

Via email

30 August 2017



Dear Four Ashes Limited,

**Application No:** Our ref: 17 WM interchange S2  
**Development:** Strategic Rail Freight Interchange, Stage 2 Consultation - draft Environmental Statement  
**Location:** Land west of Junction 12 of the M6, South Staffordshire  
**Grid reference:** SJ920097  
**Area of site:** 297 hectares

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Thank you for consulting Staffordshire Wildlife Trust (SWT) on the above consultation, received on 10/07/2017.

We comment here on mainly issues affecting ecology, and therefore Section 10 of the draft ES. However, we have appended further notes on other sections that may be useful in improving the final ES.

## **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

**Chairman**  
Richard Higgs  
**Chief Executive**  
Julian Woolford

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Working for a Living Landscape

in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.....

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;
- 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, as there would appear to be a residual net loss of biodiversity value on the site, with many identified impacts not fully mitigated or compensated for. It is recognised that further ecology survey work and assessment needs to be completed, but so far there is significant harm predicted to several habitats and species. Further effort required to avoid, minimize, mitigate and compensate for these, as well as to provide net enhancement for biodiversity gain.

## **WIDER ECOLOGICAL NETWORK**

### **Staffordshire Biodiversity Action Plan**

The site is within the Central Farmland Ecosystem Action Plan (EAP) area, where priority habitats include Hedgerows, Arable Field Margins, Rivers, Ponds Lakes and Canals, Lowland dry acid grassland and Lowland meadow. Species include several farmland birds such as Lapwing and Yellow Wagtail, Brown Hare, Otter, bats and Polecat.

It is bordered on the western side by the Southern Parklands EAP, so priorities for this area may be appropriate - parklands (mature trees within species-rich grassland) are compatible with recreational use.

It is not clear whether the proposed new habitat creation will be of priority habitat quality, or will contribute to BAP targets.

## **Agri-environment Schemes**

According to <http://www.magic.gov.uk> an Entry Level Environmental Stewardship scheme is in place at Somerford Home Farm of 682.11ha, which started in 2013 and is due to end in 2023 if fully continued, and includes parts of the development site to the west of the rail line, and to the south-west of Woodside Farm. The large section between the rail line and the A449 will be lost and the majority of the southern portion also. Some areas of the site are also under Woodland Grant Schemes 1 and 2.

The ES has considered that in the absence of development, existing land management and farming practices would persist, but has not considered the potential increases in habitat value due to stewardship, or the effect of the scheme ending.

## **Methods used and Presentation of the draft Environmental Statement (ES)**

### Presentation

The ecological surveys undertaken in support of this environmental statement have been undertaken in accordance with current guidelines and adapted where necessary. However, the presentation of this information is difficult and time consuming to evaluate. It is difficult to find information as it is spread out over several appendices which are not numbered or included in the contents page. Various plans showing landscape/ habitat features are also not consistent with each other.

At the start of the ecology chapter, it outlines three separate appendices where essential information is located. The website does not contain a contents page that details the information provided by each volume making finding individual baseline reports arduous. It would be simpler if there were a dedicated Appendix covering ecological issues in the final draft with clear separation between each survey and the appropriate figures and survey sheets attached to the correct survey. The main ES contents page does not include any details of the appendices that are to be read in conjunction with main ES and in combination with the lack of a contents page on the website means every report needs to be opened in order to trawl through and find the details, which severely hampers the review process.

The CIEEM guidelines also state that the authors of an ECIA must –

- produce a clear summary of the residual impacts and the significance of their effects following incorporation of avoidance and mitigation measures;
- consider the implications of significant effects on the features of interest in accordance with planning policies and legislation;

The final EcIA report (or for EIAs, the Environmental (Impact) Statement) should clearly set out all the ecological information necessary for a robust decision to be made. Key aspects include a description of the following:

- ecological baseline and trends if the project were not to go ahead;
- criteria used to evaluate ecological features;
- criteria used to assess the significance of impacts of the project;
- justification of methods used;

- the identification of likely impacts (positive and negative) on ecological features together with an explanation of the significance of their effects;
- mitigation, compensation and enhancement measures;
- legal and policy consequences;
- a note of any key data that were unavailable or missing; and
- a presentation of any analytical techniques used and the analysis itself.

The approach to assessing impacts in this ES also differs from the recommended ECIA guidelines making it difficult to review the information without trawling through numerous sections, a table outlining a summary of the impacts upon each receptor would enable a more practicable approach. It is therefore recommended that the final draft of this document be compiled in line with the CIEEM guidance.

Work is needed to bring information together clearly. The final ES needs to be produced to a significantly better standard than that presented here, given the importance of this project and its potential impact on the environment.

### Cumulative impacts

As with many assessments, the draft ES only includes other proposed or permitted developments nearby as cumulative impacts, when ALL cumulative impacts on receptors should be considered. This could include climate change, wider species and habitat trends, existing air/ water pollution burden, water abstraction, land use changes, ongoing habitat fragmentation, etc.

### Site Selection

The alternative sites assessment document outlines the reasons why this site has been selected. The report seems contradictory in its approach; London is supported by only two SRFI, whilst there is a significant concentration of SRFI spread over the East and West Midlands. Is there a distinct need for more SRFI in this location?

NPS rail criteria for SRFI clearly states that capacity needs to be provided at a wide range of locations, however this site is located only 23 - 30 miles west of Birch Coppice and Hams Hall SRFI. Section 3.1.7 states that there is a significant gap between these sites and the SRFI in the northwest, but this fails to take account of the proposed site at Etwall only 30 miles from Four Ashes. The Four Ashes site is within the green belt and would therefore be inappropriate development. The recent case for the Goodman site on the A4 won on appeal based on the compelling need for an expanded network of SRFI around London. The Four Ashes site is clearly within close proximity to at least two existing SRFI, so it is difficult to see why this site would meet the criteria of very special circumstances outlined by the courts in the Goodman case. The location at Four Ashes would mean that a large proportion of secondary movements of road goods to service sites in the northwest would add to the already congested M6, and would likely be better served by a SRFI located in the northwest, for example at Crewe or more centrally along the M6 route south of Stoke.

## Additional Surveys

Section 10.36 of the ES states that there a number of additional baseline surveys to be undertaken in 2017, the results of which are not yet available, these include –

- Bat activity surveys – including emergence, re-entry and back tracking surveys,
- Water vole and otter surveys,
- Breeding bird surveys,
- Invertebrate surveys,
- Hedgerow surveys, and
- Reptile surveys.

Table 10.36 does not identify which of the surveys are ongoing and therefore where results are incomplete (Calf Heath Quarry? Land south of Vicarage Road?), it would be helpful if this information was added at the time of writing in order to clarify.

It is essential that the results of these surveys are factored into the design process, mitigation/compensation works need to be provided appropriately in order to reduce the levels of predicted negative impacts. At this stage, it appears the results of the surveys are immaterial as the design of the site is largely adopted. The results of these surveys should be made available to consultees at the earliest opportunity to enable further comments. These results, and any changes to impacts and mitigation, need to be assessed before final conclusions can be made.

## **DESIGNATED WILDLIFE SITES**

### Statutory Wildlife Sites

Impacts of increased traffic emissions from the A5 on Belvide Reservoir SSSI are being considered, however this is not the case for Cannock Extension Canal SAC/SSSI, or Chasewater and The Southern Staffordshire Coalfield Heaths SSSI that are also adjacent to the A5. Stowe Pool and Walk Mill Clay Pit SSSI is also within 500m of the A5. The air chapter is incomplete and is awaiting the results of the AQA, this will need to be included within the Final ES, this report needs to model both impacts during construction and operation phases given the levels of increased vehicle movements.

Gailey Reservoirs, may have potential to be designated as a SSSI. It supports a large heronry which has been present for at least 200 years and has been well studied (personal communication from a local bird expert). We understand further surveys if the reservoir are ongoing. Its potential regional or national importance should be considered via liaison with Natural England.

### Local Wildlife Sites (LWS)

Two Local Wildlife Sites, Gailey Reservoirs LWS and Calf Heath Bridge LWS are directly adjacent to the site. Some direct and indirect impacts are predicted, although no direct habitat loss from either.

As previously stated by SWT the proposed scheme should aim to include the following:

- Create at least one block of new or enhanced habitat that will attain Local Wildlife Site status.
- Extend the habitats around Calf Heath reservoir with complimentary habitats,
- Consider enhancement of nearby LWS as off –site compensation
- Provide Corridors and stepping stones within the site to link existing LWS.

### Potential LWSs

Many areas of potentially high value habitat exist 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 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](http://www.staffs-ecology.org.uk/html2015/index.php?title=Site_Monitoring)

Several habitats on site have potential to be of LWS quality and need to be assessed, including important/ borderline important and species-rich hedges, and possibly ponds. There is insufficient information on the quality and diversity of many of the habitats such as ponds and grassland areas, to judge their potential status.

The final ES should use the LWS criteria to assess habitats within the sites against any qualifying criteria, to evaluate if any of the habitats or species identified within the site, would attain LWS status, this a key element in assessing their value on a local level.

### **Geological Sites**

Four Ashes Pit SSSI (geology) is located 200 metres to the south of the site. This is a geological site in favourable condition. There would not appear to be any impacts to this site, although the draft ES does not consider this.

There are potential opportunities to create new geological exposures on the site, which would be positive for geology study as well as wildlife.

### **HABITATS**

#### **General Issues**

Presentation of survey data relating to habitats, hedgerows and trees especially makes it hard to judge the impacts. Better location information is needed for key habitats, such as the 11 'Important' and 6 'borderline important' hedgerows, veteran and late-mature trees, ponds and other habitat parcels; all need to be clearly labelled or numbered to cross-reference with the text.

It is not clear and consistent as to the habitats to be lost, and whether this is adequately compensated. Habitat loss and retention needs to be shown clearly in a table showing how impacts have been avoided, minimised, mitigated and compensated, and where there would be net enhancement.

Many of the estimates given in the ES chapter for habitat loss differ (total loss of woodland for example) making evaluation difficult, a single table outlining existing habitats and area, those lost during construction/clearance and those proposed as replacement needs to be included in the final ES. In table 10.9 woodland habitats are combined into one broad row, habitat assessment needs to follow the phase 1 habitat survey types to enable proper evaluation of loss and therefore mitigation to be known. It would also be useful to have one drawing that includes the habitat losses clearly outlined for example important hedges, veteran trees, these should be within the ecology section as well as the arboricultural assessment.

Habitat surveys undertaken in 2015 and 2016 were undertaken over the winter period which is considered a sub-optimal time to survey flora, as it misses many of the later flowering species, this can influence the results and largely underestimate the quality and diversity of both terrestrial and aquatic habitats. A single update visit was undertaken on 4<sup>th</sup> July 2016 to verify habitats on site. The baseline report states that DAFOR lists for each habitat were undertaken, however this information isn't presented in the habitat section, it is therefore not possible to judge the quality of the habitats identified against the Staffordshire LWS selection guidelines. Phase 1 habitat surveys provide a way of rapidly assessing the type of habitats on site and are suited to large scale sites, however they do not fully assess the quality of the habitat and lack detail on a local level scale. As stated previously habitats on site should be judged against the local site selection criteria to determine the value and function of these sites to the local environment, rather than be judged as typical examples of the broad habitat types.

### **Habitat No Net loss/ net gain**

In the future baseline assessment at 10.148, it is stated that the restoration plan for Calf Heath Quarry will be taken as the existing baseline for the purpose of the assessment. Agreed restoration, apart from agricultural fields, includes hedgerow restoration, woodland planting and creation of ponds and various other wildlife features. It is not clear how this has been factored in to the loss assessment.

Previous comments submitted by SWT recommended the inclusion biodiversity offsetting metrics to measure the overall value and areas of habitats on site pre and post construction, to enable layouts to be designed and to quantify the overall losses and/or gains in habitats, this is also in line with the CIEEM guidelines on ECIA which this document states has informed its structure. The current document does not include any metrics on the amount of habitat to be replaced it is therefore not possible to determine the overall impact of the development on habitats and species within the site.

We request that a biodiversity offsetting metric is used to quantitatively calculate the habitat compensation needed for each habitat type. Lichfield District Council have adopted an effective method that is used regularly. A deficit in habitat units would need to be addressed off-site.

## **Off-site impacts**

The following need to be considered in the final ES

- Damage to off-site habitats such as road verges during construction/operation
- Additional impacts from associated works e.g. pipeline diversions, borrow pits, spoil placement, services connections, road alterations.
- Increased air pollution, dust
- Hydrology changes

## **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 refers to: '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;'

### Ancient Woodland

No registered ancient woodland is present on site or adjacent, although many areas exist to the west. However it is not clear whether any work has been done to assess whether any small areas of ancient woodland under 2ha may be present on the site. Many areas of woodland on the site are shown on the 1884 OS map.

### Veteran Trees

4 out of 11 veteran trees are proposed to be lost, including the only black poplar on site (a Staffs BAP propriety species and one of the UK's most endangered native trees). 6 transitional trees would also be lost. It is not clear that this is unavoidable. The NPPF states that:

'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.'

In this case, it should be demonstrated that the need for the layout of the particular development features clearly outweighs the losses of each veteran tree. In many cases simple amendments can be made that do not significantly compromise the development function.

As recommended in the Arboricultural Assessment (Appendix 12.7) s.5.33 a Veteran Tree Management Programme should be included in the proposed EMMP. Propagation of black poplar, with or without the tree's loss, would be positive. Measures for mitigation of any unavoidable veteran and transitional tree loss in



s.5.37-5.41 of the Arboricultural Assessment, should also be included in the DCEMP and EMMP.

### Ancient Hedgerows

Some hedgerows, particularly 'Important' hedges may well be considered irreplaceable due to their age, uniqueness, species diversity and/or the impossibilities of re-creation. Heritage value is also a factor. Such hedges should be identified and retained in situ, unless the need for development outweighs the loss. All important / ancient hedgerow sections to be lost should be translocated.

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

The draft ES fails to clearly assess and identify which habitats on the site are priority habitats, as they are generally described only using Phase 1 habitat terminology. 10.11 explains that the National Policy Statement (NPS) for National Networks states that the ES should 'clearly set out any effects on ..... habitats and other species identified as being of principal importance for the conservation of biodiversity'. 10.27 states that 'The presence of Species and Habitats of Principal Importance is a material consideration for decision-makers'.

It is not clear whether any arable field margins on the site would meet Habitats of Principal Importance (HPI) criteria. Also a Traditional orchard is shown in MAGIC as being present at Calf Heath Farm, and is marked on old maps- this has not been confirmed? Would any areas qualify as Open mosaic habitats on previously developed land?

### Hedgerows

All native hedges are habitats of principal importance, and species-rich hedges are a Staffordshire BAP priority.

11 hedgerows on the site are considered 'important' under the Hedgerow Regulations 1997, with a further 6 considered 'borderline important'. This is a significant number, as hedges in Staffordshire rarely achieve this classification. There is inconsistency between documents as to the length of hedgerow to be lost. Avoidance, mitigation and compensation are not clear, and it appears likely there would be a net loss of hedgerows.

The hedgerow survey plan shows a large area of land between Vicarage Road, Woodland Lane and Straight Mile has not been surveyed, looking at the aerial imagery of this site there appears to be a number of hedgerows within this parcel of land, the report therefore is not complete and needs to incorporate this area into the assessment, hedgerow surveys are ongoing in 2017. The final ES needs to incorporate all this information into one document to enable the reader to easily understand the results of the survey. The results should also be accompanied by a suitable figure outlining the locations of the hedgerows, their value and those to be retained and those to be lost.

Again, the figures for hedgerow loss are not clear and differ among the ecology and arboricultural statements. Habitat loss needs to be clearly outlined at the assessment stage so that adequate mitigation and compensation can be designed into the scheme. The figures for loss are either 5.8km or 7.058km, at this stage of the ES it needs to be clear what the actual figures for removal will be.

The surveys undertaken so far have stated that 11 of the hedgerows surveyed were considered 'important' under the Hedgerows Regulations, which is a significant number given the relatively low percentage of hedgerows in this location that do not achieve this status, the hedgerow section in the ES and baseline survey downplays the significance of this by stating that 'only' eleven hedgerows surveyed were classed as important. Again, the use of the local sites criteria for assessing the hedgerows has not been undertaken, the final ES and hedgerow report should use the criteria outlined in the guidelines to assign value to the hedgerows. Hedgerows are extremely important connective habitats for wildlife and provide both cover, food resource and corridors of movement to the wider site, the assessment also needs to consider their intrinsic value rather than just their value under the regulations, such as the impact they will have on nesting birds.

It is not clear at this stage how the project will mitigate/compensate for such high losses of hedgerows, section 10.329 states the project will seek to create sufficient new hedgerows that there is a net increase in the length of hedgerows, any hedgerows created need to include native species of local provenance and should be supplemented by adequate sized trees to replace those to be lost, long term management of these features also needs to be undertaken. Hedgerow planting and design should be used to create green networks through the new site to link to important habitat areas both on and off site, this is especially important for bat species which use hedges to commute, lighting of these features needs to be managed appropriately and not all hedges should be created adjacent to roads or boundaries of new plots but should reflect the field patterns of the wider environment. Translocation of as many hedges to be lost as possible should be considered, as this would preserve some of their features, and provide more 'instant' habitat, connectivity and landscape structure.

### Ponds

No baseline data for any of the ponds is found within the ecology section, they have been surveyed for the presence/absence of GCN however there are no descriptions for the ponds or a simple location plan. It is therefore not clear if the ponds support aquatic plants, invertebrates or support fish or bird populations. Ponds are a priority habitat and listed on the local BAP, the final ES should therefore provide descriptions of the ponds recorded. Ponds are important features in the landscape for a wide range of species not just great crested newts and should not be discounted just because GCN are not present within them. Any of HPI or LWS standard need to be valued at the appropriate level.

### Lowland meadows, Lowland dry acid grassland

Semi-improved grassland on the site has been valued as Local importance, but there are no details e.g. species lists or DAFOR abundance data to determine whether any of the habitat qualifies as a HPI or SBAP priority habitat.

Whilst the creation of lowland meadows from poor quality farmland is welcomed, species will only benefit in the long term subject to active management of these habitats, given the development process is to take 15 years, funding for the proposed management of the landscapes within the site needs to be secured upfront.

### Lowland mixed deciduous woodland

Woodland losses are not clear or consistent between sections of the ES. Over 50% of existing woodland is proposed to be lost. The impact assessment should distinguish between different types of woodland as they have very different values.

The loss of the majority of Calf Heath Wood is a significant loss to local biodiversity and it is unlikely to be replaced with scattered planting of trees spread all over the site. Connectivity and patch size are also important- losses are not well balanced by smaller fragmented areas of planting that are less functional. The block of remaining woodland on the adjacent site to the west of building 3030 will be severely impacted by the habitat losses outlined in this ES. Mitigation for planning Ref 16/00498/FUL includes sustainable management of woodland and the installation of large numbers of bat and bird boxes. The remaining parcel of Calf Heath Wood would be isolated by new roads making connectivity for wildlife extremely difficult.

We advise larger blocks, better links, advanced planting and re-use of materials (brush, logs) and soils would increase new woodland function, maturity and value. The aim should be to create priority habitat/ LWS quality woodland. Consideration should be given to creating green bridges or hop overs where roads intersect important woodland corridors.

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

[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;

A major concern in the current site design is that important corridors are not retained, and the connectivity of habitats on the site is broken up with roads. Essential wildlife corridors, maintained or created, need to be part of the basis for the design. As well as layout amendments, features such as green bridges, wide underpasses and encouraging tree cover over smaller roads should be incorporated. At a landscape scale, there is a clear band of semi-natural habitats, many of them Local Wildlife Sites and priority habitats, running roughly east-west just beyond the southern boundary of the proposal site. There is a role for the site to play in strengthening habitat links between habitat at Gailey Reservoirs and this band, as the proposals will cause loss and disruption of habitats currently linking these areas. The Calf Heath Community Parks are well placed, however habitat links to the reservoirs are thin. Consideration should be given to opportunities outside of the site for mitigation that would help link wider ecological networks. Should off-site mitigation be added to the plan, providing habitat within this band to the south would be beneficial in terms of connectivity.

## **SPECIES**

Proposed protection and mitigation measures for species during construction are generally appropriate, but in some cases severely conflicted by deficiencies in the green infrastructure and phasing proposals. Operational impacts are not well addressed.

### **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)

Bat surveys are ongoing across the site and therefore the results and proposed mitigation cannot be properly assessed at this stage. Should significant roosts be found the layout of the scheme may need to be amended to accommodate for this.

So far it has been established that 11 species of bat use the site, of the 12 recorded in the county, and the bat assemblage has been evaluated as of District importance. There is inconsistency in reporting of impacts to the bat assemblage – a long term, permanent, adverse effect of major magnitude is predicted but at a local scale.

There will be very significant impacts on local bat populations due to actual and potential roost loss, extensive loss and severance of foraging habitat, but this has been under-estimated. Bat foraging corridors proposed to be retained are not the same as the key corridors identified in the bat survey report, so these may be ineffective. The existing key corridors will almost all be lost or severely compromised by road infrastructure. No corridors are to be retained between woodland and water bodies without severance and lighting from highways and other structures. The lighting strategy section 10 does not accord with the Technical Appendix 12.8 Lighting Strategy, as the required lighting for internal roads will make the proposed/ retained bat corridors unusable.

Two bat roosts will be lost and the viability of others will be affected, as identified commuting routes would be removed from retained roosts. The proposed bat boxes and roosting features need to link to foraging habitat, and all bat mitigation needs to be established and functioning before impacts occur, so that any displaced bats can adapt to them.

A Daubenton's bat population valued as of District importance roosts in Calf Heath Wood and forages along the canal. Habitat links between the wood and canal are key to the function of the bat colony, and would be severed by the proposed A449-A5 link road. Daubenton's roost abandonment is deemed to be likely, therefore more needs to be done to avoid impacts, and provide new foraging and roosting habitat in advance.

The site is important for a District value population of whiskered/Brandt's bats which are thought to be breeding on, or close to, the site. The local whiskered bat population is considered to be of District value. Calf Heath Wood is important for several bat species that require dark conditions and commute to and from the wood mainly to the south and south west. Commuting routes would be severed by roads and buildings and affected by lighting.

The transect surveys indicated that the quarry area and the land to the south of Vicarage Road have yet to be surveyed. Habitats within the quarry such as hedgerow, scattered trees and open water present valuable commuting and foraging habitats for bat species (Daubenton's) and these areas need particular attention, it is noted that a number of high and moderate value trees have been identified within this section any gaps in survey data need to be completed prior to submission, Section 4.6.45 states that limited access was made to the quarry during the bat surveys, therefore it is difficult to see how this area of the site has been properly assessed for bat usage, most bat detectors have a limited range and would be unlikely to pick up bats beyond 30 metres, if access was an issue it may have been more straightforward to increase the use of static bat detectors in accordance with the BCT 2016 guidelines. The lack of detailed survey data from this section of the site represents a gap in the results of the surveys making assessment unfeasible. This

lack of data may have underestimated the importance of the hedge line in the centre of the quarry running north to south which connects Calf Heath Reservoir woodlands to the wider site as it is not indicated as an important foraging route despite containing high and moderate value trees.

The applicant will need to meet the requirements of the three tests in order to obtain licences from Natural England to permit disturbance/destruction of bat roosts. As part of this work the applicant will also need to ensure that habitats for foraging/commuting linked to a wider network are available for bats. The proposed landscaping for the site includes commuting corridors for bats but these are different to the existing routes used by bats at the present time and will be under increased pressure from traffic and lighting. Whilst it may be possible to mitigate for the loss of individual roost sites, maintaining the long-term viability of the site for bats and to maintain the favourable conservation status of the species within the site will be more difficult to achieve. The majority of important habitats are to be fragmented by highways and development plans. Calf Heath Wood an important roosting site for a number of bat species will be surrounded by new roads, the applicant will therefore need to consider the use of appropriate structures to encourage bats into the wider landscape this may be achieved by the use of green bridges or hop-overs but the current plans include none of these features so it's difficult to see how foraging links will be maintained and how the development will avoid significant mortality risk from road traffic collisions.

Research has shown that woodland patches within 440 metres of bat roosts are important for foraging and a number of bat species are unlikely to travel further than this to forage, mitigation/compensation/enhancement should look to create woodland patches less than 440m apart within an increase of broadleaved woodland to 20% in the kilometre surrounding a bat roost. Figure 10.1.45 outlines the important corridors for bat movement within the site, these corridors need to be maintained and enhanced.

Given the proposed lengthy development timeframes it is likely that updated survey works will be required to constantly review the level of bat usage at the site and to inform licence applications for proposed development works. Tree felling works must be preceded by checks for bats and appropriate licencing where necessary.

There is a significant under-representation of impacts on bats. Bat use of the landscape will be severely compromised, and the proposed phasing would prevent effective delivery of bat mitigation.

The following recommendations are provided for bat works as part of the mitigation proposals for the site:

- A comprehensive bat mitigation plan is required. This must involve the creation of a new, connected landscape for bats, including well located new bat roost features, new foraging habitats and commuting corridors, prior to any impacts. Retention of Calf Heath Wood would avoid a great deal of impacts to bats.
- Comprehensive lighting strategy based on appropriate guidelines – to avoid lighting key crossing points and commuting and roosting areas for bats,
- Ongoing bat survey works and licencing.

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

A total of 35 ponds were identified within 500 metres of the site. The results of the GCN surveys indicate that the presence of GCN has been confirmed in one of the ponds (pond 16) through torchlight survey and bottle trapping. Seventeen of the ponds were tested for GCN EDNA, these surveys registered positive results for eleven of the ponds (6, 8, 14, 16, 17, 18, 21, 22, 23, 24 and 29)

There are inconsistencies between the text and maps in terms of ponds supporting GCN. The results are difficult to interpret from the structure of the baseline survey and convoluted, it would be much simpler to have one table with pond number, HSI score, EDNA result and traditional survey result, paragraph 4.1.26 has errors that need correcting before the final ES is produced, for example Pond 17 tested positive for EDNA but is included in table 4.1 of ponds with a negative EDNA result.

An application for an EPSL will be required to disturb GCN, mitigation areas need to be designed with sufficient terrestrial and aquatic habitats, these will need to be in place prior to works to allow new habitats to become established prior to trapping and translocation. Habitat design and layout should provide connectivity to a range of terrestrial habitats and a range of ponds. The applicant will need to demonstrate they can meet the three tests and maintain favourable conservation status of the species within the site in order to be granted a licence.

Given the number of roads proposed within the site, there is potential for a number of impacts to amphibians from traffic collision, raised kerbs prohibiting access and diverting animals into gully pots and fragmentation of migration routes between breeding ponds and terrestrial habitats. Amphibian-friendly road and drainage design needs to be specified across the site, such as tunnels, ponds, wildlife fencing and wildlife friendly kerbing as outlined in the DMRB.

According to Natural England data (MAGIC.gov) EPSL for GCN have been issued at the waste recovery site in 2011 and 2015, situated to the south of the proposed site.

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

There would be a residual permanent adverse impact on otters at a District scale, due to increased road mortality, not just as a result of new roads but also due to increased road vehicle movements on existing roads. This is not an acceptable level, and needs to be fully mitigated/ compensated. No measures are proposed to reduce mortality on existing roads- more work is needed on this to provide safe crossings. Surveys need to be undertaken to identify existing important crossing points for otters, in order to design mitigation proposals for both new and existing roads. The DMRB provides guidance on otters and road development. Any proposed new bridges or roads over existing watercourses should be designed with an appropriate mammal ledge to permit safe passage for animals beneath, fencing should be used to divert animals away from roads and towards these ledges where appropriate. Opportunities for mitigation on road crossings off-site should also be investigated, as well as potential habitat enhancements.

## **Other protected and Priority Species**

### Birds

The bird surveys undertaken to date have confirmed that the site is important for its assemblage of breeding and wintering farmland birds.

Table 18.1: Summary of Potential Effects of Proposed Development, Mitigation and Residual Effects states the impact on breeding farmland birds (which includes birds of conservation concern and priority species) will be permanent Significant Adverse at a County scale. The reported residual effect on water birds of a permanent Significant Positive at a Local scale is not enough to compensate for the County adverse effect on farmland birds.

Bird species of woodland, scrub, hedgerows and wetlands would be catered for in the green infrastructure design, but no mitigation is proposed for the loss of habitat to farmland birds. In general, these are species of open farmland and ground nesting species, the loss of farmland habitats through the phasing of works is likely to displace birds onto adjacent land thereby increasing pressure on existing populations.

The impact to priority farmland birds is a significant residual negative impact of this project and the mitigation proposed at this stage is insufficient. More work needs to be done in achieving no net loss and maintaining the existing levels of these declining species.

Section 10.358 provides details of managing habitats to emulate arable habitats to promote habitat creation for seed eating farmland birds, whilst this proposal is welcomed, more detail needs to be provided in the final ES on how this will be achieved and how it will be managed or funded. Specific mitigation for priority and red list species should be designed, for example consideration should be given to skylark plots in areas of grassland. WMBC estimate that the county number of breeding yellow wagtail is 55 pairs, the two pairs recorded here account for 3.6% of the county population of this species. The final ES needs to include a dedicated approach to reducing the impact of farmland bird species by providing specific mitigation and compensatory habitats.

Offsite mitigation, in the form of poorer quality land managed to increase its capacity for farmland birds, would be possibly the easiest compensation measure. A management agreement with a landowner in perpetuity to provide fallow areas or a range of arable/ grassland stewardship options for birds would be suitable. Green roofs would also help, but are more limited and potentially more expensive than land management. However they do have additional benefits for water management, visual amenity and building cooling which may make them an attractive option overall.

The EMMP should include procedures for managing nesting birds and site clearance works should avoid the main bird nesting season unless these works are supervised by a competent ornithologist. Proposals for bird boxes are welcomed, but securing these in the detailed design will be necessary.



### Reptiles (all) (Also NERC S41)

Section 10.34 states that reptiles are considered likely absent, or present in very low (undetectable) numbers, as such, reptiles are not considered further within this assessment other than to define mitigation to consider the event of reptiles being encountered in site clearance activities. The site to the west of building 3030 (Bericote Site) recorded a low population of common lizard during surveys for the ES planning ref 16/00498/FUL, the mitigation for these reptiles includes set up of a receptor site located immediately to the west of building 3010, which will severely impact the ability of reptiles to move out of this site, more sympathetic design of habitats on this boundary should be used within the current green infrastructure plan.

The site to the west (BMW) recorded a low population of common lizard during surveys for the ES planning ref 16/00498/FUL. A check should be made on this mitigation to establish where any reptiles were re-located to.

### Invertebrates

A number of notable invertebrate species were recorded during the surveys, including Ground nesting solitary bees and wasps – classed as an assemblage of local importance. Mitigation and compensation habitats should account for these species in their design.

### Badger

Section 10.245 of the ES states the following:

*One main sett, one annex sett and six outlying sets will require closure under licence to allow construction if active at the time – to be ascertained by pre-construction survey. The affected social group will be displaced to the area in the eastern extent of their existing territory. The feeding resource within their territory shall be spatially reduced but provisions will be made to increase food availability.*

Given the proposed phasing of the project and the ability of badger to create new setts in a short period of time a requirement for regular monitoring of badger activity across the site should be included as a component of the EMMP.

The predicted significant increased traffic mortality also needs to be mitigated with safe road crossing features. Badgers are extremely vulnerable to traffic collision, mitigation will require the use of appropriate habitat design to reduce the need for badgers to cross main roads, where this isn't possible the use of fencing to guide or prevent movement will be needed, tunnels may also be required where road crossings are essential – the DMRB provides guidance on badgers and roads.

Mitigation proposed is appropriate, but the effectiveness of this would be compromised by delivery of Calf Heath Community Park being well after the impacts to badgers occur. Public access to the proposed parks may increase pressure on badgers within these sites, the location of any artificial setts will need to be located in a safe location away from dog walkers or the general public, whilst urban

badgers become habituated to people and traffic, badgers are sensitive to disturbance.

### **Species - No Net loss/ net gain**

It is not clear how the predicted future baseline situation for species resulting from agreed restoration of Calf Heath Quarry, and the completion of wildlife features on the adjacent Bericote Development, has been considered.

An Ecological Mitigation and Management Plan (EMMP) will be prepared for both the construction and operational phases of the Proposed Development, this should be developed and approved prior to the DCO to enable it to be incorporated into the DCO, as per the guidelines the DCO should be used to secure mitigation. The EMMP should be prepared for each phase of development to reflect site conditions and guidance applicable at the specific time (to ensure any changes in baseline are adequately reflected) this needs to incorporate re-surveys of the site as the majority of species are highly mobile and conditions on site are likely to change. The EMMP should also include a mechanism for review and monitoring to ensure the goals outlined for the proposed green infrastructure network and habitat compensation are in order and allow for variation. The green infrastructure plan is poor and shows a number of small isolated habitats separated by roads and large warehouse buildings, with little connectivity between sections and therefore needs significant re-design in line with the findings and recommendations of the individual surveys.

Given the length of time proposed to develop the site and the proposed phasing of the works it is difficult to see how mitigation will be successfully achieved. Mitigation and replacement habitats need to be in place at the earliest possible stage to ensure these habitats are available when vegetation clearance elsewhere begins, the proposed phasing of the development means many of these measures will take years to be put in place. The phasing plan and the proposed green infrastructure network require further work to ensure they fully achieve the aims stated in the ES and supporting information. Sufficient controls need to be put in place that ensure mitigation/compensation is successfully in place prior to further phases of the site being opened up for development, leaving the development of the Calf Heath Community Park until phase 4-5 means that there is a potential risk of it never being undertaken, should the economic circumstances change for example.

### **Species – Off-site impacts**

- Damage to off-site habitats such as road verges during construction/ operation
- Additional impacts from associated works e.g. pipeline diversions, borrow pits, spoil placement, services connections, road alterations
- Increased air pollution, dust
- Hydrology changes
- Increased species collision mortality on roads/ railways

## **ACCESS AND COMMUNITY ISSUES**

Natural England's Accessible Natural Greenspace Standards should be considered. Parks should include Natural Play areas and shared space for children and young people

## **SUMMARY**

Staffordshire Wildlife Trust supports the comments made by The Staffordshire County Council's Principal Ecologist.

Although further information is being gathered and the full ES is yet to be produced, we object to the proposals in their current state, due to likely net loss of biodiversity, and the residual negative impacts to important habitats and species. There is also a lack of complete survey information, and incomplete valuation of some habitats, as well as inconsistencies in the impact assessment.

It is clear that if impacts to wildlife are to be avoided/ fully mitigated/ compensated, that changes to the layout and design are necessary, and off-site mitigation areas need to be seriously considered. We strongly recommend that a Biodiversity Action Plan is formulated for the site, to focus on protecting, enhancing and monitoring key habitats and species for the life of the development.

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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Appended: **Further notes on other sections of the draft ES**

## **Further notes on other sections of the draft ES**

The duration and phasing of the development makes it very difficult to understand the duration and significance of impacts on particular receptors and whether the proposed mitigation measures will be effective. There are also major information gaps in some chapters. Uncertainties regarding the future baseline are also problematic.

1.7 – the ES needs to be prepared in accordance with the Regulations obtaining at the time the application is submitted, so the applicant will need to demonstrate that this is the case.

1.25 – The description of the development needs to be consistent with that in the Planning Statement which places great emphasis on the regional (if not national) nature of the facility. While the overall site might be rail-served, the individual warehouses are not, so the description is misleading (and appears throughout the document).

1.26 – while accepting the role of the Planning Statement, it would surely be appropriate to state here that the bulk of the site is Green Belt and there are a number of conservation designations in the area (just as reference is made to SSSIs in 1.22).

2.17 – Obviously PINS will need to be convinced by the responses in Table 2.1. However it would not seem unreasonable to provide at least some broad brush estimates of the amounts of material which would need to be moved (as waste, to be either re-used on site or exported) to create the indicative development platforms, given that there is information available about site levels (existing and proposed) and the nature of the ground - see chapter 5. Similarly quantities of building materials could be estimated to inform decommissioning impacts and operational waste generation derived from similar existing sites – see 2.73 bullet 9. More justification needs to be provided as to why odour, smoke and steam can be scoped out than simply the results of a telephone conversation with the EHO.

2.27 – It would be worth noting the assumptions that have been made about the baseline in 2021.

2.54 – in the definition of minor, it should presumably read....”short term”.

3.1 – there is a lot of information in the Planning Statement concerning the development of the scheme and a cross reference here (and consistency check) would be helpful.

3.2 – nowhere in Chapters 3 or 4 is there any justification for the scale of warehousing to be attached to be built adjacent to the rail freight terminal, which is surely an important consideration given the large land take proposed and hence the scale of overall impact on the environment. The fact that the development is programmed to take place over a 15 year period suggests that the linkage is not critical.

3.14 – it would be worth noting the main environmental considerations which influenced the design.

4.11 – should the DCO be approved it will be critical that the consent sets out clearly the parameters for the development such that the environmental impacts are no worse than those assessed in the ES.

4.13 – the quantum of development is different from that stated elsewhere.

4.20 – given the length of time to achieve the full development, it will be critical to adopt a phasing strategy for mitigation to ensure that adverse impacts are mitigated as and when they occur.

4.51 - it would be worth noting here the voltages of the affected OHLs. See Chapter 5.

4.52 – has the electricity utility confirmed that this approach will be acceptable for all the OHLs? In general utility companies do not favour placing cables under roads as this causes more disturbance if maintenance/repair is required.

6.24 and Tables 6.4/5 – should be “magnitude of effect” as correctly described in Table 6.3. This is a common error found in other chapters, where reference is also made to “significance of effect” when “significance of impact” is correct.

6.43 - it would be worth noting there is no Grade 1 land on site.

6.81 – should make reference to the permanent loss of Grade 2 and 3a land noted as of major significance in Table 6.11. Earlier in the chapter it states that over 60% of the site is ranked best and most versatile.

Ch7 – noted that most of the assessment has yet to be carried out.

7.64 – there is an interaction here with the points made in 2.17. One must have an idea about the nature and quantities of materials being moved to undertake the dust dispersion assessment. Such assumptions need to be set out somewhere in the ES.

7.120 – is this for 2021 as noted elsewhere?

8.90 – trenching for undergrounding of OHLs should be mentioned.

9.303 – here and elsewhere in the ES construction impacts are described as temporary, yet Table 4.2 shows that construction could continue for 15 years (2020-2035) so one might well question whether this can reasonably be called temporary. If temporary equates to short term then five years is generally taken to be the criterion. This issue needs a thorough review.

9.421 – does not account for residential moorings.

Table 9.9 – very difficult to see how one could characterise the residual effect on the Canal as being negligible given the scale of development taking place on either side of it over a considerable length. The idea that through the development one could “improve the character, appearance, and interpretation of the heritage receptor” is quite implausible. In part this is because conservation areas are regarded as of low value because they are locally designated. One should not forget that this means that they are considered to have value at a local level. Given that individual canal buildings and structures are listed the overall value of the canal conservation area should be considered to be higher.

11.151 – the large extent of hard surfacing and the vehicle movements associated with the operation of the site (including rail vehicles) must increase the potential for contaminants such as diesel oil to affect groundwater and local soils. This needs to be assessed and appropriate mitigation put in place.

11.162 - says that “mitigation measures relating to the operational phase are only relevant for the rail terminal operation” which cannot be true.

11.167 – surely demolition works and the decommissioning of the site has the potential to release many different potential contaminants into the environment?

Ch12 – there appears to be no assessment of the potential benefits of removing the OHLs.

12.137 – raises concerns as to the effectiveness of the landscape and ecology mitigation.

12.410 – worth noting that 15 years post-completion means 2050!

12.423 – these are significant adverse effects. Generally this paragraph could do with a bit more clarification adding.

13.84 – see comment on 9.303.

13.96 – what about the future baseline 2021?

13.265 – is this the first time in the ES that this uncertainty has been mentioned? How important is it in terms of cumulative effects on all topic areas?

Ch14 – future baseline?

14.182 – inconsistent sizing.

14.185 – inconsistent construction programme

14.224 – Impact on canal related businesses is likely to be understated given the construction period of 15 years. This is likely to lead to boat owners moving their boats away from the area leading to a potentially significant loss of business to the marina etc.

Ch15 – noted that construction impacts still need to be assessed and the M6/M54 link issue addressed.

16.157 – see comment on 11.167

17.9 – this is quite an important section and presents an opportunity to clarify how the phasing is likely to affect receptors.