th</sup> June states there are '*species indicative of agricultural improvement*'. The UKHab landscape and ecological context is described as '*This habitat is found in pastures that are used for intensive agricultural production.*' This matches with detail in the email received on 19<sup>th</sup> June which describes the historical management of the site as '*In this case, there is evidence to suggest the site has been subject to intensive historical management, including fertiliser applications, grazing, livestock management and reseeded*'. The UKHab species listed are '*Palatable, productive grasses dominate, mainly*

*Rye-grasses Lolium spp., Timothy Phleum pratense, Cock's-foot Dactylis glomerata and Yorkshire Fog Holcus lanatus. Grass cover is usually >75%. Broadleaved species are restricted to mainly White Clover Trifolium repens, Creeping Buttercup Ranunculus repens, Greater Plantain Plantago major, Dandelion Taraxacum officinale agg., Broad-leaved Dock Rumex obtusifolius and Chickweed Stellaria media.*'. From the information provided in the PEA and BNG reports and the email received on 19<sup>th</sup> June, it appears that the 'Other Neutral Grassland' meets this (Modified Grassland) definition.

The UKHab definition for Other Neutral Grassland is '*A neutral grassland that does not meet the definition of either g3a or g3b AND that meets at least three of these four criteria*

1. *>20% cover of broadleaved herbs and sedges;*
2. *>8 species per m2 (including forbs, grasses, sedges and rushes, and excluding bryophytes;*
3. *≥1 grass species that is not generally sown for intensive agricultural production (ie. Rye-grasses Lolium spp., Timothy Phleum pratense, Cock's-foot Dactylis glomerata, Meadow fescue Festuca pratensis) is at least abundant;*
4. *Cover of Rye-grasses Lolium spp. and White Clover Trifolium repens, where present is <30%.'*

Looking at each of these in turn to see if these criteria are met using information provided in the PEA and BNG report:

1. Unsure whether the cover of Creeping Buttercup and White Clover would be greater than 30%, these species are indicative of enrichment.
2. Does not have more than 10 species per m<sup>2</sup>. No further detail to indicate whether there are more than 8, however only 13 species are listed in total, so assume this is unlikely.
3. Meadow grass (d) (unsure which species).
4. Perennial Rye grass is described as Abundant and White Clover both abundant and rare, therefore, if both are Abundant, it is likely that cover is above 30% but this has not been confirmed.

One of the criteria (3) is met and we are unsure about the other three are met.

UKHab describes the ecological context '*...occurs on farmland...low input pastures...land that is not farmed but is cut or mown annually often becomes this habitat*'. Species listed in UKHab '*Grasses may include Common Bent Agrostis capillaris, False Oat Grass Arrhenatherum elatus, Yorkshire-fog Holcus lanatus, Perennial Rye-grass Lolium perenne, Common Bent Agrostis capillaris, Crested Dog's Tail Cynosaurus cristatus, Rough Meadow-grass Poa trivialis and Cock's-foot Dactylis glomerata...Herbs commonly found include Yarrow Achillea millefolium, Ribwort Plantain Plantago lanceolate, Creeping Thistle Cirsium arvense, White Clover Trifolium repens, Red Clover Trifolium pratense,*

*Meadow Buttercup Ranunculus acris, Creeping Buttercup Ranunculus repens, Common Nettle Urtica dioica, Hogweed Heracleum sphondylium and Daisy Bellis perennis...*

The species and descriptions in the PEA and BNG report and details in the email all appear to match the UKHab definition and species list for modified grassland more than that for Other Neutral Grassland. Evidence of meeting only one of the criteria for Other Neutral Grassland is provided, it is unclear whether the other three criteria are met. In the email sent to SWT on 19<sup>th</sup> June, the 'Other Neutral Grassland' is described as '*species indicative of ... agricultural improvement... In this case, there is evidence to suggest the site has been subject to intensive historical management, including fertiliser applications, grazing, livestock management and reseeded, which would have altered the surface soil characteristics over time, reducing acidity and increasing fertility*'. This description meets the UKHab ecological context for Modified Grassland more than that for Other Neutral Grassland. **Please could you provide justification as to why this was classified as Other Neutral Grassland rather than Modified Grassland?**

The link provided in our previous response regarding soil sampling included the Key to the botanical enhancement of species-poor grassland in the Farm Environment Plan (FEP) Manual – Third Edition February 2010 (page 79) which looks at options for enhancing species-poor grassland. With the limited species list, the Other Neutral Grassland in question appears to be species poor and may even be modified grassland given the species listed and intensive historical management described in the email received on 19<sup>th</sup> June. The key to botanical enhancement states that if the sward is dominated by aggressive species such as: creeping buttercup, soft brome, white clover and Yorkshire fog, it may be effective to remove the sward and reassess the soils in 2-5 year's time. The Other Neutral Grassland in question does have Yorkshire Fog as a dominant species, therefore we can assume that, if the sward is removed, it will be at least another 2 years before the soils may reach a condition in which they can be botanically enhanced. Further to this, the response above details that the soils have been subject to intensive management that will have increased the fertility of the soil and this is likely to have made conditions unsuitable to support Other Neutral Grassland in good condition.

We have no detail on how the ground will be prepared to ensure that the time to target condition of 10 years applied automatically will be met. Assuming, based on the detail supplied regarding former intensive management and fertilizer application and without evidence to the contrary, that the soils are suboptimal for other neutral grassland in good condition, it is assumed that to reach target condition, soil conditions will be made suitable (and soil fertility reduced) to support this habitat. No detail has been given into how this will be achieved and there has been no delay added in time to reach target condition. A [Penny Anderson Associates presentation for CIEEM](#) on grassland creation gave several options for reducing soil nutrients, you have not indicated that any of the suggestions will be taken but the slide show suggested that it will take 12 – 15 years to reduce soil nutrients by waiting alone – if no other method is used, this should be reflected in the delay function on the metric. Details of the seed mix used that will be suitable for the

soil type should be supplied – without a soil test, it will be difficult to be sure that the soil is suitable for the chosen seed mix, unless soil is being imported – the seed mix should also have an appropriate mix of species to pass condition assessment monitoring.

The [Natural England Document on grassland creation](#) gives advice regarding creating grassland. This should be used when creating a LEMP and HMMP.

The [SFI guidance](#) on managing priority habitat species rich grassland (p.339) also details how to create this habitat which requires soil testing.

Many of the guidelines recommend that soil testing is carried out as this helps determine the best course of ground preparation (e.g. top soil stripping, soil inversion, planting a ‘hungry’ crop such as Barley and sowing with Yellow Rattle) and appropriate seed mix for the soil which will ensure a greater chance of the habitat being successful and less chance of remedial action or enforcement.

The information provided regarding the history and current condition of the land strongly indicates that soils are likely to have fertility levels that may make creation of good condition neutral grassland difficult especially with an existing seed bank. The current botanical evidence suggests that the habitat is modified grassland rather than other neutral grassland as it has been classified and we require further evidence justifying why it has been classified as other neutral grassland. **We would prefer soil test carried out to show that any suggested ground preparation, habitat management and the seed mix are appropriate. If the soil is being inverted or top soil stripped or changed in any way, a soil test should be carried out after this has been done to ensure that the soil conditions are suitable for the chosen seed mix, or a suitable seed mix chosen dependent of the results of the soil test. This should be incorporated into the LEMP / HMMP. If a soil test is not carried out to show ground conditions are suitable and the chosen seed mix is appropriate, then methods would need to be used to show that other neutral grassland in good condition can be achieved and evidence provided to show that this will work.**

As detailed in our previous response, if the Other Neutral Grassland does not reach good condition, a 10% BNG will not be achieved – moderate condition will result in a loss of 2.29%. The LEMP and HMMP should show how at least 10% BNG will be achieved. It is important that the HMMP and LEMP demonstrate that 10% BNG can be achieved as [government guidance](#) for LPAs entering legal agreements states ‘*LPAs and responsible bodies should not enter into an agreement if they do not think the landowner will meet their obligations*’. Therefore, before securing the monitoring and management with a S106 or condition, the LPA needs to be sure that the landowner will deliver the 10% BNG and achieving Other Neutral Grassland in good condition is critical for this. The HMMP should be based on or use the Natural England template and include targets with associated timings and remedial measures.

Regarding the s106 agreement this is a legal agreement between the LPA and yourselves as the applicants, it used to legally secure significant onsite enhancements. Most LPAs are producing BNG s106 agreement templates for applicants to use so that might be a conversation best had with your planning officer.

The Senior Planning Officer and Head of Development Services have been consulted on this and we have been told that a S106 will be used to secure the significant onsite habitats. We are awaiting further detail.

## Comments on Further Documents Supplied:

### Documents Supplied:

- CPFB-100 D Plans as Proposed (bird, bat and bee boxes added to elevations)
- CPFB-101 F Site Block Plan as Proposed (revised annotation on nest boxes)
- CFBC-LP B Location Plan (revised location plan redline to accord with BNG site plan)
- Invasive Species Method Statement

### CFBC-LP B Location Plan (revised location plan redline to accord with BNG site plan)

This now matches the red line boundary in the BNG report. Please update the BNG report to include either the new site block plan or this version of the location plan – currently the maps in the report have different red line boundaries.

### CPFB-100 D Plans as Proposed (bird, bat and bee boxes added to elevations) and CPFB-101 F Site Block Plan as Proposed (revised annotation on nest boxes)

The proposed locations of the bat and bird boxes and bee bricks are largely acceptable, any further manufacturer recommendations should be followed when fitting the boxes. There is one comment regarding the Swallow nest cup. The Swallow nest is on the west elevation, so is facing west which is not ideal as it will be subject to prevailing wind and rain which usually comes from the west, it may also heat up on the midday sun. It is recommended that bird boxes face north or east to avoid this. As other boxes have been placed on the north and east elevations, it is assumed that this is on the west to avoid over crowding. If it is possible to place this nest in an enclosed but accessible space such as a porch, outbuilding or garage, this would be preferable but we appreciate this may not be possible. Please note that there should be at least 6cm free space above the Swallow nest cup.

The tree nest boxes recommended in the PEA are not included in this plan (for obvious reasons), therefore these have been added to the biodiversity enhancement conditions.

## Invasive Species Method Statement

The invasive species method statement is for Himalayan Balsam. The PEA stated *‘Himalayan balsam and Japanese knotweed were identified on the site, which is listed as an invasive, non-native species under Schedule 9 of the Wildlife and Countryside Act 1981.’* and *‘An invasive species management plan will be required to control and/or eradicate Japanese knotweed.’* The request was for a method statement for both of these species and only one has been supplied for Himalayan Balsam. Please provide a method statement for the control of Japanese Knotweed. This can be a pre-commencement condition.

The supplied invasive species method statement states that *‘The works will be undertaken in compliance with Environment Agency guidelines, the Wildlife and Countryside Act 1981, and relevant best practices to prevent further spread and ensure environmental and human health protection.’* It is assumed that this includes the following (as detailed in [gov.uk guidance from DEFRA and the Environment Agency](#)), although this is not included in the method statement:

### *‘Burn plants*

*If you want to burn plant material at the site where it’s growing after you remove it, you must:*

- [get a burning waste in the open exemption](#) (a D7 exemption)
- follow local byelaws and not cause a nuisance
- follow the conditions set out in the [treatment and disposal of non-native plants: RPS 178](#) guidance when you bury ash or any remaining plant material on site, or dispose of it at a permitted landfill site’

The method statement does not mention RPS178 guidance or include detail to show that it is fully being complied with but again we have assumed that the statement at the top of the document covers this.

There is no need for a condition regarding a method statement for Himalayan Balsam as the method statement has been supplied. This should be referenced in the CEMP.

## Conditions

### Pre-commencement Conditions

A Construction Environment Management Plan (CEMP) should ensure best practice measures are implemented to minimise the possibility of pollution during construction affecting nearby deciduous woodland. The CEMP should adhere to measures in the invasive species plans.

Bat a sensitive lighting scheme should be designed and approved by a suitably qualified Ecologist for during and post construction. This should take into account the location of the bat boxes. This should be a pre-commencement condition.

To avoid disturbance or harm to protected species, a precautionary method statement should be provided as a pre-commencement condition. This will provide measures for protected species including amphibians, hedgehogs, reptiles and nesting birds as detailed in the 2022 PEA, partially mentioned in the 2024 PEA (recommendations for *amphibians, hedgehogs*) and our previous comments.

The provision of an invasive species management plan to control and/or eradicate Japanese knotweed.

## Conditions

The following biodiversity enhancements should be secured with a condition:

- Planting fruit bearing trees and species-rich grassland to increase foraging opportunities.
- Creation of brash piles or installation of hedgehog houses in shady areas.
- Installation of gaps under boundary fencing to enable hedgehogs to move freely through the site
- The provision of native wildflowers or wildflower turf
- Any trees planted should be native species of local provenance.
- At least one hibernaculum for amphibians should be created using rubble and logs from site clearance following the instructions in th 2024 PEA and PRA.
- The provision of Schwegler 1B Nest Boxes and Schwegler 2H Robin Boxes on trees.

A condition on the installation of lighting as detailed the sensitive lighting strategy.

Condition for evidence that the bird and bat boxes and bee bricks have been installed as per the plans provided.

S106 / Condition securing the management and monitoring of BNG. Further detail given in our previous responses and above.

Condition for the approval of the HMMP – this should be approved alongside the biodiversity gain plan (which is part of the Biodiversity Gain Condition).