



Ecology Statement of Case

Proposed Leisure Development (Phase 1)
Moneystone Park

On behalf of Laver Leisure (Oakamoor) Ltd

August 2024

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1. Introduction

- 1.1. This Ecology Statement of Case has been prepared on behalf of Laver Leisure (Oakamoor) Ltd (hereafter referred to as "the Appellant") in respect of an appeal against Staffordshire Moorlands District Council's ('SMDC') decision to refuse reserved matters planning application ref: SMD/2019/0646 ('the Reserved Matters Planning Application') for Phase 1 of the leisure development ("the Appeal Scheme") at the former Moneystone Quarry, now known as Moneystone Park, ('the Appeal Site').
- 1.2. With regards to ecological considerations related to the Reasons for Refusal relating to SMD/2019/0646 Reserved Matters (RM), reference is made to the design of lodges not being sensitive to the site or surroundings and note that the development in part is adjacent to Whiston Eaves SSSI.
- 1.3. Natural England (the Government Agency responsible for Sites of Special Scientific Interest), or the Staffordshire Wildlife Trust (ecological advisors to SMDC) have not objected to RM Application.
- 1.4. It should also be noted that paragraphs 2.6-2.7 of the LPA Statement of Case state that it is not the Council's case that the ecological and scientific qualities of the SSSI are negatively impacted by the poor-quality design of the lodges; and that subject to conditions, there will be no impact to the SSSI as part of the proposed development.
- 1.5. I have been responsible for the ecological aspects associated with the Appeal Site since 2009. This has included undertaking site surveys and providing technical input to the design process and application as part of the wider technical team. I am very clearly of the view that there will be no adverse effect upon the Whiston Eaves SSSI as appears to be alleged in the reason for refusal.

Professional Credentials

- 1.6. I am Jeremy James BSc (Hons), MSc, Full Member of the Chartered Institute of Ecology and Environmental Management (MCIEEM), Chartered Ecologist (CEcol) and Chartered Environmentalist (CEnv). I am a Director of Bowland Ecology a practice that I established in 2005 to provide ecological planning and design advice to the public and private sectors. I have more than 30 years of applied ecological experience in both the public and private sector. I am an experienced botanist and protected species ecologist.
- 1.7. The evidence which I have prepared is true and is given in accordance with the guidance of the professional institutions of which I am a member (CIEEM and Society for the Environment). I confirm that the opinions expressed are my true and professional opinions irrespective of by whom I am instructed.

2. Legislation and Planning Policy

Legislation

2.1. The principal wildlife legislation of relevance are:

- Habitats Regulations 2019 (the Conservation of Habitats and Species Regulations 2017 (as amended)). Under this legislation, European Protected Species derogation licences need to meet strict tests before they can be issued:
 - the purpose of the licence has a valid basis (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);
 - that there is no satisfactory alternative; and
 - that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- Wildlife and Countryside Act 1981 (as amended) (WCA).
- Protection of Badgers Act 1992.
- Natural Environment and Rural Communities Act 2006 (NERC Act) (esp. Section 41).

2.2. Biodiversity Net Gain became a mandatory requirements on the 12th of February 2024. If a planning application for a development was made before day one of mandatory BNG on 12 February 2024, the development is exempt from BNG¹. Nonetheless the aim to conserve and enhance biodiversity remains one which has been at the heart of planning decisions for the last 2 decades and has informed the evolution of these proposals from the outset.

NPPF

2.3. National policy is set out within the National Planning Policy Framework (NPPF) 2023 paragraphs 180-194. Chapter 15 'Conserving and Enhancing the Natural Environment' includes policies in respect of 'Habitats and Biodiversity'. Paragraph 186a sets out the key biodiversity test to be applied which is that of where 'significant harm to biodiversity'

¹ <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments#existing-planning-applications>

cannot be avoided, mitigated or compensated then planning permission should be refused.

- 2.4. In addition to avoiding significant harm to biodiversity, the NPPF at paragraph 186d encourages opportunities to be taken up to incorporate biodiversity benefits into developments especially where this can secure net gains for biodiversity.

Staffordshire Moorlands Local Plan

- 2.5. Policy NE1 relates to Biodiversity and Geological Resources and whilst not referenced in the reason for refusal, of particular relevance are the following:
- Conserving and enhancing any Sites of Special Scientific Interest. The Council will not permit any development proposal which would directly or indirectly (either individually or in combination with other developments) have an adverse effect on a Site of Special Scientific Interest.
 - Conserving, and enhancing regional and locally designated sites. The Council will not permit any development proposal which would directly or indirectly result in significant harm to geological and biodiversity conservation interests including ancient woodland, unless it can be demonstrated that: there is no appropriate alternative site available; and all statutory and regulatory requirements relating to any such proposal have been satisfied; and appropriate conservation and mitigation measures are provided; or if it is demonstrated that this is not possible the need for, and benefit of, the development is demonstrated to clearly outweigh the need to safeguard the intrinsic nature conservation value of the site and compensatory measures are implemented.
 - Supporting opportunities to improve site management and increase public access to wildlife sites including supporting the objectives of the Staffordshire County Council Rights of Way Improvement Plan.
 - Ensuring development where appropriate produces a net gain in biodiversity, and ensuring that any unavoidable impacts are appropriately mitigated for.
 - Ensuring development promotes the appropriate maintenance, enhancement, restoration and/or re-creation of biodiversity through its proposed nature, scale, location and design. The Staffordshire Moorlands Biodiversity Opportunity Map, in conjunction with the Staffordshire Biodiversity Action Plan, will be used to guide biodiversity enhancement measures to be included in development proposals as appropriate to the nature and scale of development proposed and other environmental interest, in particular supporting opportunities to increase grassland and heathland habitats including supporting targets in the UK and Staffordshire Biodiversity Action Plan.

- Protecting and enhancing habitats and species of principal importance for the conservation of biodiversity as identified in legislation, and recognising and implementing appropriate measures, including landscape-scale conservation management, to take account of the fact that the distribution of habitats and species will be affected by climate change.
- Recognising the value of the natural environment for sport and leisure activities and the need to manage such activities to ensure there is no conflict.'

Churnet Valley Masterplan SPD

- 2.6. Section 6 sets out the Spatial Strategy which is one of 'Balanced Development' across the whole of the area. Eight character areas are identified. Moneystone Quarry is identified as a key opportunity site within the Moneystone Character Area. Section 8.1 of the document sets out principles in relation to Natural Heritage, of relevance to this application are the following:
- 2.7. Proposals and associated infrastructure measures should not be detrimental to the sensitive ecology and geology of the area.
- 2.8. Opportunities should be sought to ensure the management of land for nature conservation and the enjoyment of areas of wildlife and geological interest and to create links between sites of nature conservation.
- 2.9. Where appropriate, development should create a net gain in biodiversity and encourage habitat connectivity informed by a natural landscape conservation strategy. This should be informed by the Staffordshire Moorlands Biodiversity Opportunity Map and Staffordshire Biodiversity Action Plan.
- 2.10. There should be recognition of the wider benefits of ecosystem services. There are links between biodiversity and heritage features such as dry stone walls and these links should be given consideration. With regard to areas under SSSI designation the landowners and planners have a legal duty to comply with a site's legal protection.

3. Application Process

Sensitive Design

- 3.1. The consented outline application [SMD/2016/0378] adopted a collaborative approach to design involving all relevant experts from the outset. This process began in 2009 and used information gathered from extensive site surveys, desk study and consultation.
- 3.2. The layout of the proposed development has carefully **avoided** the areas of highest value habitat including woodland and grassland and included maintaining a buffer to the **Whiston Eaves SSSI** and committing to long term management and enhancement of the SSSI and reinstating suitable hydrological conditions.

Outline Consent [SMD/2016/0378]

- 3.3. Outline Planning Permission with some matters reserved was granted in 2016, the outline permission requires discharge of several key conditions in relation to the protection and enhancement of wildlife interests associated with the site (Conditions 18 Construction Environment Management Plan, 19 Habitat Management plan and 20 Lighting Scheme of SMD/2016/0378, see para 7.34.). These conditions require discharge prior to site stripping and operation. Ecological matters were therefore fully considered at the outline planning stage with outstanding matters to be addressed by several key conditions: 18-20 as discussed.
- 3.4. The only remaining considerations in respect of ecology relate to; condition 9 which is considered below (paragraph 3.7), and condition 12. Condition 12 relates to the provision of further detail including ecology in respect of a bridleway in the north of Q2. Condition 12 requires discharge prior to the commencement of any phase of development. Conditions 36-40 make reference to 'ecological systems' but in respect of the requirement for further contamination assessment information, conditions 26-40 are pre-commencement conditions.

Outfall Application [SMD/2019/0725]

- 3.5. Planning consent to construct a new permanent outfall to Whiston Eaves SSSI was granted during 2019. The application was supported by a Discretionary Advice Service (DAS) agreement between the applicant and Natural England. The DAS agreement included joint site meetings, joint online meetings and consultation over documents including an ecological assessment and hydrological assessment to reach agreement regarding the location of the outfall structure. The application was granted permission with no objection from Natural England.
- 3.6. The outfall consent is subject to a range of conditions that require the preparation of further information in the form of a SSSI protection method statement (to be agreed

with Natural England), monitoring methods and other protective measures to ensure that beneficial hydrological conditions can be restored to the SSSI.

Reserved matters (RM) application [SMD/2019/0646]

- 3.7. With regards to ecological considerations, the RM Application required discharge of Condition 9 of SMD/2016/0378 Outline permission for the erection of a high quality leisure Development. Condition 9 required the following:

*'Any development or activity proposed including **any footpaths, cycleways, bridleways and outdoor activities in the areas noted as 'Area of Retained Landscape'** on the approved Parameters Plan (dwg ref PL1088.M.110 rev 6) shall be informed by an Ecological and Arboricultural Assessment, identifying the nature of the development/activity proposed and an assessment of its impact, and such assessments shall be submitted as part of any future reserved matters applications for this part of the site.*

Reason:- In the interests of the character and appearance of the area, ecology and tree protection in accordance with Policies NC1, DC1 DC3 and the National Planning Policy Framework.'

- 3.8. To begin to address condition 9, a joint site walkover was undertaken in autumn 2018 with arboricultural consultants (Urban Green) and Landscape Architects (Planit-ie). The aim of the walkover was to make a detailed assessment of the least damaging routes for paths/cycle routes within woodland (referred to as W1 in the Ecology Chapter of the Environmental Statement, also shown on the plan at Appendix 4).
- 3.9. Additionally, a site visit with SMDC and Staffordshire Wildlife Trust was undertaken during October 2020.
- 3.10. The scope of ecological information required to discharge Condition 9 focused on the proposed design of access use of retained landscaped areas within Phase 1 as shown by drawing PL1088.M.110 (Appendix 5).

Reasons for Refusal

- 3.11. With regards to ecological considerations related to the Reasons for Refusal relating to SMD/2019/0646 Reserved Matters (RM), reference is made to the design of lodges not being sensitive to the site or surroundings and note that the development in part is adjacent to Whiston Eaves SSSI. No more specificity has been provided in this regard.

Sites of Special Scientific Interest (SSSIs) safeguard England's most important areas of natural heritage. The Wildlife & Countryside Act 1981 and subsequent amending legislation places a legal duty on Natural England to act for the benefit of SSSIs and take reasonable steps, consistent with the proper exercise of its functions, to further the

conservation and enhancement of the special scientific interest of SSSIs. Specifically, a SSSI is an 'area of land is of special interest by reason of any of its flora, fauna, or geological or physiographical features'.

4. Ecological Studies

4.1. Development proposals at Moneystone Quarry have been informed by the review, collection and update of comprehensive ecological information over a significant period of time between 1994 to the present.

1994-2006

4.2. The approach to surveys was initially informed by available information from previous planning applications relating to the site, notably the ecology chapter from an Environmental Statement prepared in 1996 (informed by baseline surveys that commenced in 1994); and a further Environmental Statement prepared in 2006. The 2006 ES was prepared in respect of the proposed northern extension and Quarry 3 extension. The scope of ecology surveys at that time included:

- Desk studies.
- General botanical survey of vascular plants across all habitats in both sites.
- NVC survey of semi-improved or unimproved hay fields in the Quarry 3 extension site.
- Hedgerow survey applying Hedgerow Regulations 1997 criteria.
- Aquatic invertebrate sampling in areas with standing or flowing water.
- Great crested newt survey.
- General appraisal of the bird community in all habitats.
- Breeding bird survey in the woodland in the Northern Extension site.
- Badger sett survey.
- Bat survey.

2010-present

4.3. A detailed desk study was carried out in 2010 and 2011 and included consultation of the following resources:

- Staffordshire Moorlands District Council.
- Staffordshire County Council.
- Natural England.
- Staffordshire Ecological Record (the key ecological data holder).
- Staffordshire Wildlife Trust.
- Staffordshire Badger Conservation Group.
- Staffordshire Mammal Group.
- Multi-Agency Geographic Information for the Countryside (MAGIC).

4.4. The aim of the desk study was to gather available ecological data and agree the scope of ecological information required to support a future planning application. Following the desk study, the sequence of surveys between 2010-2011 involved:

- an initial Phase 1 habitat survey of the full land holding plus a buffer area of 500 m to identify ponds. I undertook this survey during April 2010 and this was further updated during other surveys carried out in 2011; and
- further targeted surveys of vegetation and species including:
 - Detailed vegetation surveys including hedgerows, heathland mapping and Phase 2/NVC vegetation surveys.
 - Reptiles & Amphibians.
 - Breeding birds including considerations of crepuscular species and raptors.
 - Badger.
 - Otter & Water vole.
 - Bats.
 - Additional fauna - white-claw crayfish, polecat, pine marten and dormouse.

4.5. Further habitat surveys were conducted as part of ecological assessments prepared by FCPR during 2013. These assessments were prepared to support a planning application [SMD/2015/0220] for the installation of Solar PV panels; one area in the south east corner of Quarry 1 and another area within the south east corner of Quarry 2. This application was approved and the SPV panels have been installed and are in operation.

4.6. Updating surveys were carried out in 2014 to re-check baseline conditions, these surveys included habitat surveys (including checking National Vegetation Classifications) and faunal surveys. Faunal surveys involved 2 surveys visits within the optimal season for bats, amphibians and breeding birds. The surveys followed standard methodology but with a reduced scope based on the availability of comprehensive data recorded during 2010-2011.

4.7. Further updating surveys were again carried out in 2016 including habitats, birds, bats, and amphibians. The 2016 update faunal surveys mirrored those from 2014, 2 surveys visits following standard methodologies were conducted in the optimum survey season for bats, amphibians and breeding birds.

4.8. Regular site visits have been undertaken in the intervening period in relation to various specific aspects of the development. Most notably:

- Habitat walkovers of the whole site during March 2017 to inform the ongoing management requirements of the Approved Restoration Plan associated with the previous minerals consent for the quarry.
- An updating walkover survey carried out on Tuesday the 19th of September 2017 to verify baseline conditions.
- Habitat walkover surveys October-November 2018 to reassess baseline conditions and a separate walkover of the site with landscape architects and an arboricultural consultant to inform the sensitive design of paths through woodland habitats.

- Site walkover during 2019 with a specific focus on the outfall area in Quarry 3.
- Site visits during 2020 with a focus on the outfall area in Quarry 3, this also included a survey of laboratory buildings within Quarry 1.
- Site survey in September 2021 to provide an up to date description of ecological features within the area affected by the proposed outfall application for Quarry 3.

5. Baseline Description

- 5.1. Figure 1 below shows the site split into 3 red edged areas (Figure 1) which represent the former mineral extraction areas (Quarry 1 – Q1, Quarry 2 – Q2 and Quarry 3 – Q3). An area of the applicant's landholding considered in respect of the overall leisure development proposals extends beyond the quarry boundaries and includes a series of fields to both the west and south of Quarry 3 (outside the red dashed boundary and edged blue in Figure 1).

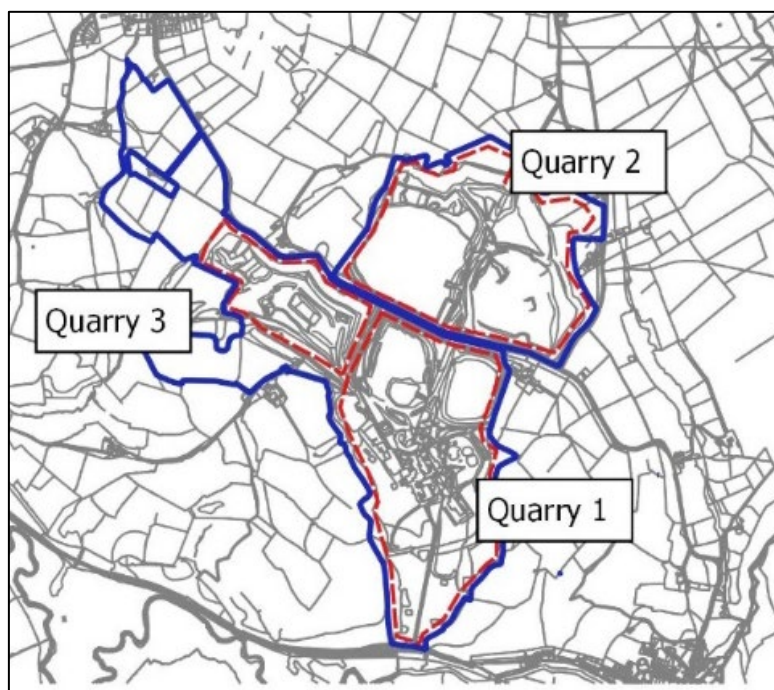


Figure 1 Illustration of Quarry and additional land

- 5.2. The site is located in a predominantly rural area dominated by pastoral agriculture landuse. The River Churnet and the eastern spur of the Churnet Valley Railway line forms the southern and western border of the site. Carr Wood forms the eastern border of the site beyond which is a steeply sloping and densely wooded valley. The northern border of the site is formed by dense coniferous woodland planted on the outermost section of the former quarry workings.
- 5.3. Appendix 1 is a summary plan showing the main ecological features of consideration for the site.
- 5.4. In terms of the baseline position, the ecological assessment took account of both the current ecological interests of the site at the time of the application, and those that would be provided by the future Approved Restoration Plan. The rationale for this was that unplanned ecological interests (habitats and species) developed naturally following cessation of mineral extraction, and these were also taken into account in the assessment, in addition to the Approved Restoration Plan.

Designations

- 5.5. With regard to **statutory nature conservation designations**, Whiston Eaves SSSI, located adjacent to the site (approximately 30 m at its closest point – south eastern edge of Q3), is designated due to the presence of certain habitats and the fish bullhead within the associated streams (small tributaries of the River Churnet). More specifically [extract from SSSI citation] *'the site encompasses a series of species-rich meadows, all of which have been traditionally managed as either hay-meadow or grazing pasture...Although consisting predominantly of semi-natural grassland, the site does include areas of rush pasture, scrub and running water'*.
- 5.6. There are two non-statutory (Sites of Biological Importance, SBI) wildlife sites in proximity to the site. The closest Ashbourne Hey (SBI Ref: 04/36/71) is immediately south of Q3, and Little Eaves Farm (Ref: 04/35/64) is adjacent to woodland on the western side of Q1. Both SBIs are noted for the presence of lowland grassland habitats.
- 5.7. Key Wood is an **Ancient Woodland** within the south western boundary of the site extending north to Little Eaves Farm. The northern extent is listed as ancient and semi natural whilst the remainder of this woodland is listed as ancient replanted. Frame Wood within the south eastern boundary of the site is a small area of this woodland listed as ancient replanted woodland. Carr Wood is adjacent to the south eastern boundary of the site and is listed as ancient replanted woodland. No development or works will take place within 10 metres of Ancient Woodland.

Habitats

- 5.8. A mature **woodland/tree belt** is present within the site to the south of Whiston Eaves Lane. More mature areas of scrub/secondary woodland are present within the north-eastern and northern boundaries of the site. Black Plantation is planted **woodland** dominated by Scot's pine with a species poor ground flora within the northern section of the application site. The **invasive species** Himalayan balsam is present around the edges of Black Plantation and sparse stands of rhododendron are also present. Species poor planted broadleaved woodland occurs above Frame Wood in Q1 and is dominated by alder with very dense bramble and occasional elder.
- 5.9. Areas of dense and scattered **scrub** form part of the mosaic of habitats within the application boundary. Areas of mature dense scrub form part of Key Wood within the south-western boundary of the site. Scattered **trees** are present as part of the neutral grassland habitats on site. Dominant species include; willows, oak, ash and silver birch. These trees are generally semi-mature/immature specimens.
- 5.10. A range of different **grassland** communities are present and described according to the following broad categories: neutral grassland, acid grassland and secondary grassland. Areas of more species rich grassland occur within Q1 comprise: an area attributed to the

National Vegetation Classification community MG5 *Cynosurus cristatus* – *Centaurea nigra* grassland; and areas of MG6 *Lolium perenne* – *Cynosurus cristatus* grassland. The remaining areas of neutral grassland on site are considered to be 'secondary grassland' habitats associated with quarrying and areas of re-seeding/restoration. Secondary grassland in Q1 is moderately species rich with an abundance of common spotted orchids present throughout. An area of re-seeded acid grassland is present within the northern section of Q2 to the north-east of Lagoon 7 upon a steep mound/embankment. Species diversity is low in this area.

- 5.11. One **small tributary of the River Churnet** flows from the east of the application site and through Carr Wood within the southern section of the site. Soft rush occurs intermittently within this feature, with other 'aquatic and emergent species' occurring less frequently. The stream is very shallow and heavily shaded within the wooded areas.
- 5.12. The previously areas of working quarry and adjacent habitats within the site support a range of permanent standing **water bodies** including settling lagoons and ponds. These water bodies vary in their nature (locations shown on the plan at Appendix 1). Lagoon 7 in Q2 has an area of open water towards the southern end of the lagoon and two areas of pooled water towards the north end of the lagoon. Stands of reed have developed around the edges of the pools. Q3 is currently a relatively large lake which has formed in the former quarry void. The lake is currently largely devoid of aquatic and emergent vegetation. Within Q1, a large restored pond (P6) has stands of common reed and a rocky edge with adjacent scrub and grassland. Two ponds on the western side of Q1 (P9 and P10) are artificial butyl lined ponds. Emergent vegetation has developed around the northern edge of P9. Five ponds are situated within the habitats in the southern section of the site (P7, P8, P11, P12 and P13). None of the water bodies support particularly diverse emergent or aquatic vegetation.
- 5.13. With regard to **other habitat**; bracken forms dense stands as part of the woodland habitats (Key Wood) within the southern and south-western sections of Q1; a mosaic of scrub and degraded heathland is present along the northern boundary of the application site and adjacent to the tunnel entrance to Quarry 2; and ephemeral vegetation is present along/adjacent to the existing and former quarry tracks along with areas of bare sand/mud within Quarry 2 around the perimeter of Lagoon 7.
- 5.14. Of specific relevance to the **RM application** are Frame Wood (paragraph 5.7), MG6 grassland (paragraph 5.10) and lagoon P6 (paragraph 5.12) these areas are illustrated on the plan at Appendix 1.

Species

- 5.15. Three species of **reptile** were identified across the site including a small population of grass snake; and a medium population of slow worm and common lizard. No adders

were identified during the surveys; however, the data search provided historic records of adder from 1976. A previous assessment undertaken specifically for adder in 2008 of the working quarry site did not identify any adders. Therefore, it is likely that if adders are present, they are only present in very low numbers.

- 5.16. Of ten ponds surveyed in 2010 that were deemed relevant to the site at that time, seven were found to support populations of **amphibians**. Of the seven ponds which supported amphibians, three were found to support a medium sized population of great crested newts (GCN's) and smooth newts. Update surveys of 2014 and 2016 assessed 8 ponds within the application boundary. Three small populations of GCN were found within P6, P10 and P11 forming a combined medium sized population. It was noticeable that this species was recorded in a settling lagoon (P 11) in the southern part of Q1 during the update surveys. It is considered that a cessation of mineral workings has, in relation to P11, increased the availability of potential great crested newt breeding habitat locally. It was however also noticeable that great crested newt counts were significantly lower in previously identified ponds. This could be a consequence of this species being more widely distributed throughout habitats at the site as a result of mineral extraction ceasing. The site supports 5 species of amphibian, including common toad (UK Bap/S41 species) and a medium sized population of great crested newts (UK BAP/S41 NERC and county BAP species).
- 5.17. Surveys in 2010 and 2011 covered the landholding at that time which was a much larger area than the site boundary shown in Appendix 1. The surveys recorded a diverse breeding population of **birds**. There were several areas with a high concentration of breeding territories, especially in habitats closer to the River Churnet (Q1). Overall, 69 species of bird were recorded at the site. Of these, 62 species are thought to be either 'breeding', 'probable breeding' or 'possible breeding'. Four species of bird afforded higher protection under Schedule 1 of the Wildlife and Countryside act 1981 (as amended) where recorded within the site including goshawk, peregrine and kingfisher and a pair of little ringed plover. Eight species recorded at the site are included on the RSPB Red List of 'Birds of Conservation Concern' (RSPB, 2004) including lapwing (also a BAP/S41 NERC species), willow tit, starling, song thrush, spotted flycatcher, house sparrow, tree pipit and linnet.
- 5.18. During the most recent targeted bird surveys in 2016 a total of 38 species of bird were recorded at the site all of which were recorded to be either 'breeding', 'probable breeding' and 'possible breeding'. Little ringed plover, afforded higher protection under Schedule 1 of the Wildlife and Countryside act 1981, was confirmed as 'breeding' with two territories over Lagoon 7 in Q2. Five RSPB 'red list' species were recorded including lapwing, linnet, song thrush, tree pipit and wood warbler (Species of Principal Importance). The update surveys were broadly consistent with the baseline surveys from 2010, albeit with a reduced scope.

- 5.19. **Otter** activity was identified along the River Churnet and along a small, unnamed watercourses within Whiston Eaves SSSI. The results of the surveys echo the information received during the data search which provided records of otter on the River Churnet near Oakamoor between 1990 and 2009. It is likely that the River Churnet is a linear habitat connection for otter between the River Dove to the west and the River Trent to the east. The use by otter of the unnamed watercourses within the woodland at Whiston Eaves is likely to be occasional investigation of various tributaries off a main territory (the River Churnet) for food sources and resting places.
- 5.20. The habitat potential assessment for **water vole** was carried out at the same time as the otter surveys, these surveys confirmed that no waterbodies provide suitable habitat for water vole within the study area or within the immediate vicinity. All watercourses were either too steep sided with rocky banks or too deep and fast flowing with unsuitable bank habitat such as along the River Churnet. No signs of water vole including burrows, feeding remains, grazed lawns or droppings were identified during the otter survey.
- 5.21. Fifty nine trees were considered to be of high to moderate suitability as **bat** roosting habitat in the wider land holding surveyed in 2010 and 2011. Of these, seven potential bat roost trees occurred within or close to the outline application boundary. An assessment of the buildings, undertaken in 2011, within Q1 concluded that they provided suitable roosting opportunities for bats. No bats were seen to emerge from any of the buildings. These buildings have now been demolished.
- 5.22. **Bat activity** surveys undertaken during 2014 confirmed the use of the site as foraging/commuting habitat. Five species of bat; common pipistrelle, soprano pipistrelle, noctule, Daubenton's and brown long-eared were confirmed. Pipistrelle bats were recorded regularly during surveys, particularly along Eaves Lane where mature trees provide an important foraging, commuting and roosting resource. Noctule bats were recorded regularly during site surveys and it was noticeable, from static deployment, that this species was recorded travelling from north of Q2 after dusk, to forage around woodland and habitats associated with the Churnet Valley, before returning to the north of Q2 before dawn. The extensive open water habitat of Q3 was found to support regular foraging by Daubenton's bats. Brown long eared bat is known to roost in buildings adjacent to the application site (e.g. Crow Trees farm, a single bat confirmed roosting in a barn at this site). This species will forage and commute along woodland along Eaves Lane and within the Churnet Valley.
- 5.23. With regard to **other mammals**, data searches revealed a record for one adult polecat identified in 2004 within a 1km grid square which is located approximately 300m to the south east of the southernmost extent of the site. The site could support a population of polecat should their population increase in this area. The Staffordshire Mammal

Group provided records of a sighting of a pine marten in Consall Country Park from 2007, there were no further sightings/ evidence of this species between 2007-2014. No evidence of the presence of this species was identified during surveys. No records were received for dormouse either within the site or within a 2km radius of the site. The Staffordshire Mammal Group supplied information relating to a nestbox survey within a number of woodlands within the Churnet Valley which has been ongoing for five years. No evidence of dormouse has been identified during this time. The majority of habitat within the application site is of relatively recent occurrence and as such it is considered to be suboptimal for dormouse. However, it is considered possible that this species is present within the Churnet Valley and may at some point utilise habitats within the application site.

- 5.24. Surveys carried out in 2011 identified the presence of invasive signal **crayfish** in the tributary of the River Churnet at the site. This tributary is not currently suitable for native white clawed crayfish due to the presence of the invasive species.
- 5.25. Of specific relevance to the RM application are the following, which where relevant are illustrated on the plan Appendix 1:
- the presence of potential reptile foraging/basking habitat on the south western edge of Q1 (Reptile Habitat Area D on the plan at Appendix 1);
 - amphibian foraging and refuge habitat associated with MG6 grassland, Frame Wood and areas of habitat within Q1;
 - nesting bird habitat provided by a range of habitats within Q1 including trees and shrubs associated with Frame Wood;
 - potential bat roosting habitat in trees within Frame Wood; and
 - bat commuting and foraging habitat provided by grassland, woodland, scrub and ponds/lagoons within Q1.

6. Impacts on Ecology

Designated Sites

- 6.1. Sites of Special Scientific Interest (SSSIs) safeguard England's most important areas of natural heritage. The Wildlife & Countryside Act 1981 and subsequent amending legislation² places a legal duty on Natural England to act for the benefit of SSSIs and take reasonable steps, consistent with the proper exercise of its functions, to further the conservation and enhancement of the **special scientific interest** of SSSIs.
- 6.2. Specifically a SSSI is an **'area of land is of special interest by reason of any of its flora, fauna, or geological or physiographical features'**³.
- 6.3. The **Whiston Eaves SSSI** is located adjacent to the southern edge of Q3. The site is designated as it *'encompasses a series of species-rich meadows, all of which have been traditionally managed as either hay-meadow or grazing pasture ... Although consisting predominantly of semi-natural grassland, the site does include areas of rush pasture, scrub and running water.'*
- 6.4. The closest location of the SSSI designation to the development proposals is the south west corner of Q3 where drainage works may impact upon the boundary of the SSSI. The ES concluded that:
- 'In this area habitats comprise scrub, bare ground and secondary grassland along the edge of Q3. It is therefore considered that the designation features of the SSSI (neutral grassland) will be unaffected at the construction phase as direct impacts to these sensitive habitats have been avoided. Furthermore, impacts are likely to be localised and short term, and existing vegetation along the southern edge of Q3 will provide a buffer to the SSSI. It is considered that impacts from dust generation will be negligible as the SSSI is on land above Q3 and development activity within Q1 and Q2 are small scale. Refer to Chapter 14: Air Quality for detailed assessment. Therefore, the impact of the construction phase is likely to be negligible.*
- No impacts on the Whiston Eaves SSSI are anticipated as a result of the completed development. No impacts as a result of increasing visitor pressure are envisaged as the network of new and/existing footpaths divert around or away from the site. Therefore impacts as a result of the completed development are considered to be negligible.'*
- 6.5. The most recent Condition Assessment information for Whiston Eaves SSSI dates from 2011 ([Site feature condition \(naturalengland.org.uk\)](http://naturalengland.org.uk)), and records the SSSI as being in 'unfavourable' condition. The Condition of the SSSI has declined in respect of meadow

² The Wildlife and Countryside Act 1981 was amended by the Countryside Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006.

³ S28 of the Act

habitat, a reflection of farming practice at that time and not as a consequence of mineral extraction. Additionally, there has been an impact on a watercourse 'Stream A' that runs through the SSSI. A branch of stream A historically ran through the land that is now the void formed by the excavation of Quarry 3. Excavation of Quarry 3 partially removed the upstream source of this watercourse causing a period of drawdown of water levels in the upper reaches of the SSSI during mineral extraction from Q3. This flow was temporarily supplemented by an artificial discharge during mineral extraction. Following cessation of mineral extraction, a temporary siphon has been maintained in Q3 to ensure flows are maintained to Stream A within the SSSI. Supplementary flows to the SSSI were installed downstream of the original source of flow into the SSSI. A permanent solution to restore hydrological conditions to as close to the pre-extraction state has only recently been agreed in conjunction with Natural England. The solution is the installation of a permanent, soft engineered, outfall at the highest point practically possible in the SSSI so that the most near natural flow conditions recover, this solution was granted planning permission [SMD/2022/0014]. This represents a significant benefit to the SSSI once it is implemented.

- 6.6. Historic mineral extraction and farming practices are the biggest threats to the SSSI. The leisure development seeks a sensitive approach to design which avoids any direct impacts to the SSSI and seeks to manage the site to achieve at least favourable condition. Further the leisure proposals will bring adjacent land into favourable management that will extend and further protect the biological interests of the SSSI.
- 6.7. Non-statutory wildlife sites and ancient woodlands have been avoided.

Habitats

- 6.8. The proposed development will only directly impact upon habitats that have formed naturally following mineral extraction within the former quarry areas (Q1, Q2 and Q3) which predominantly comprise developing grassland, ephemeral habitats, scrub, wetland habitats and areas of planting. Areas of mature **woodland** and more species rich well established **grassland** were deliberately avoided.
- 6.9. As the site had been subject to previous mineral extraction, the ecological impact assessment took account of the previously Approved Restoration Plan. Implementation of this plan was a requirement of the previous minerals consent for the site. The proposed leisure development if implemented would fragment the previously **Approved Restoration Plan**⁴ [Appendix 2] and introduce disturbance to the site which would also negatively affect the function of the proposed Approved Restoration Plan. The ecological impact assessment took account of the future baseline conditions that would have been achieved should the Restoration plan have been fully implemented.

⁴ Required by Condition 35 of planning permission SM.96/935 relating to a revised restoration plan. Condition 35 required a 5 year aftercare period only.

6.10. A quantitative approach was taken to assessing impacts to habitats in the ES and this is summarised below:

- Areas of the Approved Restoration Plan which were considered to be significantly affected by the development (19.78 ha).
- Areas with minor negative effects on the Approved Restoration Plan - these areas will provide habitat and ecological value following development (13.59ha).
- Areas with negligible effects upon the Approved Restoration Plan and still providing ecological value following development (20.44 ha).
- Habitats to be created / (29.2 ha) plus 1080 m of hedgerow planting.

6.11. It's clear that substantially more habitat will be created and enhanced than would be impacted by the development. Beyond the quantitative analysis, a key opportunity that the development provides is the potential to deliver off site habitat enhancement within the landowner's ownership. The focus of this is the restoration of lowland grassland habitat and the consequent strengthening of habitat value associated with statutory and non-statutory wildlife designations. Figure 1 illustrates the extent of lowland meadow that will be managed and enhanced as a result of the development. Areas labelled A are currently of low species diversity and offer substantial potential gains for wildlife. Areas labelled B and C are currently of moderate value with scope for further enhancement.

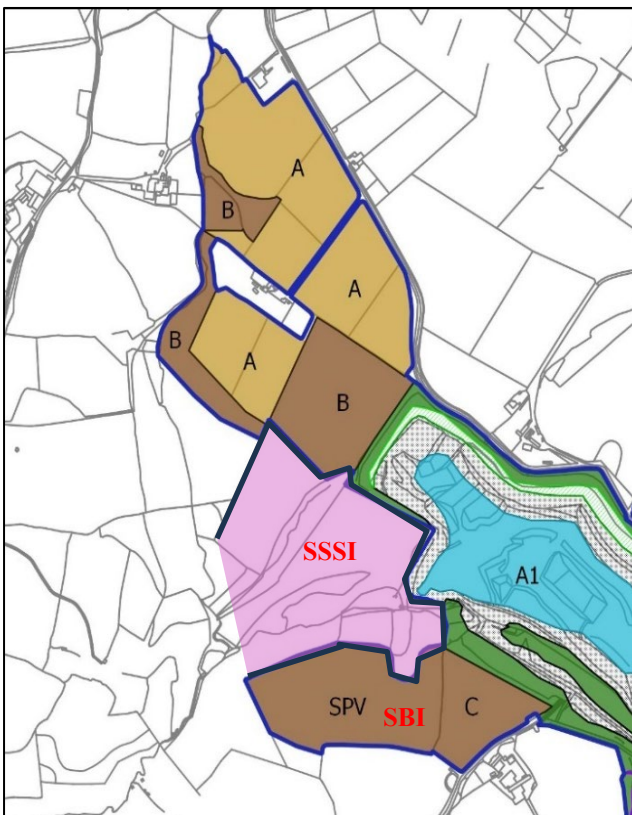


Figure 1 Off site grassland enhancement



Figure 2 Onsite enhancements

- 6.12. Within the former quarry areas, Figure 2 shows areas of woodland (W1-W5) which are currently unmanaged and in poor condition, the presence of dense bramble (see Figure 3 overleaf) through much of the underlayer of these woodlands is a simple indicator of neglect and the scope for enhancement through appropriate management which the development will deliver.
- 6.13. Likewise Figure 2 also shows the presence of various lagoons and ponds which were previously used for silt management, along with other features these too will be brought into favourable management for wildlife as a consequence of the development.



Figure 3 Showing dense bramble within the woodland groundlayer in Q1

- 6.14. Taking impacts to existing habitats and approved restoration habitats into account, an holistic approach was adopted in respect of future habitat creation and management. This applies to the former quarry areas and extends to additional land outside of the former quarry and restoration areas.
- 6.15. Appendices 2, 3 and 4 show the evolution of the **Integrated Wildlife Habitat Management Plan** from the previously approved restoration plan. The integrated plan provides the framework for the delivery of much larger scale habitat benefits alongside a nature sympathetic leisure development design.
- 6.16. Overall, this provides benefits to habitats within the site and the wider landscape including both statutory and non-statutory wildlife designations. A further major benefit of the scheme will be to deliver c. 15.4ha of enhanced lowland grassland habitat in the local area as shown on Figure 1 (Areas A, B and C).

Fauna

- 6.17. Potential impacts to **reptiles** include loss of habitat, disturbance and killing and injury. Common lizard, slow worm and grass snake have been identified within the neutral grassland and scrub habitat present within the southern section of Q1, therefore potential impacts will be greater within these areas. These species will be directly impacted by the construction of a grassland activity area, adventure play area and climbing facilities. There is an abundance of suitable habitat for reptiles in the wider area; therefore it is considered that construction activities within these areas will be small scale. Landscaping proposals for the scheme include habitat creation in the form of heathland (Q2), wood/scrub and grassland habitats. Connectivity between habitats will be improved by the woodland planting which will allow the increased colonisation of habitats by reptiles.
- 6.18. A medium sized population of **great crested newts** has been found in ponds surveyed in 2010, 2014 and 2016. In addition, smooth newt, palmate newt, common frog and common toad have also been recorded at the site. The construction phase of the project has the potential to kill, injure and disturb amphibian populations if they are present within the proposed development areas. The highest risk of this occurring is likely to be the removal of terrestrial habitats such as scrub and potential refugia. The most significant location for where these impacts are likely to occur is during lodge and hub construction in Q1. Given the abundance of available breeding and terrestrial habitat in the surrounding area, it is considered that impacts to this species will be temporary. As part of the landscaping proposals for the scheme habitat creation will be undertaken in the form of wood/scrub, grassland and wetland habitats. This will improve the terrestrial habitats on site along with improved connectivity to the wider landscape.
- 6.19. The construction phase has the potential to impact upon breeding and non-breeding populations of **birds**. The loss of breeding bird nesting and foraging habitat will occur during the initial site clearance works. The breeding bird habitat to be lost includes woodland, scrub, grassland, areas of bare shallow substrate and disturbance to the existing silt lagoons. Of particular note is the presence of the Schedule 1 species little ringed plover and the RSPB red listed lapwing were recorded as breeding on the southern side of Lagoon 7 within Q2. Additional red list species recorded at or close to the site included; grey wagtail, linnet, mistle thrush, song thrush and woodcock. Sufficient areas of habitats will be retained to ensure that breeding and foraging habitat for these species is sustained at the site. The loss/disturbance of such habitat will be temporary, as breeding bird habitat will be retained and incorporated into the new development as part of the landscaping proposals.
- 6.20. The impact on the breeding bird population upon the completed development is likely to be restricted to disturbance. Areas of valuable habitat within Q2 which provide breeding habitat for little ringed plover and lapwing will remain largely undisturbed.

Disturbance will occur in Q1, Q2 and Q3 due to the proximity of lodges and associated development to breeding bird habitat. This will include increased noise and the increased presence of pedestrians and dog walkers. However, it is likely that increased breeding bird habitat will be available through new woodland, scrub, wetland, heathland and grassland habitats, and protected by careful management of proposed formal and informal routes to avoid such areas. The improved diversity and structure of the habitats on site will benefit breeding birds.

- 6.21. No signs of **otter** have been found within the application boundary. A small tributary to the River Churnet is situated along the south eastern boundary of the application site. Due its small and shallow nature impacts to otter are considered to be unlikely during the construction phase. Construction within the adjacent Frame woodland will be minimal with the use of low impact methods to create a series of footpaths/cycle routes. This species is largely nocturnal and crepuscular and so less affected by this phase of the development. The potential impacts on otters upon completion of the proposed development are those associated with the increased disturbance from dog walkers on the River Churnet and unnamed watercourses within the Whiston Eaves woodland complex. There is an abundance of undisturbed habitat in the wider landscape and therefore potential impacts to otter are negligible.
- 6.22. No potential **bat** roost trees will be directly impacted by the proposed development. The site is considered to be valuable for foraging and commuting bats, particularly along the woodland edges, open water habitats and mosaic of habitats including grassland, scrub and open water. Key features of value include the large open water body in Q3 and the mature tree line along Eaves Lane. The water body in Q3 provides a valuable local feeding resource for Daubenton's bat; it is considered that this foraging resource will not be affected during construction assuming that sufficient unlit areas are retained. The tree lines along Eaves Lane provide foraging, commuting and potential roosting habitats for brown long eared bats and pipistrelle bats, it is considered that this feature will be largely unaffected by construction. There will be no severance of linear features or habitat links with the wider landscape.
- 6.23. Indirect impacts may occur if night work is required using artificial lighting, which has the ability to intercept or disrupt foraging/commuting behaviour. There are no significant roosts within the application site, however any lighting could potentially interfere with foraging. The abundance of available suitable habitat in the surrounding area reduces potential impacts to local bat populations to a negligible level.
- 6.24. The effects of the completed development on bats are those associated with lighting in the vicinity of potential important commuting routes and foraging areas (Eaves Lane and Q3). However, it is likely that foraging habitat will be improved through the planting of woodland, hedgerows, creation of wetland/scrub vegetation and grassland habitats as

part of the landscaping proposals for the site. Therefore, it is considered that in the long term, the operational phase of the development is likely to have a moderate beneficial impact for bats.

- 6.25. Overall, impacts to fauna will be small scale, localise and largely temporary but will in any event be subject to management so as to minimise disruption. There will be an increased risk of disturbance to fauna in some parts of the site due to increased visitor level. However, with the implementation of suitable mitigation, management and enhancement measures it is fully expected that fauna will benefit as a result of the development.

7. Avoidance, Mitigation, Compensation and Enhancement

- 7.1. The approach to the leisure proposals sought to avoid impacting the most valuable ecological features and therefore to site proposed lodges and associated paths within areas of lower ecological value. The design process covered a considerable period, included collaborative design between technical teams and engagement with key consultees (SMDC, Staffordshire Wildlife Trust and Staffordshire County Council Ecologist).

Designations

- 7.2. The leisure development **avoids** any direct impacts to SSSI, Ancient Woodland and SBI designations. Further the leisure proposals will bring adjacent land into favourable management that will extend and further protect the biological interests of the Whiston Eaves SSSI and SBI designations.
- 7.3. The main impact during the operation of the site is the risk of disturbance from increased visitor pressure at the site and the local area. The management and enhancement of land immediately adjacent to the **Whiston Eaves SSSI** and **Ashbourne Hey SBI** will increase the extent and value of this resource. This additional land will also act as a buffer to the designated sites. As set out in the Outline Habitat Management plan, one of the key objectives of woodland management is to maintain the areas of ancient woodland in a state of low recreational disturbance by managing formal and informal recreation. This will be further detailed in the Habitat Management plan that will be secured by Condition 19 of the outline planning permission.
- 7.4. Therefore, the overall impact of the completed development on the designated sites is considered to be beneficial.

Habitats

- 7.5. No irreplaceable habitats will be lost or directly impacted by the proposals. Areas of valuable woodland have been avoided by careful design. Protective fencing will be erected for adjacent retained sensitive vegetation during the construction works including **woodland** and **scattered trees**. The fencing will ensure vehicles, machinery or materials are not stored in these areas. Further to this, measures to protect adjacent trees/woodland habitats will also be implemented in accordance with the British Standards for root protection zones (British Standard 5837: 2005 - Guide for Trees in Relation to Construction).
- 7.6. Extending woodland planting will provide some buffering of the existing woodland on site and it may be possible to encourage the establishment of native flora and increase the extent of bluebell. The implementation of habitat management and maturation of

new landscape planting and woodland planting will offset the impacts of potential increased recreational activity. The impacts to the existing areas of woodland are therefore considered to be beneficial.

- 7.7. Existing areas of disturbed woodland are generally species poor and it is expected that newly planted areas, with careful management, and a sufficient period of maturation, will be of higher ecological value than those lost. The impacts of the completed development on existing disturbed woodland are therefore considered to have a long term beneficial gain.
- 7.8. Impacts upon Frame Wood will be mitigated for by the provision of significant areas of new woodland planting within the landscape proposals for the application. Sensitive working will also be adopted where pathways are located in woodland in proximity to Frame Wood. This will include 'no dig' construction methods to avoid damage to root zones, and routing of pathways to avoid high value ground flora areas to ensure there are no tramping effects on valuable vegetation as a result of access. Natural England standing advice⁵ recommends a minimum 15m buffer from ancient woodland for development to allow for root protection; however access within a buffer is appropriate if this does not cause damage by tramping. There will be no access into Frame Wood other than to undertake habitat management activities to enhance this area of neglected woodland. Access to woodland adjacent to Frame Wood has been carefully designed to minimise impacts by avoiding sensitive areas of groundflora, maintained a suitable buffer. The buffer is at a minimum of 10 m to allow for micro-siting of very short lengths of path, otherwise a minimum buffer of 15 m is secured.
- 7.9. Woodland management will also be undertaken as part of the mitigation and enhancement scheme for the site, which will improve structural diversity and prevent degradation of this habitat. Planting of species-rich hedgerows around the field boundaries to the north-west of the application site will enhance the local ecological network thus improving habitat connectivity. The detail of woodland management will be set out in the Habitat Management required by Condition 19 of the planning permission, this will not only encompass the habitat management measures to achieve improvements in ecological function but will also include the measures to manage the effects of visitor pressure. The natural topography of the site to a degree limits the risk of disturbance from visitors i.e. steep slopes, nonetheless suitable measures including monitoring and corrective actions will be detailed in the Habitat Management Plan for the site.
- 7.10. Protective fencing will be erected for adjacent retained sensitive vegetation during the construction works including the **MG6 neutral grassland**. The fencing will ensure vehicles, machinery or materials are not stored in these areas.

⁵ [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions)

- 7.11. The permanent loss of neutral grassland habitats (open grassland according to the Approved Restoration Proposals) will be mitigated for by the incorporation of species rich grassland and open grassland habitats included within the landscaping proposals for the site. The enhancement to significant areas of low-value grassland to the north-west of the application site will be undertaken along with the management of grassland considered to be of moderate species diversity at present. This will also include management of a species poor unit within the Ashbourne Hey SBI designation adjacent to the southern edge of Q3.
- 7.12. Areas of the MG6 grassland will be retained following construction and mitigation. The management of scrub within the area of MG5 grassland will create moderate beneficial gains, preventing the eventual degradation of this habitat and allowing it to colonise over larger areas. The inclusion of species rich and open grassland habitats within the landscape proposals will also offer the potential for substantial gains. The management of moderate and low value grassland habitats outside of the application boundary to the north-west will provide significant gains long term with regards to neutral grassland habitats within the local area.
- 7.13. With regards to aquatic habitats (**lagoons, ponds and watercourses**), managing run-off and pollution is a key consideration for development and it is expected that there will be negligible impacts from run off or increased discharges when the site is completed. This will require implementation of the standard pollution prevention methods by following Environment Agency Guidance (Working at Construction and Demolition Sites: PPG6). Details of this are outlined in Chapter 12 of the ES: Drainage & Flood Risk and will be implemented via a Construction Environmental Management plan as required by Condition 18 of the outline planning permission.
- 7.14. No significant adverse impacts are anticipated with regards to the landscaping/re-grading works to the existing silt lagoons on site. The inclusion of pond management in the form of scrub thinning within the southern section of the site will provide enhancements in the form of allowing more light to reach the pond allowing a more marginal/aquatic plant species to colonise.
- 7.15. Other retained habitats of interest include tall herb, wetland and riparian vegetation. It is expected that there will be a slight increase in the extent and quality of these vegetation types. The impacts of the completed development on the remaining retained habitats on site are considered to be beneficial.

Species

- 7.16. There is potential for construction activities, if not carefully managed, to cause the spread of **Himalayan Balsam**. Causing the spread of this species would breach

legislation (Wildlife and Countryside Act, 1981 (as amended)). Works should therefore be undertaken in accordance with best practice which can be implemented throughout the construction phase of the development. Other non-native species present include rhododendron and Turkey oak which are present within woodlands at the site. The selective removal of these species will enhance woodland habitats.

- 7.17. Three species have reptile have been confirmed at the site, comprising a small population of grass snake and medium populations of slow worm and common lizard. During construction, it would be essential to take reasonable steps to avoid killing or injuring **reptiles** in accordance with the requirements of the protection afforded to them under the Wildlife and Countryside Act 1981 (as amended). Targeted vegetation management and removal of suitable refugia under a method statement and supervision will be undertaken within the areas of suitable impacted habitat.
- 7.18. The provision of habitat creation as part of the landscaping proposals for the site in the form of open grassland, scrub/woodland, heathland and scrub/wetland habitat, is considered to improve the quality of habitats for reptiles on site, as well as overall connectivity for dispersal in the wider landscape.
- 7.19. A medium sized metapopulation of **great crested newts** has been found in ponds surveyed in 2010, 2014 and 2016, situated in or within 250 m of the application site. It is considered that a licence will be required from Natural England for the areas of highest impact in high value habitat, particularly where lodges and access roads are proposed in Q1. These areas will require careful standard mitigation as set out in the ES.
- 7.20. No ponds will be lost as a result of the proposed application. Proposed mitigation/enhancement works to the existing silt lagoons/ ponds along with planting and/or scrub management will improve the quality of the habitats for amphibians. It is considered that with mitigation and compensation measures, there will be no negative impacts upon the Favourable Conservation Status of this species as a consequence of development of the site. To the contrary, the development provides the opportunity to manage aquatic habitats (by maintaining areas of open water - removing scrub) to ensure that great crested newts and other amphibians benefit as a consequence of the scheme.
- 7.21. No significant adverse impacts upon amphibians are expected if the outlined mitigation measures are implemented. Long terms beneficial gains are anticipated in the form of planting of marginal/aquatic species and thinning of scrub around shaded ponds. The maintenance of open water habitats, provision of refugia/hibernacula and a range of optimal terrestrial habitats within the landscaping scheme such as woodland/scrub, species rich and open grassland will also provide benefits for amphibian populations.

- 7.22. The **bird assemblage** is considered to be of Borough/District value; the species recorded are moderately diverse and a range of woodland/scrub species and ground nesting species are represented. As far as possible, all woodland and scrub habitat will be retained, with new planting replacing any affected areas. New nest boxes will be provided within woodland habitats to provide opportunities for a range of birds including barn owl and planting will include berry bearing species (e.g. rowan, holly and hawthorn) to provide a food source for birds.
- 7.23. The Wildlife & Countryside Act (1981, as amended) gives general protection to all wild birds from killing, injuring or taking; destroying, damaging or taking nests in use or being built; and taking or destroying eggs. Birds listed on Schedule 1 of the Wildlife and Countryside Act (1981, as amended) are afforded additional protection by a penalty system. It is illegal to disturb any wild bird listed on this Schedule while it is nest building, or at a nest containing eggs or young, or disturb the dependent young. As little ringed plover were previously identified to be 'confirmed breeding' on Lagoon 7 in Q2 it will be necessary to conduct a check of suitable habitat prior to the commencement of work if programmed to be carried out during the breeding season. If this species is confirmed to be present within any working areas during the breeding season a suitable exclusion areas will need to be established to ensure that this bird is not disturbed during the breeding season.
- 7.24. Other breeding bird habitat (trees and scrub) removal should preferably take place outside of the breeding bird season which runs from late February until September. Any vegetation not cleared during the bird breeding season will be subject to a pre-clearance bird survey. No vegetation will be cleared within 5m of an identified nest until the young have fledged and are no longer returning to the nest site. Vegetation will only be cleared when the scheme ecologist has declared the nest clear of dependant young.
- 7.25. No significant adverse impacts to birds are anticipated if the outlined mitigation is implemented. Any impacts during construction are considered to be temporary and the provision of additional nesting habitat in the form of woodland, scrub and nest boxes will provide gains for a range of species along with providing suitable habitat for the inclusion of the Schedule 1 species little ringed plover which was recorded on site. The implementation of a bird box scheme within the woodland habitats to the south (Key and Frame Wood) will provide an abundance of additional nesting opportunities for birds. It is considered that overall there will be beneficial gains for birds.
- 7.26. No potential **bat** roost trees will be directly impacted by the proposed development. The site is considered to be valuable for foraging and commuting bats with a range of species confirmed to be utilising the site for foraging. Potential lighting impacts will need to be managed during construction and operation of the site. The design will need to avoid

direct lighting and overspill into woodland or into potential foraging habitat such as woodland, water bodies and tree lines.

- 7.27. New artificial bat roost sites will be installed into selected new structures. Roosts will be appropriate to each individual structure and will include bat bricks or in built crevices/voids which are suitable for bat use. Bat friendly building design will be incorporated into new buildings - this will be targeted towards buildings with a south/south-east elevation overlooking or close to water and/or woodland habitats.
- 7.28. A range of bat boxes will be installed within Key Wood as part of the ecological mitigation and enhancement for the site. This will create additional roosting opportunities for a range of bat species on site.
- 7.29. No significant impacts to bats are anticipated if the mitigation proposals are implemented. The current site status suggests that the site is of value for foraging and commuting bats. It is therefore reasonable to expect that with the mitigation outlined above that the availability of roosting habitat will increase providing beneficial gains for bats and foraging behaviour should not be significantly affected.
- 7.30. No significant impacts to **otters** or **other mammals** are anticipated as a result of the proposed development.
- 7.31. When the site is operational and with maturation of newly established habitats it is expected that species groups including bats, birds, amphibians and reptiles will reoccupy large parts of the site. Areas of low disturbance may well benefit grass snake. It is certain that bat species such as Pipistrelle sp. and Daubenton's will benefit from the provision of extensive new roosting features, the creation of the new wetland features and the strengthening of commuting routes. New landscape planting, the provision and sensitive management of land for ground nesting birds and the provision of barn owl boxes will provide a wide range of new nesting opportunities for birds. The long term impacts upon protected species are therefore considered to be beneficial as a result of the completed development.

Implementation

- 7.32. To manage future mitigation, maintain and enhance wildlife interests at the site, a **Habitat Management Plan** (HMP) will be prepared for the site, which will be in place throughout the operational period of the site, enforced by condition. The plan will include the management required for all retained vegetation and newly created habitats. This will be submitted to Staffordshire Moorland District Council (SMDC) for approval in respect of Condition 19 of the outline permission. An Outline Habitat Management Plan, including an integrated wildlife habitat plan (see Appendix 4), supported the outline application and provided an overarching strategy for habitat

management that relating to the planning applications for the leisure scheme and consented solar schemes within Q1 and Q2 in combination; this approach was developed in consultation with Staffordshire County Council's ecology officer.

7.33. The detailed HMP (Condition 19) will also include the management and monitoring arrangements for notable species at the site including breeding birds, reptiles, amphibians and bats.

7.34. The implementation of the above controls and management plans are secured by Conditions 18, 19 and 20 of SMD/2014/0682:

- 18. No phase of the development as agreed under Condition 5, including demolition, site stripping and any other preparatory work, shall be commenced until a Construction Ecological Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The plan shall have regard to the prevailing British standard for 'Biodiversity – Code of Practice for Planning and Development and shall be based on the amended Outline Construction Ecological Management dated June 2016 prepared by Bowland Ecology and included at Appendix 9.3 of the Environmental Statement. The development phase shall thereafter be carried out in full accordance with the approved plan.
- 19. No development including demolition, site stripping and any other preparatory work shall be commenced until a Habitat Management Plan, relating to the area edged blue on the Integrated Wildlife Habitat Plan attached at Appendix 1 of the Outline Habitat Management Plan dated June 2016 prepared by Bowland Ecology (Appendix 9.4 of the Environmental Statement) has been submitted to and approved in writing by the Local Planning Authority. The plan shall be based on the design and management principles set out in the submitted Outline Habitat Management Plan and include details of habitat creation, phasing mechanisms, roles and responsibilities for implementation of the plan, its review and monitoring. The development shall thereafter be carried out in accordance with the approved plan.
- 20. No phase of development agreed under condition 5 shall be brought into use until full details of the proposed lighting scheme (including floodlighting, street lighting and security lighting) for that phase has been first submitted to and approved in writing by the Local Planning Authority. Such details shall be broadly in accordance with guidance set out in the Institute of Lighting Engineers (Reduction of Light Pollution)(2011) and be accompanied by evidence that it is approved by a qualified ecologist in relation to its impact on bats. There shall be no external lighting at the development other than in accordance with the approved scheme.

8. Reasons for Refusal

- 8.1. Detailed consideration has been given to identifying, retaining, protecting and enhancing the key ecological features for the whole site and wider area. In terms of the **Reasons for Refusal** reference is made to the design of lodges not being sensitive to the site or surroundings and note that the development in part is adjacent to Whiston Eaves SSSI.
- 8.2. In referencing the SSSI within the Reasons for Refusal it appears that the purpose of SSSI designation is misunderstood. Sites of Special Scientific Interest (SSSIs) safeguard England's most important areas of natural heritage. The Wildlife & Countryside Act 1981 and subsequent amending legislation⁶ places a legal duty on Natural England to act for the benefit of SSSIs and take reasonable steps, consistent with the proper exercise of its functions, to further the conservation and enhancement of the **special scientific interest** of SSSIs.
- 8.3. Specifically a SSSI is an 'area of land is of special interest by reason of any of its flora, fauna, or geological or physiographical features'⁷ only. With regards to Whiston Eaves SSSI, this site is only designated due to the presence of certain habitats and the fish bullhead within the associated streams (small tributaries of the River Churnet). More specifically [extract from SSSI citation] 'the site encompasses a series of species-rich meadows, all of which have been traditionally managed as either hay-meadow or grazing pasture...Although consisting predominantly of semi-natural grassland, the site does include areas of rush pasture, scrub and running water'. **This is clearly not a designation based upon appearance, setting or visual impact.**
- 8.4. Impacts to the SSSI were considered in the Environmental Statement, there are no objections to the Outline Permission and the RM application from Natural England (the statutory body for designating SSSI) or the Staffordshire Wildlife Trust who provide planning advice to the LPA.
- 8.5. The development will bring land outside of the former minerals operating areas (Q1, Q2 and Q3 the areas of proposed lodges) and adjacent to the SSSI into favourable management. By not giving consent to the RM application, beneficial management to habitats that are connected to the SSSI and thus beneficial for the SSSI will not be achieved.
- 8.6. The key impact to the SSSI occurred during mineral extraction when drawdown of water levels in the SSSI occurred. The applicant is seeking to restore this situation and provide

⁶ The Wildlife and Countryside Act 1981 was amended by the Countryside Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006.

⁷ S28 of the Act

further beneficial management through development of the site. Linking refusal to the SSSI is therefore wholly irrelevant in the context in which it has been used.

9. Conclusions

- 9.1. A number of studies dating from 2006 have been undertaken to gather ecological information relating to the site. A wide range of detailed ecological surveys were initially carried out in 2010 and 2011. Updating surveys were carried out in 2014 and 2016 to re-check the baseline conditions previously recorded.
- 9.2. The site is dominated by former quarry workings with additional woodland, grassland and hedgerow habitat within the wider area. Of particular interest are areas designated as SSSI and SBI, remnant ancient woodland, broadleaved woodland and grassland habitats. The assessment of baseline conditions, impacts and mitigation took account of Quarry Restoration Proposals approved by Staffordshire County Council in December 2013.
- 9.3. A sensitive approach to design was adopted following the review of existing information and extensive site surveys. This approach ensure that the proposed development locations were located within areas of low ecological value and valuable ecological features were avoided.
- 9.4. The ecological assessment supporting the consented outline application concluded that the proposed development will impact upon habitats that have formed within the former quarry areas (Q1, Q2 and Q3) which predominantly comprise developing grassland, ephemeral habitats, scrub and areas of planting (trees, hydra seeding). In addition, the development will fragment the Approved Restoration Plan and introduce disturbance to the site which will also negatively affect the function of the proposed Approved Restoration Habitats.
- 9.5. To mitigate and compensate for these impacts a strategic approach was adopted. The key elements of which are the enhancement/restoration of lowland grassland, planting new woodland and management and enhancement of existing woodlands. Further measures included planting of new hedgerow to enhance the ecological network value of the area (green infrastructure) and retention and management of the Approved Restoration Habitats within the application site.
- 9.6. With regards to fauna, the site is of interest for reptiles, amphibians including great crested newt, bird species and bats. Standard mitigation techniques can be implemented to avoid potential effects to species during construction and to avoid other potential impacts such as run off and lighting. Species interests would also be incorporated into the long term management objectives for the site.
- 9.7. Ecological matters were comprehensively considered at the outline planning stage, outstanding matters will be addressed by several key pre site stripping and operation conditions 18-20. The only remaining considerations relate to condition 9 (dealt with

during the RM application) and condition 12 a pre-commencement requirements which relates to the provision of further detail for a bridleway at the northern edge of Q2.

9.8. Overall the development will deliver substantial benefits for wildlife by:

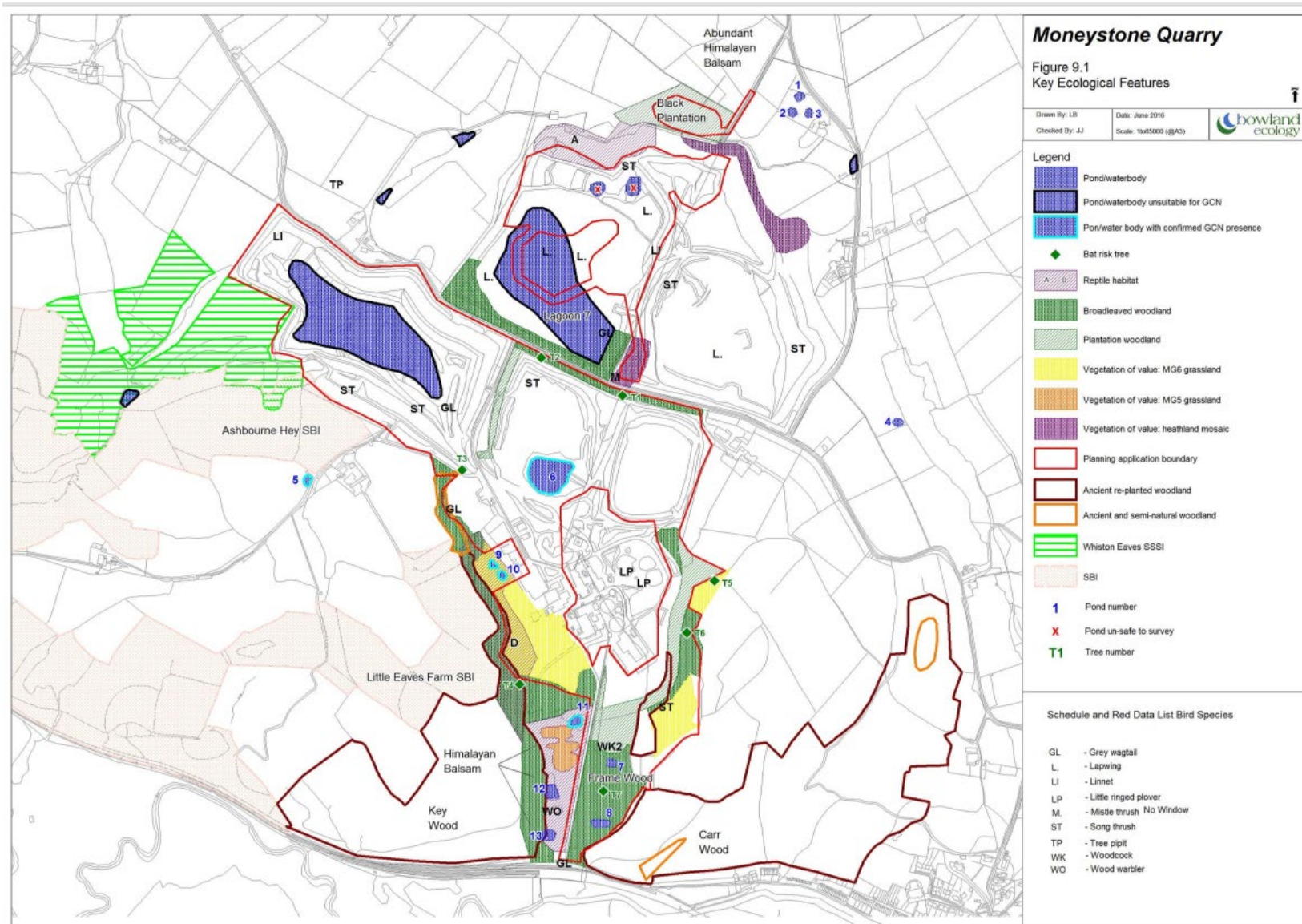
- Adopting a quantitative approach to assessing impacts to habitats in the ES and this is summarised below:
 - Areas of the Approved Restoration Plan which were considered to be significantly affected by the development (19.78 ha).
 - Areas with minor negative effects on the Approved Restoration Plan - these areas will provide habitat and ecological value following development (13.59ha).
 - Areas with negligible effects upon the Approved Restoration Plan and still providing ecological value following development (20.44 ha).
 - Habitats to be created / (29.2 ha) plus 1080 m of hedgerow planting.
- enhancing extensive areas of grassland within and beyond the proposed development site;
- bringing extensive areas of neglected broadleaved woodland, including ancient replanted woodland, into favourable management;
- protecting and enhancing SSSI and SBI designations as a consequence of grassland and woodland management;
- creating and enhancing other habitats within the former minerals extraction areas including wetland habitats;
- creating opportunities for a wide range of species associated with the site (e.g. bird and bat boxes, refuge habitat for amphibians/reptiles); and
- delivery of a long term monitoring strategy secured by planning condition, compared to the previous 5 year after care period associated with quarry restoration.

9.9. With regard to the Reasons for Refusal, SSSI designation does not relate to appearance or setting and is solely related to scientific interest. Reference to the SSSI is therefore irrelevant in the context in which it has been used. Natural England did not object to the Reserved Matters Application.

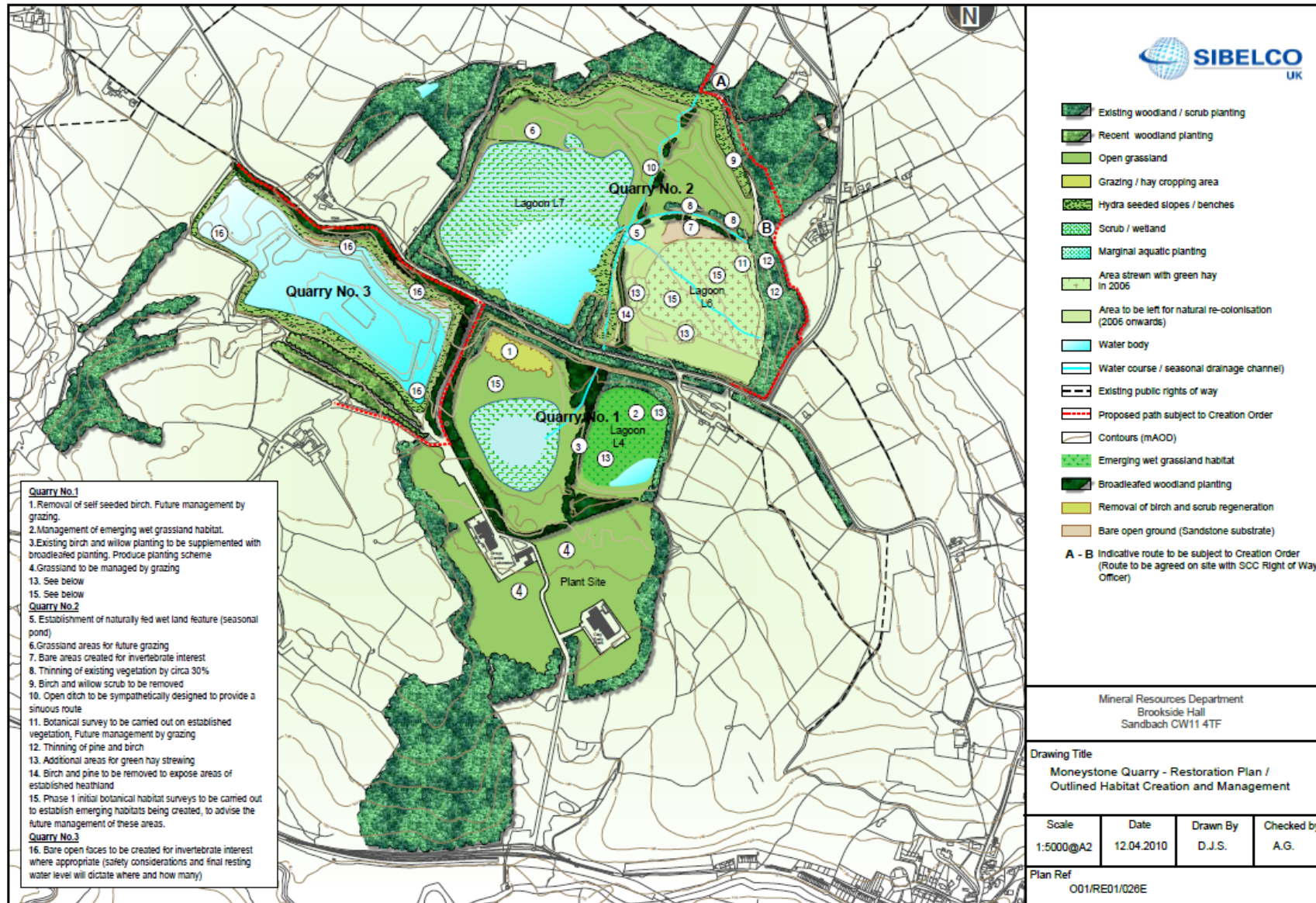
9.10. By refusing the RM application significant benefits to wildlife including the SSSI will not be delivered.

Appendices

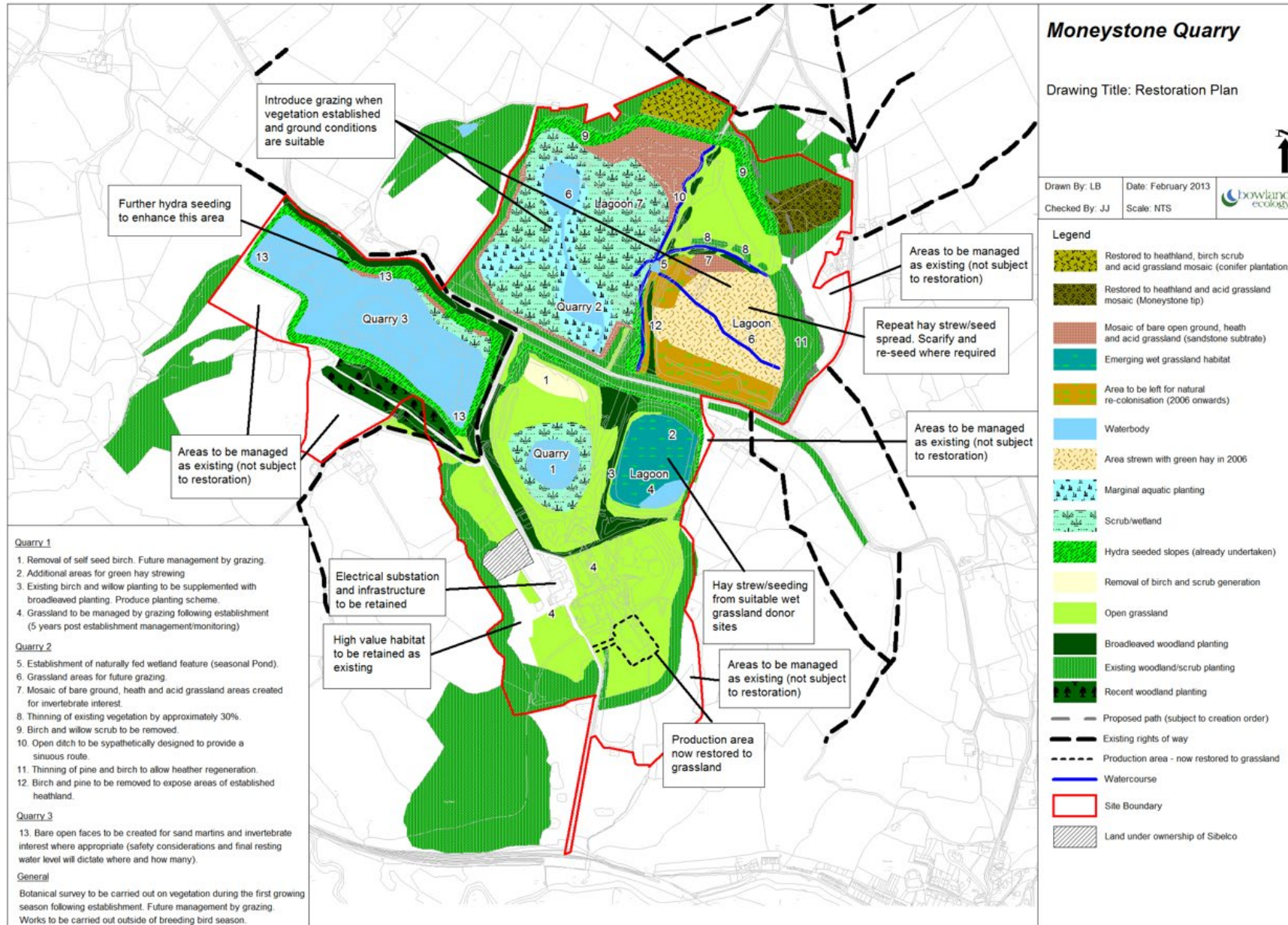
Appendix 1 Ecological Features Plan



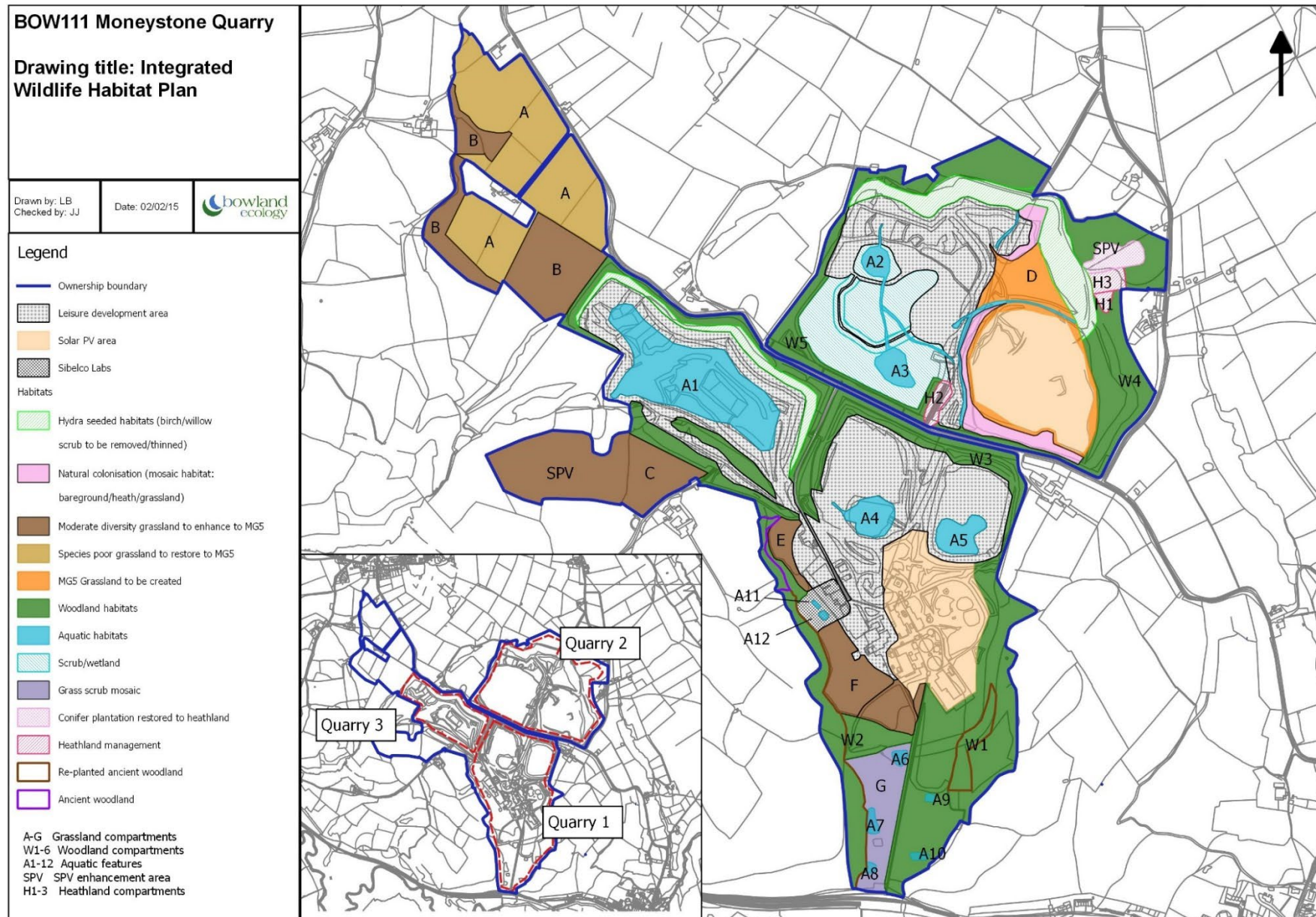
Appendix 2 Sibelco Approved Restoration Plan



Appendix 3 Updated Approved Restoration Plan



Appendix 4 Integrated Wildlife Habitat Plan



Appendix 5 Design of access use of retained landscaped areas

