

APPENDIX 1: LEGISLATION AND PLANNING POLICY

7.2 General & Regionally Specific Policies

- i. Articles of British legislation, policy guidance and both Local Biodiversity Action Plans (BAPs) and the NERC Act 2006 are referred to throughout this report. Their context and application is explained in the relevant sections of this report. The relevant articles of legislation are:
 - The National Planning Policy Framework (2018);
 - ODPM Circular 06/2005 (retained as Technical Guidance on NPPF 2018);
 - The Conservation of Habitats and Species Regulations 2017;
 - The Wildlife and Countryside Act 1981 (as amended);
 - EC Council Directive on the Conservation of Wild Birds 79/409/EEC;
 - National Parks and Access to the Countryside Act 1949;
 - [REDACTED]
 - The Countryside and Rights of Way Act 2000;
 - The Hedgerow Regulations 1997;
 - The Natural Environment and Rural Communities (NERC) Act 2006; and
 - Local Biodiversity Action Plan for Lowland Derbyshire.

7.3 Bats and Great Crested Newts

- i. Great crested newt and species of British bats are fully protected within UK Law under *Wildlife and Countryside Act 1981* (as amended) through their inclusion in Schedule 5. Under the Act, they are protected from:
 - Intentional or reckless killing, injury, taking;
 - Damage to or destruction of or, obstruction of access to any place of shelter, breeding or rest;
 - Disturbance of an animal occupying a structure or place;
 - Possession or control (live or dead animals);
 - Selling, bartering or exchange of these species, or parts of.
- i. This law is reinforced by the UK's transposition of the EU Habitats Regulations under *The Conservation of Habitats and Species Regulations 2017*. These Regulations also prohibit:
 - the deliberate killing, injuring or taking of great crested newt or bats;
 - the deliberate disturbance of any great crested newt or bat species in such a way as to be significantly likely to affect:
 - their ability to survive, hibernate, migrate, breed, or rear or nurture their young; or
 - the local distribution or abundance of that species.
 - damage or destruction of a breeding site or resting place;
 - the possession or transport of great crested newt or bats or any other part of.
- ii. Under certain circumstances a licence may be granted by Natural England to permit activities that would otherwise constitute an offence. In relation to development, a scheme must have full planning permission before a licence application can be made.
- iii. In addition, seven British bat species are listed as Species of Principal Importance (SPI) under the Natural Environment and Rural Communities (NERC) Act, 2006. These are barbastelle (*Barbastellus barbastellus*), Bechstein's (*Myotis bechsteinii*), noctule (*Nyctalus noctula*), soprano pipistrelle (*Pipistrellus pygmaeus*), brown long-eared (*Plecotus auritus*), greater horseshoe (*Rhinolophus ferrumequinum*) and lesser horseshoe (*Rhinolophus hipposideros*).
- iv. Under the National Planning Policy Framework 2018 the presence of any protected species is a material planning consideration. The Framework states that impacts arising from development proposals must be

- [illegible]

7.7 Hedgehogs

- viii Under the NERC Act 2006, the hedgehog (*Erinaceus europaeus*) is categorised as a 'Species of Principal Importance' (SPI) for biodiversity. Furthermore, both are local biodiversity action plan species (LBAP) for Lowland Derbyshire Listing as SPI reflects concerns that populations have suffered a rapid and sustained decline in the UK. As such, they are a material consideration during planning.

7.8 Hedgerows

- iii All native hedgerows (including species-poor ones) are listed under Section 41 of the NERC Act (2006) and are a Local Biodiversity Action Plan (LBAP) habitat. All native hedgerows are considered to be of high conservation value.
- iv The Hedgerow Regulations (1997) classifies a hedgerow as 'important' if it:
- Satisfies at least 1 of the criteria listed in Part II of Schedule 1
 - Has existed for 30 years or more
- v Any person wishing to remove a hedgerow is required to submit a hedgerow removal notice to the LPA.
- vi Items of Legislation that are pertinent regarding hedgerows include:
- Hedgerow Regulations 1997
 - The countryside Rights of Way Act 2000
 - Natural Environment and Rural Communities Act (NERC) 2006
 - Planning Policy Statement (PPS) 9: Biodiversity and Geological Conservation
 - The UK Biodiversity Action Plan (UK BAP)
 - The conservation of habitats and species regulations 2017



Key

Boundary

Phase 1 Points

- TN1 - Japanese Knotweed
- Tree with Bat Potential
- Bader Sett/Signs
- Deciduous Tree

Phase 1 Lines

- G2.1 - Running water
- J2.1.2 - Intact hedge - species-poor
- J2.4 - Fence

Phase 1 Habitats

- A1.1.2 - Broadleaved woodland - plantation
- A2.1 - Scrub - dense/continuous
- B6 - Poor semi-improved grassland
- C3.1 - Other tall herb and fern - ruderal
- J1.1 - Cultivated/disturbed land - arable
- J4 - Bare ground



Client:
EMH Homes

Project:
Oak Close, Castle Gresley

Drawing Title:
Phase 1 Habitat Plan

Drawing No.
RSE_3151_Appendix 2

Drawn By: TC
Scale: 1:1200

Rev:
V1
Date:
24/09/2019

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APPENDIX 3: SPECIES SPECIFIC SURVEY METHODS

7.9 Great Crested Newt (GCN) Habitat Suitability Assessment (H.S.I)

- i Waterbodies within 500m of the survey area were evaluated against the GCN HSI criteria (Oldham *et al*, 2000). The HSI provides a measure of the suitability of a water body to support GCN by assigning an overall score of between 0 and 1, which is based on ten key criteria as follows:
- SI1 Geographic location
 - SI2 Pond area
 - SI3 Pond drying
 - SI4 Water quality
 - SI5 Shade
 - SI6 Presence of water-fowl
 - SI7 Presence of fish
 - SI8 Number of local ponds
 - SI9 Terrestrial habitat quality
 - SI10 Plant coverage
- ii In general, ponds with a higher score are more likely to support GCN than those with lower score. Suitability for GCN is determined in accordance with the scale outlined in Table 2 below.

Table 12: HSI Scoring Criteria

HSI Score	Pond Suitability
<0.5	Poor
0.5 – 0.59	Below average
0.6 – 0.69	Average
0.7 – 0.79	Good
>0.8	Excellent

7.10 Bats

7.10.1 Ground Level Tree Assessment (GLTA)

- ix The overall value of the site and its connectivity to the wider countryside was assessed in relation to bats. The likelihood of bats roosting at the site or moving through the site between local roost sites and foraging/mating/hibernation habitats was considered.
- x The site, including the trees and boundary trees, were assessed by an ecologist and graded as to their suitability for supporting roosting bats using the Bat Conservation Trust's *Bat Surveys for Professional Ecologists: Good Survey Guidelines* (Collins, J. Eds. 2016), an extract of which is provided interpreted in Table 13.

Table 13: Criteria for bat roost potential assessment of trees

Roost Potential	Description	Surveys Required (Trees)
Confirmed roost	Evidence of roosting bats found during initial daytime inspection.	3 – including 1 dawn as a minimum
High *	Structures with one or more features suitable for bat roosting, with obvious suitability for larger numbers of bats.	3 – including 1 dawn as a minimum
Moderate	Structure with one or more potential roost sites that could be used due to size, shelter and protection but unlikely to support a roost of high conservation status.	2 – including 1 dawn as a minimum
Low	Structure with one or more potential roosting sites used by individual bats opportunistically. Insufficient space, shelter or protection to be used by large numbers of bats.	Precautionary Mitigation Approach, some instances may require further survey
Negligible	No or negligible features identified that are likely to be used by roosting bats	None

* Unless it is a confirmed roost, additional surveys are required of buildings to assess presence / likely absence of a roost. The number of surveys are indicative to give confidence in a negative result, i.e. where no bats are found, confidence in a result can be taken.

7.10.2 Aerial Tree Assessment

- vii Aerial inspections were specifically selected for as opposed to typical nocturnal surveys as it was established that the features in trees T9 and T20 could be comprehensively searched via endoscopy without any uncertainty which has the potential for the suitability of the trees to be downgraded and the survey effort reduced. Additionally, inspection eliminates the risk of missed activity in low light levels and as such is considered a more effective approach provided potential roosting features can be comprehensively searched, which was the case on this site.
- viii During the survey a team of two suitably trained (NPTC City and Guilds CS38 – Tree Climbing & Aerial Rescue) and licenced bat surveyors were used to undertake the survey. Roped aerial access was achieved using approved and LOLER checked and compliant equipment, with one surveyor acting as a grounds-person for safety. Torches and articulated endoscopes were used to inspect any suitable features identified in the trees during the preliminary surveys. Any evidence of bats, including droppings, smell, waxy residue or bats in situ was noted.

7.11 [REDACTED]

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7.12 Hedgerow Assessment

- viii. The hedgerows within the Site were initially surveyed to assess the probability that they would qualify as 'important' under the Hedgerow Regulations 1997 on the basis of the ecological criteria of the legislation.
- ix. Specific hedgerow surveys of those considered possible to qualify as important were undertaken.
- x. Regulation 4 of the Hedgerow Regulations 1997 sets out that:
- xi. "For the purposes of section 97 (hedgerows) of the Environment Act 1995 and these Regulations, a hedgerow is "important" if it, or the hedgerow of which it is a stretch, -
 - has existed for 30 years or more; and
 - satisfies at least one of the criteria listed in part II of Schedule 1"
- xii. The criteria listed in Part II of Schedule 1 are divided into 2 main sections, namely 'Archaeology and History' and 'Wildlife and Landscape'. If a hedgerow meets any one of each of the criteria listed, it qualifies as important. The majority of these criteria are split into parts, with sub-criteria to be applied in turn to each hedgerow.
- xiii. Consideration has only been given to the 'Wildlife and Landscape Criteria'. Criteria by which the importance of a hedgerow is judged in 'Wildlife and Landscape' terms are set out at criteria 6 – 8 of Schedule 1 Part II of the Regulations.
- xiv. Criterion 6 refers to the presence of rare, Priority or protected species within a hedgerow or records of such species, which are held by a biological records centre (or similar).
- xv. In addition to this methodology, the Hedgerow Evaluation and Grading System (HEGS), which provides a rapid assessment of habitat quality, grading on a scale from +1 to -4 (with +1 being the highest ecological quality), was used to provide an indication of the conservation value of hedgerows present on site (Clements & Toft, 1993).

APPENDIX 4: SPECIES LIST

Common Name	Scientific Name
Nettle	<i>Urtica dioica</i>
Red campion	<i>Silene dioica</i>
Bindweed	<i>Convolvulus arvensis</i>
Night shade sp.	<i>Solanum sp.</i>
Campion sp.	<i>Silene sp.</i>
Herb Robert	<i>Geranium robertianum</i>
Crack Willow	<i>Salix fragilis</i>
Hawthorn	<i>Crataegus monogyna</i>
Ash	<i>Fraxinus excelsior</i>
Privet	<i>Ligustrum</i>
Bramble	<i>Rubus fruticosus agg.</i>
Broad-leaved dock	<i>Rumex obtusifolius</i>
Mugwort	<i>Artemisia vulgaris</i>
Common couch	<i>Elymus repens</i>
Tufted hair grass	<i>Deschampsia cespitosa</i>
Creeping thistle	<i>Cirsium arvense</i>
Parsley sp.	<i>Petroselinum sp.</i>
Goosefoot	<i>Chenopodium sp.</i>
Sow thistle	<i>Sonchus sp.</i>
Yorkshire fog	<i>Holcus lanatus</i>
Creeping buttercup	<i>Ranunculus repens</i>
Fleabane	<i>Erigeron sp.</i>
Spear thistle	<i>Cirsium vulgare</i>
Corn/Maize	<i>Zea mays</i>
Potatoes	<i>Solanum tuberosum</i>
Birch	<i>Betula</i>
Sycamore	<i>Acer pseudoplatanus</i>
Cherry sp.	<i>Prunus sp.</i>

Rowan	<i>Sorbus aucuparia</i>
Wild oats	<i>Avena fatua</i>
False oat grass	<i>Arrhenatherum elatius</i>
Blackthorn	<i>Prunus spinosa</i>
Rose sp.	<i>Rosa sp.</i>
Doves-foot cranes-bill	<i>Geranium molle</i>
Nipplewort	<i>Lapsana communis</i>
Wood avens	<i>Geum urbanum</i>
Poppy sp.	<i>Papaver sp.</i>
Speedwell sp.	<i>Veronica sp.</i>
Hedge mustard	<i>Sisymbrium officinale</i>
Groundsel	<i>Senecio vulgaris</i>
Ivy leaved cyclamen	<i>Cyclamen hederifolium</i>
Cock's foot	<i>Dactylis glomerata</i>
Spurge	<i>Euphorbia</i>
White clover	<i>Trifolium repens</i>
Red clover	<i>Trifolium pratense</i>

APPENDIX 5: BAT ROOST ASSESSMENT RESULTS

Table 14: Ground Level Tree Assessment Results

Tree Ref.	Tree species	Potential bat roost features	Ground Level Assessment 2018	Aerial Assessment 2018	Photograph
T12	Crack Willow	Lateral crack approximately 10cm in diameter on limb on ground which extends upwards. Appears dry internally. Lots of clutter outside from bindweed and nettle. Feature low down and large so susceptible to predators, thus reducing suitability.	Low	NA	
T18	Crack Willow	Trunk cavity extending upwards 1m to a dome at apex. Very damp inside and lots of debris. Could support several bats. Low down and potentially susceptible to predators or suitability would be higher.	Moderate	Unable to fully assess with endoscope due to size - Moderate	

Tree Ref.	Tree species	Potential bat roost features	Ground Level Assessment 2018	Aerial Assessment 2018	Photograph
T19	Elm	Woodpecker hole at 5m NW, extends downwards 30cm and upwards 10cm. A knot hole at 3m NW wet and full of slugs with minimal extent up or down.	Moderate	Moderate	
T20	English Oak	Knot hole on top of branch weld, extends in laterally 15cm, dry dusty debris at base, enough space for 4-5 bats.	Moderate	Moderate	



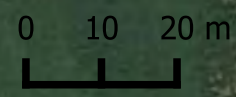
Key

 Site Boundary

Trees with bat roost potential

 Low Bat Roosting Potential Tree

 Moderate Bat Roosting Potential Tree



T12

T18

T19

T20



HOUSE TYPE LEGEND

- Type A - 2bed 4p Semi-detached house (71.7m² /772 sqft) 25 No.
- Type B - 3bed 5p Semi-detached house (82m² /882 sqft) 2 No.
- Type C - 2bed 4p Semi-detached house (70m² /753 sqft) 8 No.
- Type D - 3bed 5p Semi-detached house (82.6m² /889 sqft) 9 No.
- Type E - 4bed 6p Semi-detached house (114m² /1227 sqft) 4 No.
- Type F - 3bed 5p Split Level Semi-detached house (100m² /1076 sqft) 10 No.
- Type G - 1bed 2p Flats (45.8m² /493 sqft) 8 No.
- Type H - 2bed 3p Semi-detached bungalow (62.5m² /672 sqft) 2 No.
- Type J - 3bed 5p Cat. 3 Semi-detached bungalow (86.4m² /930 sqft) 2 No.

Total Dwellings - 70No.
Parking - 136No.
Total Site Area: 5.96 Acres (2.41 Hectares)
Total P.O.S & Forestry Planting: 1.59 Acres (0.64 Hectares)

MATERIALS LEGEND

- 1.8m High brick piers at 2m centres, 600mm low level wall with 1.2m close boarded infill panels
- 1.8m High close boarded fencing.
- 1.2m High post & rail fencing
- Areas of turf / soft landscaping
- Areas of P.O.S.
- Areas of Forestry Planting
- Macadam road to adoptable standards
- Macadam footway to highway standards.
- 450x450x35mm concrete slabs. Suitable edging to all interfaces.
- Permeable Block Paving to driveways. Colour - Brindle with Charcoal demarcation lines
- Existing trees
- Existing trees to be removed
- Proposed trees

NOTES:
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All Contractors must visit the site and be responsible for taking and checking dimensions relative to their work. Sutton and Wilkinson Chartered Architects to be advised of any variation between drawings and site conditions.
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REV.	AMENDMENT:	INT.	DATE:
A	DETENTION BASIN ADDED	SD	19.09.19
B	PLOTS TO NORTH EAST BOUNDARY REPOSITIONED	SD	25.09.19

PRELIMINARY

PROJECT:
Residential Development at:
Land off Oak Close
Castle Gresley
Swordlincote

CLIENT:
EMH Group

TITLE:
Site Layout

SUTTON AND WILKINSON
CHARTERED ARCHITECTS
Victoria House, 13 New Penkridge Road,
Cannock, Staffs, WS11 1HW
Telephone: 01543 466441
Facsimile: 01543 462469
e-mail: office@suttonwilkinson.co.uk

SCALE	DRAWN	DATE	SIZE
1:500	SD	Sept. 19	A3
DRAWING NUMBER			REVISION
2494 - 12			B



ENTRANCE AND ARRIVAL POINT
The entrance vista provides an impressive sense of arrival. The vista is focused on a semi mature tree specimen which is of a choice species in keeping with the setting. The south side of the road is lined with fastigate extra heavy standard trees of natural appearance and a lush under-storey of shrubs. Planting to the north side creates a strong repetitive array of specimen shrubs and low hedge species to enhance the impact of the overall landscape.

PLANTING TO THE NORTH WESTERN BOUNDARY
This enclosed area abuts the land with the adjacent pond. The planting is forestry planting but includes habitats suitable for Great Crested Newts (GCN)

WATER COURSE
The permanently wet channel is designed to be aesthetically pleasing and to enhance biodiversity. A combination of natural rocks and tall grasses line the water course and integrate with the proposed landscape of the detention basin.

PUBLIC OPEN SPACE AND PLAY AREA
The sloping grass surface of the detention basin accommodates a natural play area, stone features, tree, shrub and ornamental grass planting. The play equipment has been design to be in keeping with its setting and where possible, built into the terrain.

NATIONAL FOREST PLANTING
The required area of forestry planting wraps around the west and south of the development and comprises species from the National Forest Palette.

The planting includes habitats suitable for GCN

MEADOWS
The Public Open Space includes flowering meadows and Bee Meadows through which path and grass paths meander. Specimen ornamental and fruit trees follow the line of the paths providing food sources for wildlife. At the interface with the new woodland, numerous hibernacula are positioned to take advantage of the range of habitats for wildlife.

REAR GARDENS
The slope of the rear gardens is mitigated by low retaining structures positioned at strategic point to minimize the slope and maximize the amenity value. The position of the retainer will vary from plot to plot depending on the steepness of slope.

HEDGEROWS
Existing hedgerows are enhanced and developed with supplementary planting and husbandry. The hedgerows are managed as conduits for wildlife to the adjacent habitats.

KEY

- Woodland trees Scattered Shrubs and tall grasses suitable for Great Crested Newts
- Water course marginal and ornamental planting
- Forestry species - tree selection in keeping with the National Forest palette.
- Native and natural shrub and tree planting to the POS margins near residences
- Amenity Grassland
- Natural Wild Flower and Bee Meadows
- Pedestrian paths which could be bound gravel, tarmac, grass or loose gravel.
- Amenity Grassland
- Retained Tree

N A T U R A L P L A Y



REV DATE NOTES



Client EMH HOMES

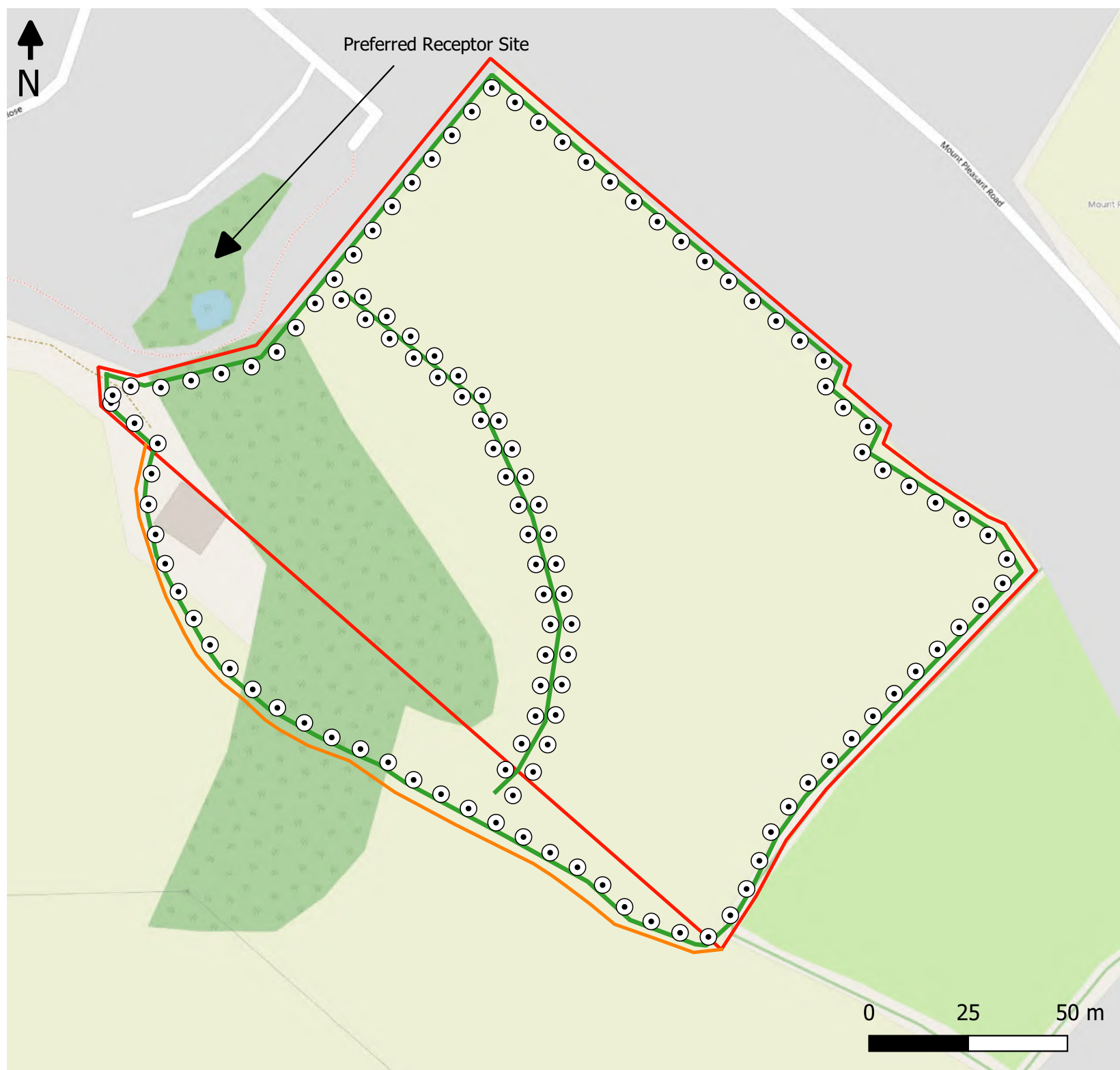
Project RESIDENTIAL DEVELOPMENT
OFF OAK CLOSE

Drawing Title LANDSCAPE MASTERPLAN

Drawn	Scale	Paper Size
DK	1:500	A1
Date	Drawing No.	Revision
SEPT 19	1916-PL1-02	-

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LANDSCAPE MASTERPLAN RESIDENTIAL DEVELOPMENT ADJACENT TO OAK CLOSE



Key

- Site Boundary
- Proposed Enhancement Area
- Temporary Amphibian Fence (TAF)
- Pitfall Bucket Traps (minimum 100 per ha)



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Client:
EMH Homes

Project:
Oak Close, Castle Gresley

Drawing Title:
GCN Translocation Plan

Drawing No.
RSE_3151

Drawn By:
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