



Via email
11 August 2017

Dear Emily Summers

Application No: P/2017/00740
Development: Erection of a detached building to form new scout hut, widening of main entrance, formation of access, car park and erection of brick retaining walls
Location: Albury Hut (Scouts) Stapenhill Road Burton upon Trent Staffordshire DE15 9AE
Grid reference: SK256225
Area of site: 3.82 hectares

The Wolseley Centre
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Thank you for consulting Staffordshire Wildlife Trust (SWT) on the above application.

POLICY and REGULATION

National Planning Policy Framework

Guidance relating to biodiversity within planning and planning decisions includes the following paragraphs:

9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):.....

- moving from a net loss of bio-diversity to achieving net gains for nature;

109.

The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.....

Chairman
Richard Higgs
Chief Executive
Julian Woolford

Registered Charity No. 259558
Limited Company No. 959609
Registered Office: The Wolseley
Centre
Wolseley Bridge, Stafford, ST17 0WT



Working for a Living Landscape

111. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.....

118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

This application would appear to comply/ not to comply with the NPPF in terms of impacts to ancient woodland, and a likely result in a net loss of biodiversity.

ECOLOGY

Issues with Documents

The application form fails to report that there are protected and priority species and designated sites, important habitats or other biodiversity features on the site.

The Preliminary Ecological Appraisal January 2017 by RPS Environmental Management Ltd (PEA) does not cover the whole application site, as the access road and the area of trees proposed to be felled near the entrance have not been included. The map provided does not clearly show which area was surveyed, and where the Ancient Woodland is located in relation to the site.

Wider Ecological Network

Biodiversity Strategies and Large-scale Landscape Projects

Staffordshire Biodiversity Action Plan- The site is within the Urban Ecosystem Action Plan area. It does not appear to contribute to the conservation of priority habitats and species targeted for enhancement in this area.

The site is within the National Forest project area, and will need to comply with National Forest SPD and tree planting / habitat creation guidelines.

The site is within the Transforming the Trent Valley Landscape Partnership area, which is aiming to enhance biodiversity, landscape and heritage along the Trent Valley. <http://www.staffs-wildlife.org.uk/TTTV>

Designated Wildlife Sites

Statutory Wildlife Sites

Scalpclyff Hill is a Local Nature Reserve (LNR). While this is mentioned in the PEA, there is no indication that the consultants have considered the management objectives for the LNR, which include protecting the local badger population, and woodland management. The issue of potential increased visitor pressure is also not addressed or any mitigation proposed. The Proposals do not appear to contribute to the positive management of the LNR.

Local Wildlife Sites (LWS)

Scalpclyff Hill is also a Local Wildlife Site (LWS). The PEA mentions this but it does not appear that the LWS report, species list or and habitat map has been obtained from Staffordshire Ecological Record to inform impact assessment or mitigation requirements. The LWS was last surveyed by SWT in 2004, and previously in 1997. Several ancient woodland indicator ground flora species have been recorded within the woodland such as bluebell, enchanter's-nightshade and dog's mercury. The habitat survey was conducted in December, which is not appropriate for woodland survey, as most important flora species will not be visible. It is not possible to assess woodland ground flora accurately in winter. The bare ground recorded is unlikely to be bare in spring/ summer, and should the application be pursued, a survey of any areas affected would be required between April and June. The proposals would impact habitats with no mitigation, and would not serve to enhance the habitats for which the area is designated. The first step in the mitigation hierarchy, avoidance, also needs to be considered, in line with the NPPF:

'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;'

HABITATS

Irreplaceable Habitats

Ancient Woodland and Veteran Trees

It is difficult to determine from the plans exactly how far into the ancient woodland the proposals would be situated, as the boundary is not marked on the plans. However it is clear that the boundary of the proposal site and the ancient woodland overlap, and this would cause impacts both direct and indirect to the woodland. We fully support the comments of the Woodland Trust in their letter of 3rd August 2017. No development should be proposed within 15m of the ancient woodland, and loss of any veteran trees must be avoided. Sympathetic planting and management of surrounding areas should be part of any plan.

Priority Habitats (UK Habitats of Principal Importance for Conservation (NERC Act 2006) and Staffordshire BAP Habitats)

Lowland mixed deciduous woodland is a priority habitat under the NERC Act 2006 and is also a Staffordshire BAP Habitat.

Trees

The Arboricultural Impact Assessment June 2017 by RPS Group only covers part of the application site, and does not mention several of the trees reported in the PEA. It appears that a significant number of trees have been omitted from the report that would be lost. The access road area, where a number of trees are proposed to be felled, falls within a designated conservation area which has further tree protection requirements. The report also deals inadequately with impacts and the need to protect root zones, from the building itself, the car park, services excavations and soak away. We also understand from local residence that pre-clearance of the site before the tree survey has removed some mature trees. The impact to trees seems to have been underestimated, and there is no mitigation for this loss proposed.

SPECIES

European protected species (Habitats Regulations 2010)

If a European protected species will be affected and therefore a licence required for the development, the LPA must actively consider the 3 tests within the Habitat Regulations 2010, which is required for the LPA to have due regard to the Habitats Directive. Derivations from the regulations should only be permitted:

1. For the purpose of preserving public health or public safety, or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
2. Where there is no satisfactory alternative.
3. Where the proposed action is not be detrimental to the maintenance of the species concerned at a favourable conservation status in its natural range.

Therefore, actions to minimise impacts and avoid the need for a licence are preferable in the first instance. If impacts will occur, adequate information for the LPA to determine the above 3 points is required.

Bats (all)

There are existing records of two bat roosts, one a nursery colony, within 500m of the site, which are not reported in the data search. It has also been reported that a bat box 10m from site is used by bats. The woodland is likely to be a well-used foraging area for bats. The survey has not included inspection of all the trees proposed to be felled, for bat roosts. Given the type of habitat and the potential impacts from felling, lighting etc. we would also expect a brief bat activity survey to record bats using the area.

Great crested newt (GCN) (Also UK protected, NERC S41, Staffs BAP)

The PEA notes that the site provides potential terrestrial habitat for GCN, but that 'no water features with the potential to support breeding GCN were recorded within 500m of the site'. The survey appears to have failed to investigate the presence of garden ponds. Many ponds are not on OS maps, and any GCN assessment should always include investigation of residential gardens for ponds where these are within 250m, and where access can be gained. Older properties with large gardens can often be good habitat for GCN. Local residents have informed us that there are not only 2 small ponds/ water features adjacent the application boundary at the site of the demolished Albury House, but there are two ponds in the garden of 6 Clay Street (visible on Google maps) where newts of some species have been recorded, a pond in the garden 7 Clay Street, and one in the garden of 8 Clay Street. These are all within 250m of the site, and given there are many other properties bordering the LNR, there could well be other ponds of relevance. Identification of all ponds within 250m that are linked to the site should be carried out, their suitability for GCN assessed and if necessary presence/ absence surveys carried out if the need for a licence is determined.

UK protected species (Wildlife and Countryside Act 1981 as amended, Protection of Badgers Act 1992)

Badger (Protection of Badgers Act 1992)

Local residents report that there are more badger signs within the application site than reported in the PEA, including a possible burrow. The survey did not seek to locate the main sett which is recorded on the site, to determine how far away from the site this is, and if disturbance would be relevant. Pre-clearance appears to have exposed badger features to potential added disturbance.

Priority Species - Species of Principal Importance for Conservation in England (NERC Act 2006 Section 41) and Staffordshire Biodiversity Action Plan Species

Local authorities have a duty to consider species listed on the NERC S41 list, Staffordshire BAP and any local BAP, and they can be a material consideration. Several legally protected species are also priority species therefore we deal here with any species not already mentioned above.

Birds

The LNR/ LWS supports a large number of birds, many breeding, including several priority species and many listed on the RSPB Red list. Recently, Lesser Spotted Woodpecker (a priority species) has been recorded on the site, possibly nesting in one of the trees on the site to be removed. As priority species need to be conserved and habitat impacts mitigated, a breeding bird survey should be conducted to determine the presence of important bird species and ensure impacts are avoided or mitigated.

SUMMARY

Staffordshire Wildlife Trust submits an objection to the proposals, due to unacceptable impacts to a Local Nature Reserve, Local Wildlife Site, ancient woodland and veteran trees and the lack of sufficient information on protected and priority species potentially impacted.

Staffordshire Wildlife Trust would like to be kept informed of progress with this application, and receive details of the final permission/ refusal. The Trust would be pleased to assist in formulating any conditions or biodiversity advice on site. Please contact me if you have any queries regarding this response.

Regards,

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Planning and Conservation Officer

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