

**From:** Kate Dewey [mailto:[k.dewey@staffs-wildlife.org.uk](mailto:k.dewey@staffs-wildlife.org.uk)]  
**Sent:** 25 September 2014 17:45  
**To:** Planning Stafford  
**Cc:** Waller, William; Roy Leigh; Antony Muller  
**Subject:** FAO Sian Wright 14/20886/OUT Land Off Little Tixall Lane

**Application No:** 14/20886/OUT  
**Development:** Outline development of 77 houses (resubmission of 13/19532/OUT)  
**Location:** Land Off Little Tixall Lane Lichfield Road Great Haywood Stafford  
**Grid reference:** SK003225  
**Area of site:** 7.46 hectares

Staffordshire Wildlife Trust has been notified of this application by members of the public and would like to comment as there are nature conservation issues. We have viewed the following documents:

- Extended Phase 1 Habitat Survey dated 4th December 2013 by Leigh Ecology Ltd.
- Amphibian Survey dated 11 July 2013 by Leigh Ecology Ltd.
- Planning Proposals Site Layout 13L23WP04 dated 24 March 2014 by MBD Architects
- Design and Access Statement July 2014 by unknown author

## **HABITATS**

### **Wider Ecological Network**

#### **BIODIVERSITY ACTION PLAN PRIORITIES**

Staffordshire Biodiversity Action Plan- The site is within the Central Farmland Ecosystem Action Plan area, where priorities include reducing fragmentation of existing semi-natural habitats by linking sites through the creation of habitat corridors and networks using Hedgerows, Arable Field Margins and Rivers where possible. Opportunities to create wetland, grassland and woodland habitat mosaics need to be taken in order to diversify the area. Grasslands are particularly important, with an emphasis on lowland dry acid grassland, lowland meadow and coastal floodplain grazing marsh.

#### **GREEN INFRASTRUCTURE**

The site is not covered by any policy in the Green Infrastructure Strategy for Stafford Borough, but some aims are mentioned for Great Haywood in the Stafford Borough Green-Infrastructure Provision Strategy 2013. Local needs, priorities and opportunities should be considered in the design.

#### **LIVING LANDSCAPE PROJECTS**

The site is within the Staffordshire Rivers Living Landscape Project, which aims to restore watercourses in line with standards in the Water Framework Directive. Therefore, management of surface water run-off quality and quantity, and creation of wetland features are important in contributing to these aims. The proposed SuDs area on the site appears to be positive –source control within built areas and also use fo all green areas for water management would also be positive

## **Designated Sites**

Recommendations for assessment of impact and any mitigation required to Cannock Chase SAC, and Pasturefields SAC should be followed. We have not assessed this issue in detail and advise further liaison with Natural England.

## **Habitats on site**

The proposed layout appears to provide a good level of green space and habitats that link the existing features well and provide landscaping appropriate to the area. In order to achieve no net loss or a net gain to biodiversity on the site, taking into account the loss of grassland, hedgerow section and added disturbance, these areas need to be of maximum benefit to wildlife by via specific detailed design. Hedgerow areas to be removed could be transplanted, and local origin seed and shrubs used and ideally, ponds on the boundary of the site that have dried up or are in need of management could be restored. Habitats should aim to achieve a high biodiversity value to be potentially be designated as wildlife sites in the future.

## **SPECIES**

### **Great Crested Newt (GCN)**

We are very concerned that no precautionary measures have been proposed with regard to GCN, given the past records adjacent the site, and the conclusion in the Extended Phase 1 Habitat survey that impacts to GCN . No further survey or data search has been undertaken since the ecology and amphibian surveys were conducted in 2013, and a number of additional GCN records have since been reported or published.

It is unclear as to whether the existing pond on site it to be retained, as the Proposed Site Layout plan does not show it as a solid feature, and worryingly the Design and Access Statement on page 5 states: 'There are no existing ponds, watercourses, water table and natural drainage issues associated with development of the site.' This is clearly false, as the Amphibian Survey shows one pond on site, with 3 others within 50m of the boundary.

Since the surveys were conducted, a number of further GCN records have come to light.

The Ecological Appraisal Report December 2013 by SLR, which was submitted for a site to the south called Land Adjacent Shenley Cottage And The Butts (14/19809/OUT, states on page 7:

'SLR consulting undertook great crested newt surveys on the ponds to the north of the site in 2009 and indentified a small breeding population of great crested newt in pond 2, located 470 metres from the boundary of the application site.'

The pond matching this description is at SK 0040 2239, around 36m east of the boundary of Land At Little Tixall Lane and marked as P2 in the Amphibian Report July 2013 by Leigh Ecology. The record has been passed on to the records centre, and we have asked for further information from SLR including whether other ponds were surveyed in the area.

A photographic record of a GCN was made in July 2013 just to the north of the site at SK 00261 22749, but was uploaded to the Staffordshire Ecological Record database on

10/09/2014, after the data search was conducted for the surveys.

A further photo of a GCN from a garden at SK 00199 22604, taken on 21st September 2014, was reported recently, identification confirmed and passed to the record centre.

This information indicates that there is a probable small population in the area, that P2 should be considered as a breeding pond (although potentially not used by GCN every year) and that GCN are present in gardens adjacent the site and could also be breeding in gardens if there is a suitable pond present. Given the surrounding habitats GCN are likely to enter the site at times, although most likely to stay within hedgerows, and could potentially use the pond on site.

The Amphibian Survey July 2013 was not conducted in accordance with Natural England guidelines for timing, spread of survey days, or number of methods used. It also did not attempt to identify or survey any suitable garden ponds within 250m of the site.

Natural England's Standing Advice Species Sheet: Great crested newts (downloaded 25<sup>th</sup> September 2014) states:

- Presence/ Likely Absence Survey Effort
- Ponds

Method: Three survey methods (selected from netting, torch surveys, egg searches and bottle trapping) should be employed per visit.

Effort: Four visits in suitable weather conditions.

Timing: mid-March to mid-June, with at least two of these visits during mid-April to mid-May and these should be spread through the survey period to maximise the chance of finding newts if they are using the pond(s).

As surveys were made on 28<sup>th</sup>, 29<sup>th</sup> May and 14<sup>th</sup> and 15<sup>th</sup> June (*Table 3.1: Summary of Survey Effort*), and only two survey methods were used for the May visits, this missed the mid-April to mid-May period, does not give a spread over the survey period, and does not include three methods per visit. This is not discussed in the report as a constraint and a statement is not given justifying deviation from the guidelines, although a sentence in the Extended Phase 1 Habitat Survey states regarding the GCN survey :

'It is noted that following a cold spring, it was agreed with the LPA Biodiversity officer that the key survey period could be extended to the end of June.'

However this does not explain why survey was not started until late May when suitable temperature conditions would have been available earlier than this, or why the mid-April to mid-May period was missed.

It is still surprising that no GCN were detected, given that other amphibians were found, but as the recommended methods were not followed, the results cannot be fully relied upon, and therefore absence of GCN cannot be treated as conclusive. Even if perfectly executed, surveys can fail to detect small populations and amphibians will move ponds and change their behaviour year on year depending on weather conditions. Therefore a precautionary approach is always necessary.

The Proposed Layout Plan shows the outline of the current pond within the proposed village green, but it is not clearly marked or labelled, therefore it is not clear whether it is to remain a feature in the landscaping, as recommended in the list of actions in the Extended Phase 1 Habitat Survey:

'Retention of key ecological features (trees, hedgerows and ponds) within the layout designs, and develop an on-going maintenance program to ensure future wildlife habitat.' A section of the northern boundary hedgerow is also proposed for removal, which could be GCN terrestrial habitat.

The green would be ideal for retaining the pond and enhancing it; it would also be linked by the proposed further green areas and SuDs features to the small (dry) pond on the southern boundary. However an amphibian underpass or suitable road design would be needed to ensure the road would not be a barrier to amphibians – in fact we would question whether the western loop of the road circling the village green is needed at all. The overall layout appears to be generally positive for GCN with the linked green areas and woodland corridors; however, given the proximity of the site to P2 which is about 36m from the boundary, and the presence of GCN in gardens to the west, measures will be needed to avoid harm to GCN during any construction period.

The need for a licence to avoid breaking the law when developing the site will determine whether further GCN surveys are needed. Having liaised with consultants at Staffordshire Ecological Services who have many years experience with GCN, we are of the view that without changes to the layout, newt fencing would probably be needed on at least part of the site to prevent newts from entering construction areas; therefore a licence would be needed, and to obtain this, a full population count would be necessary. If a plan and working methods can be put forward that avoids the need for a licence, then alternatives could be considered.

Overall, given the current records and the inconclusive nature of the recent surveys and the potential impact to GCN habitats, a risk assessment of the proposals to GCN and the potential need for a licence, measures to avoid or mitigate impacts is required. A Habitat Suitability Index assessment of the ponds might be useful as part of this, and terrestrial GCN searches may be appropriate. Confirmation that the onsite pond will be retained and enhanced should be provided. Pending this information, we submit a holding objection to the plans.

### **Badger**

Evidence of badgers was identified in the Extended Phase 1 Habitat Survey, concluded that 'loss of habitat and fragmentation of habitat will have an in direct negative impact on the species, causing displacement of animals'. Ongoing survey is recommended to inform detailed design. No further update surveys appear to have been undertaken since late 2013. It is not clear whether badger considerations have influenced the current layout, although a good amount of peripheral planting is shown on the eastern boundary and the provision of such areas would seem to give flexibility in terms of avoiding badger impacts. However, in order to make an up-to-date assessment of any potential impacts, a check of the site should be made to inform this application, and confirmation of mitigation measures that will be undertaken. A condition requiring ongoing survey to inform detailed design and construction methods as necessary could be applied should permission be given in future.

### **Bats**

Potential impacts to bats appear minimal, as long as recommendations to retain and protect trees, include bat features and design linked habitat areas are followed. This may then result in net gain for bats.

## **Species of Principle Importance (SPI)**

The breeding bird survey recorded a number of species onsite, of which Dunnock and Song thrush are Species of Principle Importance. Other such species recorded on the site according to Staffordshire Ecological Record include Starling and Lapwing, while Song thrush, Yellowhammer, Reedbunting and House Sparrow and Brown Hare have been recorded adjacent the site.

The LPA has a statutory duty to consider these species under the Natural Environment and Rural Communities Act 2006. There is not a detailed assessment of impacts to SPI likely from the proposals. In our view, species of hedgerows, gardens, field edges and grassland areas (Dunnock, Song Thrush, House Sparrow, Starling) would probably benefit from the layout shown, and it could also attract new SPI birds if well designed, but those of open fields (Lapwing, Yellowhammer, Reedbunting, Brown Hare) would be displaced given the changes in habitat. Without off-site compensation there would be no scope for mitigation for at least some of the species which require the open field environment that will be lost. The Recommendations in the Extended Phase 1 Habitat report do not cover farmland birds of open fields. Mitigation is not proposed or included in the scheme. Some off-site mitigation such as habitat improvements for farmland birds should be considered.

## **SUMMARY**

Staffordshire Wildlife Trust submits a holding objection to the proposals, due to further information being required on protected and priority species, and retention of habitat features.

We advise the following are sought:

Before determination -

- A. Risk assessment of the proposals to GCN and the potential need for a licence, further surveys if necessary, and measures to avoid or mitigate impacts.
- B. Updated badger survey

Secured through conditions should permission be given in future –

- C. Recommendations in the Extended Phase 1 Habitat Survey dated 4th December 2013 by Leigh Ecology Ltd, and any further details required for species protection and enhancement.

Secured through a section 106 agreement should permission be given –

- D. Any off-site mitigation

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**