

Via email

31 January 2019

Dear Graham Northern,

Application No: P/2017/01589
Development: Erection of 140 dwellings comprising 72 sheltered apartments, 24 private apartments and 44 houses including 2 x commercial units including car parking for the Meadowside Leisure Centre and construction of vehicular access
Location: Bargates, High Street Burton upon Trent
Grid reference: SK252232
Area of site: hectares

Thank you for consulting Staffordshire Wildlife Trust (SWT) on the above application, received on 24 December 2018.

POLICY and REGULATION

National Planning Policy Framework 2018

Guidance relevant to biodiversity within this planning application includes the following:

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

118. Planning policies and decisions should:

a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;



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170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

175. When determining planning applications, local planning authorities should apply the following principles:

- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

This application would appear not to comply with the NPPF, in terms of providing measurable net gains for biodiversity, including by establishing coherent ecological networks, enhancing sites of biodiversity value, recognising the benefits of trees, or including new habitat creation. There would be a net loss in biodiversity due to most of the green spaces and trees being lost from the site, without adequate mitigation or compensation.

Local Plan Policies

Some relevant policies relating to biodiversity and green space include:

3.168 The Council will seek an overall gain in green infrastructure through the protection and enhancement of existing assets and the creation of new multi-functional areas of green space that promote:

- recreation and tourism;
- public access and green transport;
- green education;
- biodiversity;
- water management;
- the protection and enhancement of the local landscape;
- mitigation and adaptation of climate change;
- green economic uses;
- sustainable land management; and
- Health improvement through increased high quality cycling and walking access to locations and other quality greenspaces and opportunities for community growing spaces such as orchards and allotments



3.170 It will be important that where possible, developments in Inner Burton will be subjected to soft landscaping as part of greening Burton, as set out in the retail policy to deal with what is a hard urban landscape. Greening Burton is therefore an important regeneration initiative which should enhance the landscape and setting of the townscape of Burton without affecting its historical context and character. This should also contribute to the overall green infrastructure of the Borough as well as improving health and wellbeing.

3.171 The provision of new Green Infrastructure will primarily be delivered as part of new developments at the expense of the developer. Where there are little opportunity for Green Infrastructure on site contributions will be sought which will assist with the delivery of GI projects by East Staffordshire Borough Council alone or in partnership with other organisations such as Parish Councils, local community groups and non-governmental organisations such as the National Forest Company.

STRATEGIC POLICY 23

Green Infrastructure

Major and Minor Green Infrastructure (GI) corridors throughout the Borough, identified in the East Staffordshire Green Infrastructure Study¹⁹, connect locations of natural heritage, green space, biodiversity or other environmental interest. They will be safeguarded through:

- a) Not permitting development that compromises their integrity and therefore that of the overall green infrastructure framework;
- b) Using developer contributions to facilitate improvements to their quality and robustness; and
- c) Investing in enhancement and restoration where opportunities exist, and the creation of new resources where necessary.

Development should contribute towards the creation, enhancement or ongoing management of a series of local GI corridors linking with the Major and Minor GI corridors. In turn, these local GI corridors should be connected through green infrastructure into site-level networks and green spaces. Priorities for the creation or enhancement of green infrastructure are those areas where net gains in the range of functions can be improved, particularly those that:

- i. improve walking and cycling access to and from the urban core and/or rural service centres and where possible improve the wider network; and/or
- ii. help to remedy local deficiencies in open space provision and equality, and/or
- iii. result in the creation, protection and enhancement of biodiversity habitats and/or
- iv. support the safeguarding of ecological networks, including the restoration and creation of new habitats through the opportunities provided within the Central Rivers Initiative
- v. safeguard and enhance heritage assets.

As referenced in the East Staffordshire Green Infrastructure Study, the following standards for green infrastructure are to be met:

- a) Where possible new GI should connect to, and enhance, the existing green infrastructure network of East Staffordshire;
- b) New green spaces should be designed to serve more than one function to maximise public benefit;
- c) Developers should agree robust delivery and funding mechanisms with East Staffordshire Borough Council prior to the determination of an application to secure the ongoing management of green infrastructure;
- d) New green infrastructure should be in keeping with the existing landscape character of development sites, including its habitat type and species selection;
- e) Where practicable and appropriate in design terms taking into account site context developments should incorporate innovative green infrastructure into the design of buildings such as green roofs and green walls;



- f) All development should enhance biodiversity habitats and environmental assets through positive management, buffering, extension and linkage;
- g) All development design should include street trees and urban woodland, including National Forest planting where this is applicable;
- h) All developments should be served by Sustainable Urban Drainage Systems where feasible. The component features of these systems should be designed and managed to deliver additional green infrastructure benefits, such as wildlife habitat improvement and provision, landscape enhancement and informal recreation.

The Bargates SPD adopted in November 2010 predates the current adopted Local Plan. Strategic Policy 11 Bargates/Molston Coors High Street in the East Staffordshire Local Plan 2012 – 2031, adopted in October 2015, states:

‘The Borough Council will work in Partnership on the production of a development brief in order to ensure a framework setting out development principles for the area is in place..’

It is not clear whether this has taken place, however SP11 sets out nine key principles which the development of the sites should follow. Those with relevance to natural features, drainage and open space are:

- Include a layout that supports linkages to the Washlands and the High Street
- Be designed to open up to the Washlands and encourage public use
- Is of high quality design, reflecting the character of the area, surrounding buildings, the riverside setting, conservation area and listed buildings
- Is supported by a Flood Risk Assessment
- Includes opportunities for ecological improvements

Overall, the proposals meet some of these requirements, but do not provide ecological improvements, enhance biodiversity habitats and environmental assets, or manage surface water in a way that delivers additional green infrastructure benefits. There are many opportunities to achieve these elements through better design of the site itself, and through off-site enhancements which would benefit the nearby Trent Valley Washlands Local Wildlife Site.

WIDER ECOLOGICAL NETWORK

Staffordshire Biodiversity Action Plan <http://www.sbap.org.uk>

The site is within the Urban Ecosystem Action Plan area, where priority habitats and species include native woodland and lowland meadow, and for Burton in particular Rivers and Coastal & Floodplain Grazing Marsh. The site is also very close to the River Gravels EAP, where wetland habitats and lowland meadow again are priorities. Priority species relevant to the site include bats, house sparrow, song thrush, hedgehog, and bumblebee. The site already supports three priority birds – Bullfinch, House Sparrow and Starling.

There are opportunities within the site to benefit several BAP species, and adjacent the site to contribute to woodland, lowland meadow and river habitats.

National Forest

The site is within the National Forest, and therefore needs to contribute to the forest’s landscape. Although over 90 trees are proposed to be planted, these will not replace those to be lost in the short-medium term, and will be unlikely to reach the size of the existing mature specimens on site. A mature hedgerow is also to be lost. We feel that more of the existing trees should be retained, and adequate habitat compensation provided overall in line with the National Forest Biodiversity Action Plan.



Living Landscape Projects

Transforming the Trent Valley Landscape Partnership

<http://www.staffs-wildlife.org.uk/TTTV>

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The development is situated within the 'Transforming the Trent Valley' Landscape Partnership Scheme area. This is a partnership project with 18 organisations working together to restore and enhance the natural and cultural heritage of the Trent Valley. Our natural heritage project is called 'Living Floodplains' and our focus is on reinstating the natural processes of the river and reconnecting it with the wider floodplain. The Washlands in Burton is a key delivery site for Living Floodplains, as well as some of our access and community engagement projects. The proposed development site is immediately adjacent to this area and will have an impact on the Washlands.

The residents of this new community will form a new audience who will benefit from the improvements in the Washlands, and access created through the development should link in with wider initiatives on the Washlands.

The Environment Agency has been in consultation for their planned upgrade of the flood defenses in this location, which are programmed to commence in May 2019. Improving access around the site is included in the planned upgrades.

The 'Transforming the Trent Valley' (TTTV) partnership is working closely with the Environment Agency and East Staffordshire Borough Council (both partners in TTTV) on addressing the mitigation works that will be carried out as a result of the flood defense upgrades. A landscape vision for the entire Washlands has been developed and the area close to the leisure centre, library and town centre gateway is a primary focus.

The ambitious landscape vision has four themes: connecting people and the river; connecting people and wildlife; connecting people and heritage; and connecting land and water. Visuals of what could be achieved on the Washlands have been developed to illustrate the potential of the site. <https://bv.maps.arcgis.com/apps/MapJournal/index.html?appid=71243092cb9445e2946b01378d1c3689#>

As well as the amenity grassland adjacent to the proposed development, on the opposite bank of the river, Broadholme is an example of a semi-natural habitat that can form when maintenance is relaxed. The island includes a mosaic of semi-natural grassland, marshy grassland and swamp and is a valuable habitat for waterfowl and birds such as snipe, lapwing and geese.

Due to the inevitable impact a new development will have in the immediate and long term on the Washlands, and given that any planting schemes proposed will take over a decade to reach maturity, there is scope for biodiversity improvements to be undertaken in line with the landscape vision.

Staffordshire Trent Valley Catchment Partnership

<http://www.staffs-wildlife.org.uk/staffstrentvalley>

Mel Westlake m.westlake@staffs-wildlife.org.uk

The site is also situated within the Trent Valley catchment, where the catchment partnership aims to improve water quality, flooding issues, wetland habitats and landscape using natural methods and community involvement.



There are opportunities on this site to use surface water in a creative way to make a feature linking the urban and natural environment, create new wildlife habitat and allow people to enjoy and engage with water. We outline some ideas within the sections below.

HYDROLOGY

The site is officially within Flood Zone 3, however due to the flood defence wall present along the eastern boundary, the area is at low risk of flooding.

According to the Flood Risk Assessment 7th December 2017 by Aspin Consulting Ltd., circa 49.5% (12870m²) of the existing area has been assessed as being greenfield, and the remaining 50.5% (13130m²) is impermeable car parking. Post development the impermeable area will increase by circa 17%, and surface water discharge will be controlled to limit flows to 70% of the estimated existing surface water runoff, offering a 30% reduction in flows. Site investigation has confirmed that infiltration techniques are not possible at this site, and so the proposed SuDS measures are permeable parking bays and attenuation tanks with restricted flows, to limit run-off from the site to 132 l/s for all storms up to and including the 1 in 100 year return period events.

Severn Trent Water's sewer record sheets indicate there is an existing 750mm diameter brick surface water sewer beneath the site, which discharges to The River Trent on the northern side of Bridge Street. It is proposed that there will be a new 300mm surface water sewer laid beneath the site access road which will accept surface water flows from the new road surface, associated footpaths and six private attenuation tanks. Part of the existing pipe would be diverted through a proposed green space area and connect into the existing outfall.

The proposals will limit surface water flows from the site, but the proposed drainage system will not provide any surface SuDS features or habitat creation, as the water will be stored underground and then piped directly into the River Trent. We suggest that to make use of this resource, some of the surface water could be diverted through the public realm area as an ornamental rill or other water feature, perhaps celebrating the link between brewing and the town's water supply. It could then flow down through the open space to the east into the river, in a new channel with wetland habitats and areas where the public can access and paddle etc. This would add to the open space in terms of amenity, but also add to the wildlife value.

Another option that should be considered, as underground storage is already recommended, is that of rainwater harvesting for key buildings on the site. This would help store water as well as reducing potable water usage. The green spaces within the development should also be designed so that some water can run off into them, via well designed levels and curbs. This would be especially beneficial for tree planted areas, to supply water in dry periods. Green roofs should be considered on key buildings especially to the east of the site, where this would add to the visual links to green space.

The Well House on the site could be enhanced as a heritage feature with some interpretation.

ACCESS AND COMMUNITY ISSUES

The Open Space Assessment dated 21/12/17 by S.P.Faizey states that there is 1.9 ha of POS currently on site. As part of the redevelopment, 0.34 ha of open space would be provided which includes the Linear Park, the boulevard and the public realm. For a further 0.77 hectares of open space immediately to the east of the site, and the report states that improved access is proposed, making this 0.77 ha more accessible, inclusive and integrated with the development to encourage its use. There are, however, no details within the report or the as to how access or the open space would be improved.



The 0.34 ha of proposed open space plus enhanced 0.77 ha totals 1.11 ha, 0.79 ha less than that currently on site. In terms of actual area of POS, here would be a net loss of 1.56 hectares. No new areas of green space are proposed to be provided off-site. Therefore, mitigation for this loss would require enhancement of existing POS, and we would suggest, given the loss in actual area, that 2 x the area lost should be enhanced elsewhere- ideally in the Washlands adjacent.

Accessible Natural Greenspace is important for people's wellbeing, as it provides amenity that formal open space does not. Natural play and shared space for children and young people is also lacking in many areas. We recommend that as part of either direct improvements, or monetary contributions, that 3 hectares of open space is enhanced with semi-natural habitats such as wildflower meadow areas with mown paths, additional paths and seating, natural play features such as a new surface water channel with splashing areas, logs, grass mounds, and pathways and management of the existing woodland copses adjacent the river.

DESIGNATED WILDLIFE SITES

Local Wildlife Sites (LWS)

The Preliminary Ecological Appraisal (PEA) dated November 2017 by Dr. Stephan Bodnar does not include a data search from Staffordshire Ecological Record, which holds details of locally designated wildlife sites. It therefore fails to highlight that the Trent Valley Washlands Site of Biological Importance lies 20m to the east of the application site, at its nearest point. The LWS includes the River Trent and wetland habitats within the floodplain.

At present, the proposals do not appear to include enhancements of the habitats adjacent to the river. We request that at least 1.5 ha within the current amenity grassland and small woodland areas are enhanced to create wildflower meadows, wetland areas and well-managed and accessible woodland areas, with the aim of these areas reach LWS standard within 10 years and to add this area to the Trent Valley Washlands LWS.

HABITATS

Native Hedgerow

The hedgerow on the site is mostly native, and although described as 'derelict' in the PEA, does not appear to have any gaps larger than 20m wide. It therefore qualifies as a Habitats of Principal Importance for Conservation (NERC Act 2006), which the PEA fails to highlight. The hedge is around 163m long, with some substantial trees, and proposed to be entirely lost. Tree and shrub planting is proposed within the plans, and much of this is in linear strips.

As the current hedge is almost on the same alignment as the proposed linear park, we recommend the design seeks to retain the hedge, restore and continue it through the park. This would offer some mature landscaping within the site. Alternatively, ensure planting on the site includes native hedgerows of at least the same length in total.



Grassland

The amenity grassland on the site is not of high conservation value, however it does have some value to biodiversity, and will be used by a number of bird species including priority species like Starling and House sparrow. Some small areas of grass are proposed within the site, but there will be an overall loss of grassland. This needs to be compensated by providing more species-rich grassland both within the site where possible, but mainly as part of improvements to the public open space to the east, which is currently amenity grassland with natural vegetation along the river bank. Areas here should be enhanced with a seed mix or green hay and managed as a wildflower meadow, with mown paths for access. This would provide wildlife and amenity benefits as well as a more natural visual link between formal areas, green space and semi-natural habitats.

Trees

The Arboricultural Report dated 13 November 2017 by Tree Heritage states that there are currently 41 trees within the site: 4 Category A trees (High quality tree of good form with at least 40 years contribution) and 1 Category B (Moderate quality tree with 20>40 years contribution) in the grassed areas fronting the High Street, and 11 Category U trees (very poor or unsafe). The rest are Category C (Low quality tree), predominantly along the cycle/footpath than runs north/south for part of the site.

Every single tree on the site is proposed to be lost in the current proposals, including 7 trees covered by a TPO, which includes the category A and B trees. Tree 29, a crab apple, also supports mistletoe, which is very rarely seen in the county. The proposed loss of these trees is very disappointing, especially as several are very close to proposed new trees and green areas on the plans. Some simple design changes could retain trees and make the site much more visually appealing as well as minimising habitat loss. Mature trees, especially in the urban environment, are important for wildlife as they provide a huge amount of biomass, which cannot be replaced in the short term by new planting. Other 'ecosystem services' such as shade/ cooling, landscape value and water absorption should also be considered. Although planting of approximately 93 new trees is proposed, these will take many years to replace the resource currently provided by the existing trees. We encourage the council to press for a more imaginative and characterful design that retains as many trees as practical, for their value to wildlife and people.

Where trees are required to be felled, the timber and stumps should be used to form log piles/ features either within landscaping, or within woodland areas in the open space to the east.

Loss /Gain of Habitats on site overall

Currently there is about 1.29 ha green habitats on site. Only 0.34 ha of open space is proposed, some of which is hard landscaping. Gardens will provide some green areas, but overall there will be a net loss in green habitats. Proposed improvement of the open space to the east does not mention any ecological improvements. Currently we consider the proposals will result in a net loss of habitats and therefore biodiversity value on the site.

The Preliminary Ecological Appraisal recommends a variety of habitat measures, including retaining and enhancing existing mature trees and hedges, new native shrub and tree planting, wildlife friendly planting schemes, hibernacula, hedgerow mix seeding and wildflower seeding. Only some of these have been included.



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:

- 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.
- Where there is no satisfactory alternative.
- 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

The PEA has not conducted a data search with Staffordshire Ecological Record, and so does not include a record of bat droppings and potential roost within a building 58m to west of the site. Given the age of many of the buildings in the area, and the proximity to the river and other habitats, there are likely to be many bat roosts within the town, and bats will be using the trees and hedge within the site to forage and commute.

The three small buildings on site have been investigated for bat potential in the PEA, but given the short descriptions and poor quality photographs, it is hard to judge whether the conclusion reached that these are of low- negligible bat roost potential is accurate. Thankfully, it appears that all three buildings will be retained within the site with additional planting adjacent. The design should aim to avoid lighting these buildings, in case any roosts are present.

The PEA states that all trees on the site have low or negligible potential. However, the Arboricultural Report states that many trees have major deadwood in the crown, and several have ivy coverage. We request that a bat method statement for tree felling, to include checks by an ecologist of any trees as they are felled, is made a condition.

We support the recommendations in the PEA for bat boxes/ roosting features to be included in new buildings, and these should be included in detailed plans.

UK protected species (Wildlife and Countryside Act 1981 as amended)

All wild nesting birds

All wild native birds are protected from killing, injuring, damage/ destruction of active nests and eggs. The PEA recorded around 20 species of bird using the site, and at least three species of bird breeding, one of which is a priority species- Bullfinch. We support the recommendations of the PEA in terms of nesting birds and a method statement for tree felling and site clearance is required.

Starling and House sparrow are two other priority species using the site. The plans should include dense hedges and climbers on walls and fences for nesting birds, and a range of bird boxes on buildings and retained trees.



SUMMARY

While this site is urban in nature, it borders the Trent Valley Washlands including an important Local Wildlife Site. Due to the proposed loss of mature trees, hedgerow and grassland, the proposals would currently result in a net loss to biodiversity. There would also be a net loss in area of public open space. Surface water would be balanced but not used in the most beneficial way. Various local plan policies for green infrastructure, for the site itself, as well as objectives for the National Forest and Staffordshire BAP, support the need for biodiversity and open space enhancements that link the town to the river landscape. Currently these are not fulfilled adequately by the plans, but there are plentiful opportunities to contribute to these priorities and achieve an exemplar design for this important area. Staffordshire Wildlife Trust therefore submits a holding objection to the proposals at present, but recommends some simple amendments to address these issues. We would be pleased to work further with the LPA and developers to maximise the wildlife and community value of this development.

We advise the following are sought:

Before determination –

- Amend the design as far as possible to retain more mature trees and hedgerow, and use surface water within the public realm.

Secured through conditions should permission be given in future –

- Ecological Management Plan to include measures to protect, replace, enhance, manage and monitor important habitats and species. To include method statements for bats and tree felling, and nesting birds. Design to include avoiding lighting existing buildings, tree felling method statement, using felled timber on site, bat features in new buildings, dense hedges and climbers, bird boxes, and landscaping that allows some surface water retention.

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

- Enhancement of at least 1.5 ha of amenity grassland and woodland areas between the development and the Trent Valley Washlands LWS, to compensate for loss of on-site habitats and provide net gain, aiming to reach LWS quality within 10 years.
- Use surface water creatively to form a new water feature/ ornamental channel and wetland into to the River Trent across the open space to the east.
- Enhancement or financial contribution towards improving at least 3ha of adjacent green space in line with the green infrastructure and landscape vision objectives for the area, ideally creating managed semi-natural habitats, better access and natural play features that will increase wildlife and amenity value.

Staffordshire Wildlife Trust would like to be kept informed of progress with this application, and receive details of the final permission/ refusal. Please contact me if you have any queries regarding this response.

Regards,

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