



Via email

13 February 2017

Dear Rachel Killeen,

Application No: 16/01101/FUL
Development: Demolition of existing buildings, erection of 97 houses and 2 bungalows, access, parking and amenity space
Location: Land Off Meadow Way Baldwins Gate Newcastle Under Lyme ST5 5LS
Grid reference: SJ798401
Area of site: 4.62 hectares

The Wolseley Centre
Wolseley Bridge
Stafford
ST17 0WT
Tel: 01889 880100
Fax: 01889 880101
info@staffs-wildlife.org.uk
www.staffs-wildlife.org.uk

Thank you for consulting Staffordshire Wildlife Trust (SWT) on the above application. We have viewed the following documents:

- Ecological Assessment December 2016 by Ecological Solutions
- Flood Risk Assessment and Drainage Strategy December 2016
- Planning Layout drwg BIR-5219_003_01 dated 24/11/16 Pegasus Design
- Supplementary information submitted by Natural England on 13th February 2017 including Review of Relict Mosses and their Suitability for Restoration Management Site Dossier: Chorlton Moss, Staffordshire (P252) Penny Anderson Associates for Natural England June 2008

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;*

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

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.....

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;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- 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 not to comply with the NPPF, as it would cause a net loss of biodiversity due to the loss of diverse habitats within the site, and would also result in loss or deterioration of an irreplaceable habitat. ###

ECOLOGY

Ecological Surveys

The Ecological Assessment has not used standard Phase 1 Habitat survey categories to describe the habitats, and the Ecological features plan does not constitute a Phase 1 Habitat plan as it does not use the habitat descriptions or mapping methods in the Joint Nature Conservation Committee (2010). Handbook for Phase 1 Habitat Survey – a Technique for Environmental Audit. Although the information does give a

sufficient picture of the basic habitats on the site, an amended plan should be sought for clarity, to ensure an accurate baseline is established.

Wider Ecological Network

Biodiversity Strategies

Staffordshire Biodiversity Action Plan:

The site is mostly within the Meres and Mosses Ecosystem Action Plan (EAP) area, and on the edge of the Wooded Quarter EAP. Priority habitats and species include in these areas are available here:

<http://www.sbap.org.uk/actionplan/index.php>

Biodiversity Opportunity Map for Newcastle Borough:

The area around Chorlton Moss, including the proposal site, is mapped as an opportunity area for Meres and Mosses, in terms of potential to restore and enhance wetland habitats.

Agri-environment Schemes

According to <http://www.magic.gov.uk>, land to the east of the proposal site is within an Entry Level plus Higher Level Stewardship scheme. The proposals should ensure that the aims of the management on this land are not compromised.

Designated Wildlife Sites

Statutory Wildlife Sites

Maer Pool SSSI is approximately 1.5km to the south-west. There would appear to be no direct or indirect impacts to this site.

Local Wildlife Sites (LWS)

Chorlton Moss Local Wildlife Site, reference number 73/99/98, is directly impacted by the proposals, with habitat proposed to be lost to a balancing pond on the north-eastern edge, and gardens along the eastern edge would appear to utilise a narrow strip of the LWS. This would not enhance the moss, as it is not part of the recommended restoration management listed in the restoration site dossier produced for the moss in 2008, provided by Natural England.

Chorlton Moss was last checked in 2006, and last fully assessed in 1998. The data on the site's flora, condition and the boundary of the designated area are therefore out-of-date, and a full re-survey and assessment is required to provide an accurate baseline for decision making.

Although the tree cover on most of the moss is thought to be causing the moss to dry out, anecdotal evidence from local residents suggests that water levels have been rising over the last 20-30 years, as surface water has appeared more in the surrounding fields, and marshy vegetation has expanded. This is also mentioned in

the site dossier provided by Natural England. Several areas of marshy grassland habitat are visible from photographs adjacent the current LWS boundary, and the results of the Ecological Assessment show areas of marshy grassland with some plant diversity within the proposal site itself.

In order to determine the current extent of the LWS, the site and suitable habitats adjacent it should be assessed using the Guidelines for the Selection of Sites of County Biological Importance in Staffordshire Version 4.03.02 (April 2015) available here http://www.staffs-ecology.org.uk/html2015/index.php?title=Site_Monitoring

Many areas of potentially high value habitat exist in Staffordshire that have not yet been assessed for LWS status, either through lack of funding or access restrictions. If potential high value habitats, identified through survey or other data, are to be impacted it is important to establish their status. The marshy grassland habitat on the site has potential to be of LWS quality. It may be classifiable as a diverse category of the National Vegetation Classification, and the Ecological Assessment lists several plant species within the grasslands that would 'score' towards the grassland LWS criteria. These areas require more detailed survey, listing all plant species present (this would require visits in spring and summer), with abundances of the species recorded using the DAFOR scale.

As one of only two raised bogs in Staffordshire, the moss is part of the wider network of Meres and Mosses, unique features of this area of the Midlands. We have attached some additional information on the landscape-scale conservation of these features, which explains the need to protect them not only from direct impacts, but to ensure the surrounding land and water catchments are managed in such a way that they may recover from degradation. While this is a long-term aim that would require liaison and co-operation with landowners in the wider landscape, specific proposals that directly, and indirectly, affect such sites need to either be avoided, or designed such that these wetlands are not only unharmed, but are able to be restored. We have also attached a plan showing the Functioning Ecological Unit (FEU) for the moss, and the methods used to determine this. The information provided by Natural England also provides more detailed and specific information for the moss, and the area which has potential to be restored.

We object to any development within, or indirectly affecting the FEU, and that a suitable buffer of complimentary habitat is retained beyond the FEU boundary. If the moss is to ever be restored as advised in the restoration site dossier, then the zone of potential hydrological influence would also need to be avoided.

HABITATS

Irreplaceable Habitats

Paragraph 118 of the NPPF states:

'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;'

Paragraph: 009 Reference ID: 8-009-20140306 of the Planning Practice Guidance states that:

'Relevant evidence in identifying and mapping local ecological networks includes: Areas of irreplaceable natural habitat such as ancient woodland or limestone pavement, the significance of which may be derived from habitat age, uniqueness, species diversity and/or the impossibilities of re-creation;'

Raised bogs are considered to be irreplaceable habitats, by virtue of the unique geological and hydrological conditions needed for their formation. Some diverse grasslands, especially those which rely on a certain hydrology or are of a great age, may also be considered irreplaceable if they are not able to be recreated in a human lifetime. This has not been highlighted by the Ecological Assessment.

We consider that the proposals, in their current design, will result in the loss or deterioration of part of the raised bog habitat, that, although in poor management condition currently, could be restored. As well as proposing a balancing pool within the bog habitat itself, the development would alter hydrology in the area, and destroy adjacent marshy grassland which forms a buffer of complimentary habitat around the moss. Removing or changing semi-natural habitats around the core wetland area would reduce its ability to support the species it contains at present. The proposed habitat compensation within the development design falls far short of that required to replace the wet areas that would be lost. The need for, and benefits of, the development in that location have not been shown to clearly outweigh this loss.

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

The hedgerows on the site, due to being mostly under-managed, are not 'intact' and so would probably not qualify as a Habitat of Principal Importance (HPI). However, the marshy grassland would qualify as Floodplain grazing marsh. The lowland raised bog within Chorlton Moss is also a HPI. Such habitats should be protected, enhanced, expanded and/ or replaced if lost, if the required gains are to be met nationally. The proposals would result in the loss of priority habitats, and this is not adequately mitigated by landscaping proposals.

Landscape Features of Major Importance for Wild Flora and Fauna (Article 10 Habitats Directive (92/43/EEC))

Features acting as corridors or stepping stones for wildlife between important sites; e.g. watercourses, railway lines, hedges, ponds, areas of rough grassland/ scrub etc.

[Article 10 asks member states to:

"endeavour, where necessary, in their land use planning and development policies, and with a view to improving the ecological coherence of the Natura 2000 network, to encourage the management of features of the landscape which are of major importance for wild fauna and flora."

It then goes on to mention some specific features which can contribute to that coherence:

"Such features are those which, by virtue of their linear and continuous structure or their function as stepping stones .are essential for the migration, dispersal and genetic exchange of wild species."]

Paragraph: 009 Reference ID: 8-009-20140306 of the Planning Practice Guidance states that:

'Relevant evidence in identifying and mapping local ecological networks includes: main landscape features which, due to their linear or continuous nature, are important for the migration, dispersal and genetic exchanges of plants and animals, including any potential for new habitat corridors to link any isolated sites that hold nature conservation value, and therefore improve species dispersal;'

The hedgerows and stream on the site all act as corridors for a range of wildlife, and the wet grassland, along with the moss itself, are a 'stepping stone' site for wetland wildlife within a more intensively farmed landscape. The development proposals do not preserve or strengthen ecological links.

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)

A number of buildings on the site are proposed to be demolished. The farm buildings were deemed to have low suitability for bats, although the 'active use' of the buildings is cited as one reason for this- this is incorrect, as most buildings used by bats are in regular use, and this is not an influencing factor on their presence. No description or photographs of the buildings are provided, as would be expected from a thorough bat survey, so it is not possible to judge the accuracy of the findings. From what can be seen via aerial photos and Google Streetview, the farm buildings appear to be of some age and at least some have brick and tile construction. The detached dwelling has a number of features that are known to provide potential bat

roosting sites. The report does not state whether the house and roof space was inspected internally and again, no photos are provided.

The current best practice guidelines for bat surveys, Bat Surveys: Good Practice Guidelines, 2nd edition 2012, by the Bat Conservation Trust, advises that various buildings should be subject to a bat survey, including:

- *agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams;*
- *buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water; within 200m of water and/or woodland*

It also recommends buildings assessed as having low suitability should still be given one emergence survey for bats.

Given the type of buildings, the proximity of waterbodies and woodland, and the many bat species recorded by the activity surveys, the likelihood of bats roosting in these buildings is higher than reported, and further inspections and emergence surveys are required. If other buildings adjacent the site will be cut off from habitats or impacted by lighting etc., these should also have bat surveys, in case a key roost is present that will be impacted by the development.

Tree surveys concluded there were no suitable roosting features present, which is reasonable given the age of the trees on site.

Activity surveys recorded six bat species on the site - Soprano Pipistrelle, Common Pipistrelle, Brown Long Eared, Noctule, Myotis Myotis sp. and Serotine. This is an unusually high number of species for a development site, and especially Serotine is very rarely recorded in Staffordshire. This would indicate that the habitat on and around the site is of good quality for bats, probably due to the presence of the moss, along with the other wetlands, ponds and marshy grassland in the area, and linking hedgerows. The development would impact on the favourability of the area for bats, changing the habitat and introducing more artificial light and disturbance.

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

The ecological Assessment appears to have located all relevant ponds within 500m of the site, including in gardens, but not all those mentioned are shown on the 'PLAN ECO3 Pond Locations' map. The ponds surveyed are also not labelled correctly or clearly, as apart from Pond 1, the other three are all marked Pond 2. A corrected plan should be sought.

Pond surveys and reptile searches did not find any GCN, so we are reasonably confident that they are unlikely to be present. Due to the presence of smooth newts and frogs in Pond 1 however, it is likely that common amphibians will move across or be present in long grass on the site, and so precautionary site clearance methods would be required as best practice.

Otter (Also UK protected, NERC S41, Staffs BAP)

Not considered by the ecology assessment, but habitat not suitable.

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

All wild nesting birds

All wild native birds are protected from killing, injuring, damage/ destruction of active nests and eggs. The Ecological Assessment makes correct recommendations regarding avoiding nesting birds.

Schedule 1 Birds

Birds listed on Schedule 1 of the Wildlife and Countryside Act 1985 (as amended) have additional protection for adults and young from *disturbance* while nesting. Depending on the species, habitats and the nature of construction work, this could affect birds some distance from the site. Birds such as Firecrest, Kingfisher and Marsh Warbler could have potential to nest within the moss as there are suitable habitats here, and nearby.

A survey of the site, and surroundings that could be subject to construction disturbance (including parts of the moss), is required to check for the presence of Schedule 1 birds.

Watervole (Also NERC S41, Staffs BAP)

Considered not present after surveys.

Reptiles (all) (Also NERC S41)

Grass Snake (Also Staffs BAP) has been previously recorded on Chorlton Moss in 1988. A reptile survey found no evidence of reptiles on the site

Badger (Protection of Badgers Act 1992)

Badger survey work did not find any setts on or immediately adjacent the site, although the distance covered from the site is not stated. Confirmation of the area searched should be obtained. It would appear, however, from the general lack of badger signs on the site, that this species is unlikely to cause an issue.

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

Dunnock was the only priority bird recorded during surveys; however a full breeding bird survey was not conducted. Song thrush, House Sparrow and Starling have also been recorded in the area, and the site would be suitable for a number of other priority species such as Bullfinch.

Due to the loss of habitat proposed, a breeding bird survey should be carried out.

Mammals

Hedgehog, Brown Hare and Polecat have been recorded nearby, and would be likely to use the site as part of their ranges. Harvest Mouse is also a possibility, as these nest in tall grasses and often favour wetland sites. The loss of habitat on the site would potentially affect these priority species,

Invertebrates

A number of scarce moths and butterflies have been recorded on Chorlton Moss, and the site could also be suitable for Argent and Sable moth as this is present on the Maer Hills. Other species would be likely to be present in the marshy grassland, as it is part of a larger mosaic of habitats. An invertebrate survey of all areas to be impacted should be provided.

Fungi, lichens, mosses

These groups were not covered in the Ecological Assessment, but as the fields within the site have been grazed and not ploughed for some time, there may be fungi interest, which is only apparent during the Autumn. Ideally, as part of the extended LWS assessment, the site should be visited at an appropriate season to record these groups.

HYDROLOGY

We oppose any development within a floodplain, unless impacts to the floodplain function are fully compensated and enhanced, and biodiversity gain is achieved. This would not be the case on this site. Culverting and loss of sections of the small watercourse on site is also not acceptable.

As outlined above, the hydrology of this area is key to effective restoration and conservation of Chorlton Moss, and any further impacts to the natural functioning of the water environment will erode further the health of the wetlands.

It would appear that the water table in the area has been changing, and the reasons for this whether it be the gradual blocking of former drains, or possibly leaks from another source, should be investigated. The presence of sewage pumping and treatment infrastructure nearby, as well as abstraction points in the wider area, may be having an effect. Adequate information from the relevant agencies and bodies should be sought to understand the hydrological issues further. Advice within Natural England's restoration dossier should be taken with regards to monitoring of water levels etc.

ACCESS AND COMMUNITY ISSUES

Natural England's Accessible Natural Greenspace Standards should be referred to, as there may be opportunities to provide in this area, a greater access to natural habitats for local residents, as long as nature conservation aims are also met.

SUMMARY

Staffordshire Wildlife Trust submits an objection to the proposals, due to the impacts to a Chorlton Moss Local Wildlife Site, irreplaceable habitats, priority habitats and species, and a lack of up-to-date and accurate information on the Local Wildlife Sites' condition and extent, as well as a number of species potentially affected.

We advise the following are sought:

Before determination –

Information:

- A. Amended Phase 1 Habitat plan, accurate and corrected Pond Locations plan.
- B. Assess whether proposals will impact on adjacent environmental stewardship scheme
- C. Re-survey and assessment of Chorlton Moss LWS, along with land adjacent supporting higher value habitats, at appropriate times for flora and fungi, to update the Local Wildlife Site survey information and boundary as necessary.
- D. Evidence for the need for, and benefits of, the development in this location that clearly outweigh the loss of irreplaceable habitat (raised bog)
- E. Emergence bat surveys on all buildings to be demolished, following guidelines in Bat Surveys: Good Practice Guidelines, 2nd edition 2012
- F. A breeding bird survey of the site, plus survey of surroundings that could be subject to construction disturbance for Schedule 1 birds
- G. Invertebrate survey of all areas to be impacted
- H. Further information and monitoring of the areas hydrology

Changes:

- I. Plans amended to avoid impacting the Functioning Ecological Unit of Chorlton Moss and provide an adequate buffer to this.
- J. Provision of replacement wet grassland habitat of the same area and quality of any proposed to be lost.
- K. Avoidance of floodplain areas, and any loss of watercourse habitat.

Secured through conditions should permission be given in future –

- A. Ecological Management Plan to include measures to protect, replace, enhance, manage and monitor important habitats and species. To include method statements to avoid/ reduce impacts to relevant protected and priority species.

Secured on land off-site through a S106 agreement should permission be given –

- B. Management plan for Chorlton Moss LWS, following Natural England advice and other specialist advice as necessary. Completion of a proportion of this plan as mitigation for any development, commensurate with the amount of mitigation required.

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,

Kate Dewey BSc (Hons) MCIEEM

Planning and Conservation Officer

Direct dial 01889 880122

E-mail k.dewey@staffs-wildlife.org.uk