

# Land off Rownall Road SWT Comments

**Date:** 12.08.2026

**Application Reference:** SMD/2026/0050

**Location:** Land Off , Rownall Road , Wetley Rocks , Staffordshire ,

**Proposed Development:** Engineering works for agricultural land improvement

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.

Documents Viewed:

- Application form
- Ecological Appraisal- Evergreen Ecology, February 2026
- Planning Statement- Wharfe Rural Planning, February 2025
- Statutory BNG metric- Evergreen Ecology, February 2026

Summary: We recommend a **holding objection** until the following information is supplied and our comments are resolved:

- There should only be one red line boundary for the development. Provide an explanation as to why planning portal guidance has not been followed.
- The grassland survey is carried out at an appropriate time of year
- A MoRPh survey should be carried out on the watercourse as per BNG rules
- The results of the eNDA surveys on all ponds within 250m should be provided
- We have insufficient information to determine whether the Biodiversity Gain Condition is capable of being discharged. This will need to be determined by the planning case officer when making their decision.
- The minimum BNG validation criteria are not met as per [Biodiversity Net Gain Planning Practice Guidance](#). The application form should be updated.
- More detail should be provided on the pollution prevention measures that will be required to prevent runoff.
- The issue of degradation on the site should be resolved.

Please note that we will submit a more detailed planning response including other biodiversity comments once the issues stated above have been resolved. This may include planning conditions.

## Further detail

We have viewed aerial photographs, biological records from Staffordshire Ecological Record (SER), mapping on netgainstaffs and information on DEFRA's MAGIC map to inform our response. We have not visited the site

## Red Line Boundary

The planning portal states '*The red line boundary is a shape that identifies the main site for your application. There will only be one red line boundary.*

*Your red line boundary should include the entire site*'. Please justify why the site has been bisected by the stream.

## Application Form

### *Minimum Validation Requirements*

This application does not meet the following minimum validation requirements as stipulated in the [Biodiversity Net Gain Planning Practice Guidance](#):

- The date of the pre-development value incorrect, it should be either the date of the application or an earlier proposed date as agreed between the LPA and the person writing the net gain plan. If the date is earlier than the application date, evidence for the agreement of this date between the local authority and the individual who will be writing the Biodiversity Gain Plan should be provided. Alternatively use the application date.
- For example the date of the pre-development value is 2/2/26, but the date of the application form is 13/03/26. It is easiest if these dates are changed to be the same.

## BNG

### *Sub-optimal Timing of Grassland Survey*

The grassland was surveyed at a sub-optimal time of year for grassland surveys and many indicator species would not have been visible. Grassland should be surveyed between April and October by a very competent botanist but ideally between May and September prior to cuts or intensive grazing. The JNCC Phase 1 handbook (JNCC, revised 2016) recommends that grassland surveys are carried out in mid-summer. Please re-survey the grassland at a suitable time of year and when plants are identifiable – i.e. extremely dry conditions will dry out plants and may remove some of their identification features.

### *Is the BNG Condition Capable of being Discharged?*

BNG is a material consideration and we have insufficient information to consider whether the Biodiversity Gain Condition is capable of being discharged. To enable us to do this for this application, we require the following information:

### *Significant On-site Habitats*

- Soil test showing conditions are suitable for creation of grassland with the proposed creation and management measures
- Draft HMMP detailing management to create desired habitat, timings of when you would expect to see certain conditions and remedial measures for if things do not go to plan
- You may wish to submit a draft Biodiversity Gain Plan to provide evidence that the trading rules / net gain hierarchy etc have been met

A S106 will be needed to secure the monitoring of 30 years of management and monitoring after the development has finished. This needs to be agreed with the LPA prior to determination. This S106 agreement should either include the approval of the HMMP or this could be approved in a separate condition. Ideally this should include measures of success and remedial measures if things are not going to plan. We would need to see details of this to determine whether enough measures are in place to ensure that at least 10% BNG is delivered 30 years after development has finished.

We would recommend that you should consider whether the Biodiversity Gain Condition is capable of being discharged when creating the HMMP, as, if the Biodiversity Gain Condition cannot be discharged and changes need to be made to any plans, the HMMP may need to be adjusted to accommodate this.

### PEA

The PEA recommends reasonable precautions which would be adequate to avoid harm to these species.

### Watercourse

A MoRPh survey has not been carried out on the watercourse on the site. Any development taking place within 10m of a watercourse requires a MoRPh survey and subsequent 10% uplift in BNG units. Please carry out a MoRPh survey or give detail why this is not needed.

### Degradation

Looking at google earth images it appears that clear felling of approximately 3,000m<sup>2</sup> woodland has taken place along the watercourse according the UKHab definition of woodland, this is more extensive than clearing a ditch as detailed in the PEA and should be classed as degradation using the precautionary principle, as per the BNG user guide, unless other evidence can be provided.

## Great Crested Newts

The PEA has requested that all ponds within 250m of the site have eDNA testing carried out on them to determine the presence or absence of GCN. The results of these tests will determine if RAM's and precautionary working methods are required. Please can the results of the eDNA be shared.

## Note on Requiring Protected Species Surveys

Planning permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2021), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017 (as amended). The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

*"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations before permission is granted."*

## Impact Risk Zones for SBI

As stated in the PEA the development has the potential to impact The Rookery SBI through the connected watercourse. The land improvement scheme works involves the deposition of soil and clay which has the potential to indirectly impact upon the SBI through nutrient enrichment, sedimentation and water quality.

Please provide details of the pollution prevention measures through EA guidelines or best practise farming that will be employed, for 30 years or the lifetime of the development if this is longer. This should additionally be detailed in the HMMP.

## Invasive Species

Himalayan Balsam is present on the site, this is a Schedule 9 species, and it is an offence to allow the spread of this species. Steps should be taken to eradicate it from the site.

## Conditions

If the application is approved we would recommend that this is subject to the following conditions.

### Reasonable Avoidance Measures

A reasonable avoidance statement should be provided for amphibians, reptiles, badgers and hedgehogs detailing Reasonable Avoidance Measures (RAMs) for these during any further ground clearance works and construction and be included in the CEMP if applicable. These should be in line with the recommendations in the PEAs and BS42020:2013 Biodiversity – code of practice for planning and development. This should include instructions detailing what should be done if a protected species is encountered and measures to avoid entrapment of mammals during construction works. A provision should be made for construction personnel sign to say that they have read, understood and will adhere to this.

*Reason: to comply with wildlife legislation including the Wildlife and Countryside Act 1981 (as amended), Biodiversity Duty (NERC Act Section 40), NPPF and local plan policy NE1.*

### Invasive Non-Native species management plan

Prior to the commencement of development, an invasive non-native species management plan shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Himalayan Balsam on site. The measures shall be carried out strictly in accordance with the approved scheme.

*Reason: To ensure that the spread of invasive non-native species is controlled in accordance with the Wildlife and Countryside Act 1981 (as amended).*

### Habitat Management and Monitoring Plan (HMMP)

The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), has been submitted to, and approved in writing by, the local planning authority. This should be prepared in accordance with the approved Biodiversity Gain Plan using the Natural England template or if the Natural England template is not used, the Natural England checklist 2.0 should be used to ensure all relevant information is included. HMMPs should include:

- a non-technical summary;
- the roles and responsibilities of the people or organisation(s) delivering the [HMMP];

- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- Demonstration of at least the next 30 years or the lifetime of the development pollution prevention measures
- Targets for each monitoring report
- Details of what shall be included in monitoring reports along with remedial measures and when these will be put in place if targets are not being met
- A risk register

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP, and monitoring reports shall be submitted to Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

*Reason: To ensure mandatory biodiversity net gain is delivered as part of the development, in accordance with the requirements of Schedule 7a of the Town and Country Planning Act 1990 (as amended), local plan policy NE1, the National Planning Policy Framework (NPPF) and the national design guide.*