




# Independent Ecological Review

## Land off Ashland Road, Sutton-in-Ashfield

### Presented to Ashfield District Council

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## 1.0 Context and Purpose

Delta-Simons was instructed by Ashfield District Council ('the Client') to undertake an independent review of the Ecological Appraisal prepared by FPCR in February 2020, and submitted by Bellway Homes (East Midlands Ltd) to Ashfield District Council (the Local Planning Authority (LPA)) to inform an outline planning application for the development of the above 'Site' for 300 residential dwellings with associated hard and soft landscaping. The proposals to develop the Site are controversial for a number of reasons, including its position adjacent to Brierley Forest Park Local Nature Reserve (LNR), which also incorporates/overlaps five Local Wildlife Sites (LWS).

## 2.0 Review

### Statutory Designated Sites

#### *SSSI Impact Risk Zones*

A search was undertaken using the Multi-Agency Geographic Information for the Countryside (MAGIC) website to verify the results of the FPCR statutory site search. Whilst the results of our search were consistent with those in the FPCR report, it was noted that Site of Special Scientific Interest (SSSI) Impact Risk Zones (IRZs) had not been considered as part of their search. SSSI IRZ searches have been enabled by Natural England to make rapid initial assessment of the potential risks posed by development proposals to: SSSIs, Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites. They define zones around each site which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts upon them. The IRZs can be used by local planning authorities (LPAs) to consider whether a proposed development is likely to affect these sites, and to determine whether they will need to consult Natural England to seek advice on the nature of any potential impacts and how they might be avoided or mitigated.

The Site falls within the SSSI IRZ for Dovetail Wood SSSI and Teversal Pastures SSSI IRZ, for which the LPA should consult Natural England for development proposals which result in any discharge of water or liquid waste of more than 5 m<sup>3</sup>/day to ground (i.e. to seep away), or to surface water, such as to a beck or stream (not including discharges to a mains sewer). A review of the Flood Risk Assessment and Drainage Strategy both prepared by EWE Associates (April 2020) indicates that discharge to the watercourse at a max discharge of 46.9 l/s which is the QBAR greenfield rate.

Dovetail Wood SSSI and Teversal Pastures SSSI are both partially designated for the presence of wetland habitats (wet woodland and neutral marsh respectively) and will be susceptible to changes in hydrology. It is unclear from the Flood Risk Assessment and Drainage Strategy what the baseline levels for the Site are. As both increases and decreases in flow rates and volumes, especially during storm events, have the potential to alter both the extent and condition of the SSSI wetland habitats, further information will be required to ensure no adverse effect on the SSSIs as a result of the proposed development.

The other potential impact as a result of residential developments is for development proposals of 100 houses or more outside of existing settlements/urban areas. The development is not considered to be an extension to Sutton-in-Ashfield such that this is not considered to be a relevant impact.

#### *Brierley Forest Park LNR/LWS*

There will be a significant increase in footfall on the above site which borders the northern boundary of the proposed development Site. Whilst it is noted that there is an extensive footpath network throughout the Park, a Public Right of Way (PRoW) running parallel to the eastern extent of the northern Site boundary within the Park, and access off North Street into the Park to the immediate west of the Site, consideration should be given to why four additional access points into the LNR/LWS have been included from the northern Site boundary. These will result in the fragmentation of the woodland corridor, and a considerable increase in anthropogenic disturbance to the flora and fauna of the woodland.

The FPCR Report states that there will be an expected increase in visitor pressure on the woodland through informal recreational use, resulting in a localised minor impact on the woodland along this boundary line. Given the extent of the proposals to enable access into an area currently not subject to anthropogenic disturbance, and the proximity of the proposed access points to 300 residences, any localised impact is considered to be moderate and, therefore, significant. Consideration should be given to reducing the number of accesses to two, which should adjoin the current PRoWs at the eastern and western extents of the Site boundary, respectively, thereby reducing impacts on undisturbed habitats and causing unnecessary disturbance and fragmentation. Furthermore, the proposed buffer area consisting of densely planted native scrub species could then be extended right along the woodland edge between the official access points and would be effective in mitigating any potential disturbance impacts on the woodland edge.

The assessment made by FPCR of potential impacts of the proposals on other statutory and non-statutory designated sites is considered appropriate.

#### **Habitats**

The Site comprises approximately 50% arable and 50% poor-semi improved grassland managed as a hay/silage crop, bisected by a species-poor hedgerow running north-south, with encroaching ruderals and scrub from the Site boundaries. Boundaries comprise a combination of wet ditch, scattered broadleaved trees, fencing and hedgerow. Running water flows inside a section of the southern boundary heading west to east. Whilst all of the habitat of low ecological value in the form of arable, poor-semi improved grassland, the stream in its current condition, the wet ditch and ruderals will be lost to facilitate the proposals, the majority of higher value habitat is being retained. Appropriate compensation has been proposed to mitigate the loss of habitats, however, despite being a requirement of the National Planning Policy Framework (NPPF, 2019), "*Planning policies and decisions should contribute to and enhance the local environment by (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...*" there is no mention of biodiversity net gain in the Report, such that it contravenes national planning policy.

Biodiversity enhancements should be included within any development proposals.

#### **Bats**

Whilst trees on-Site were assessed for their suitability to support roosting bats, and appropriate mitigation is proposed, no indication of the Site's habitat quality for bats was reported. Given the description of the habitats on-Site, and the surrounding habitats, and considering the Site is abutted on three aspects by residential housing estates, it is considered of low habitat quality such that seasonal (spring, summer, autumn) transects and static detector recordings for a period of five nights should have been undertaken to inform the development proposals in accordance with standard guidance, however, two transect surveys were completed in August and



September 2019, with associated static detector recordings. Whilst the guidance is quoted in the report, the surveys have not been undertaken in accordance with it, and no justification for the chosen level of survey effort is given. However, based on the results of the survey works undertaken, the mitigation proposed is considered appropriate to negate any adverse impacts resulting from the proposals.

## **Birds**

Given the species recorded both during the Site visit, and as part of the data search, the habitat types on-Site and their proximity to residential housing estates with associated anthropogenic disturbance and access by domestic pets, the proposed mitigation for birds is considered appropriate.

## **Reptiles**

Given that at least two species of common reptile occur in the immediate surrounding area, and there is suitable, albeit limited, habitat for these species on the periphery of the Site, works under a Method Statement are considered appropriate. However, no regard has been given to the fact that the Site will be developed in phases given that the proposals are for 300 residences, and that there is potential for all areas of it to be left unmanaged in the intervening period between sale of the land, when agricultural practices will most likely cease, and commencement of development. Should all management cease then it would not be feasible to complete a fingertip search of up to 10 ha of land such that there is potential for harm to reptile species which could disperse across the wider Site and, therefore, consideration must be given to ongoing management of the land up to the commencement of each phase of development, otherwise an extensive programme of trapping and translocation of reptiles would be required in order to ensure that the proposals are lawful.

## **Great Crested Newts (GCNs)**

A single GCN record was returned from 2009 c. 600 m north of the Site on the northern boundary of Brierley Forest Park LNR/LWS, such that this species is anticipated to occur within the Park. Suitable habitat for this species exists around the periphery of the Site. There are two ponds within 500 m of the Site boundaries. Brierley Waters, 4 m to the north of the Site boundary, was assessed as being of 'poor' suitability for GCNs. The second pond described as 'a naturally forming field pond c.20 m north of the Site and from aerial imagery appears to have been present since 2010' was assessed as having 'good' suitability for GCNs. No aquatic survey, or an environmental (e) DNA test has been proposed of Pond 2, despite its suitability to support GCNs.

Whilst a recommendation was made for works to proceed under the same Method Statement as for reptiles, this raises the same concern regarding management of the land up until the point of development. As with reptile species, should management practices cease, there is the potential for GCNs to be harmed during Site clearance works, if they are present in the local area, and, therefore, consideration must be given to ongoing management of the land up to the commencement of each phase of development. Should this not be possible, an eDNA test should be undertaken to inform the requirement for the necessary mitigation for GCNs given the proximity of a potential breeding pond to the Site.

## Hedgehogs

Given the potential for the Site and surrounding residential housing estates and Park to support this species, all fencing within the development should allow access and egress for hedgehogs. This requires 13 cm<sup>2</sup> access to be left in a coordinated network to enable access and egress between suitable foraging habitats throughout the Site, and to the wider landscape.

## Other Protected/Notable Species

The recommendations for all other protected/notable species are considered appropriate. However, priority should be given to the eradication of Japanese knotweed from the Site at the commencement of works and an appropriate barrier treatment put in place to ensure that if it also occurs off-Site, it cannot encroach back onto the Site.

## 3.0 References

Ministry of Housing, Communities & Local Government (2019). National Planning Policy Framework.