Hogs Yard, Buxton Road, Whaley Bridge, Derbyshire

Extended Phase 1 Habitat

Survey Report

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Title: Hogs Yard, Buxton Road, Whaley Bridge
Extended Phase 1 Habitat Survey

Client: High Peak Development Ltd

Date: July 2014

Status	Date	Prepared by	Reviewed by	Approved by
Final V2	31st July 2014	Miranda Cowan Senior Ecologist	Neil Lee-Gallon Principal Ecologist	Neil Lee-Gallon Principal Ecologist

SUMMARY

This report has been prepared on behalf of High Peak Development Ltd in respect of fulfilling Condition 22 (Ecological Assessment) of granted outline planning permission in 2005 (Ref: HPK/2004/0590). Subsequent to this submission, Reserved Matters consent has been given on two occasions, the latest being granted on the 8th July 2013 (ref: HPK/2013/0268). The proposal in which this Ecological Assessment is based applies to the approved 'Detailed Landscape Proposals, Drawing No. 270.01', comprising of a new mixed use development; offices, food and drink facilities and leisure assembly. Figure 1 illustrates the site location, which is hereafter referred to as 'Hogs Yard', located on Buxton Road, Whaley Bridge, Derbyshire (SK 012819). The River Goyt bounds the site to the east and the Peak Forest Canal and associated tow path forms the sites western boundary.

The survey site equates to 0.4ha, is currently unmanaged and characterised by semi-mature broadleaved woodland (UK BAP priority habitat), continuous / scattered scrub, tall ruderal and a small area of semi-improved neutral grassland. Figure 1 (Appendix 1) illustrates the arrangement of habitats and also shows adjacent land features to include the River Goyt (eastern boundary) and the Peak Forest Canal (western boundary). Key features on site are represented by target notes (tn1-tn4), although certain features such as the presence of Himalayan balsam (*Impatiens glandulifera*) are considered widespread and are therefore not denoted by a target note.

The Detailed Landscape Proposals (Drawing No. 270.01) makes reference to shrub and tree retention as well as additional planting of native species. Shrub and tree retention reflects efforts to retain features of the UK BAP habitat for broadleaved woodland and offers screening between the proposal site and the Peak Forest Canal towpath. It is recommended to give priority to hawthorn shrubs as a longer established landscape feature on the sites western boundary (tn3) as well as trees and existing ground flora that form part of the River Goyt riverine habitat. It is also recommended to negotiate repair of the defunct stone wall, which would heighten the profile of the locality and compliment the design of the proposed development.

Himalayan balsam as a Schedule 13 species of the Wildlife and Countryside Act (1981, as amended) would need to be managed and eradicated prior to and during construction. Manual pulling outside of the main seeding period (August – September, inclusive) is recommended, accompanied by burying plant fragments. Regular inspections of new plants would need to be undertaken, followed by further manual pulling.

Three trees (tn1 pedunculate oak and common ash and tn2 alder) are noted for their bat potential, all of which are defined as Category 3 (low value), due to being surrounded by dense vegetation, thus restricted access for bats. Removal of these trees will need to adhere to the method statement detailed in the recommendations of this report. Should bats be found or suspected at any time then tree work will cease and ecological advice be sought. Should bats be subsequently found roosting within trees requiring removal then a licence from Natural England will be required in order to undertake the works lawfully.

Whilst Otter (*Lutra lutra*) is known to be present on the River Goyt catchment, no field evidence attributed to this species was noted during the survey, to include 100m up and down sections of the river (where accessible). As such, otters are not considered to pose a constraint to the proposals and existing measures to protect the riverine habitat will not restrict future movement and migration of otters.

The site has a complex vegetative structure that is suitable for bird species to establish nests. It is therefore recommended to undertake vegetation clearance outside of the nesting bird season (March-August inclusive). Where this is not possible, 24hr pre-site clearance checks will need to be undertaken by a suitably qualified ecologist, to check for nesting activity. Where nesting activity is located, restrictions will apply until the fledglings are confirmed to have left the nest.

CONTENTS

1 INTRODUCTION

1.1 Background

1.1.1 This report has been prepared on behalf of High Peak Development Ltd in respect of fulfilling Condition 22 (Ecological Assessment) of granted outline planning permission in 2005 (Ref: HPK/2004/0590). Subsequent to this submission, Reserved Matters consent has been given on two occasions, the latest being granted on the 8th July 2013 (ref: HPK/2013/0268). The proposal in which this Ecological Assessment is based applies to the approved 'Detailed Landscape Proposals, Drawing No. 270.01', comprising of a new mixed use development; offices, food and drink facilities and leisure assembly.

1.1.2 Figure 1 illustrates the site location, which is hereafter referred to as 'Hogs Yard', located on Buxton Road, Whaley Bridge, Derbyshire (SK 012819). The River Goyt bounds the site to the east and the Peak Forest Canal and associated tow path forms the sites western boundary.

1.1.3 An Extended Phase 1 Habitat survey, to include scoping for the potential or actual presence of protected faunal species was undertaken on the 16th June 2014 by Miranda Cowan (MIEEM) of NLG Ecology Ltd. The survey aimed to fulfill the following objectives:

- To establish an ecological baseline of the site;
- To assess the potential or confirm actual presence for protected and notable species, with more detailed focus for target species such as otter (*Lutra lutra*);
- To make recommendations for further appraisal and ecological survey where required; and,
- To make recommendations for habitat retention and enhancement, so as to ensure opportunities for biodiversity gain are considered in line with national and local planning policy and strategies for nature conservation (i.e. Biodiversity Action Plans).

1.2 Legislation

1.2.1 Legislation applied to the survey site is summarised below, which covers the UK and Wales only. For a more definitive statement of law it is recommend that the full legislative acts are sighted.

- ***The Conservation of Habitats and Species Regulations 2010*** (the 'Habitats Regulations'): These Regulations consolidate and update the Conservation (Natural Habitats, &c.) Regulations 1994 ("the 1994 Regulations"). The Habitats Regulations, which are made under section 2(2) of the European Communities Act 1972, are the principal means by which Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the "Habitats Directive") is transposed for England and Wales and territorial seas.

- ***The Wildlife and Countryside Act 1981 (as amended)*** gives general protection measures for wildlife and special measures for species included on Schedules of the Act. Schedule 1 lists birds that are afforded special protection, Schedules 4-6 protects various wild animal species from injury, killing or disturbance, and Schedule 8 confers protection to certain plant species. The statutory designation of Sites of Special Scientific Interest (SSSI) is the main site protection measure in the UK established under the WCA

- ***The Countryside and Rights of Way Act (CROW Act) 2000*** amended the Wildlife and Countryside Act 1981 to also make it an offence to intentionally or recklessly damage, destroy or obstruct a place that a species, listed on Schedules of the Wildlife and Countryside Act, uses for shelter or protection. The repealed Section 74 of the CROW Act listed habitats and species important to biological diversity in England, in accordance with the 1992 UN Convention on Biodiversity (Habitats and Species Action Plans under The UK Biodiversity Action Plan is the means by which the government complied with it's duty under Section 74).

- ***Section 41 of the Natural Environment and Rural Communities Act (2006)*** replaces Section 74 of the Countryside and Rights of Way Act, 2000 and refers to the list of organisms and habitats of principal importance published under the repealed Section 74 of the CROW Act 2000. The Secretary of State must take such steps to further the conservation of the living organisms and types of habitat included in the list and promote the taking by others of such steps.

- ***Hedgerow Regulations (1997)*** restrict the removal or part removal of hedgerows which are over 20m in length. Removal includes digging, replanting elsewhere or destroying a hedgerow.

- ***The Protection of Badgers Act (1992)*** which principally relates to protecting badgers from activities that result in disturbing or interfering with a badger's sett.

2 METHODOLOGY

2.1 Desk Study

2.1.1 A desk study provides background information on the ecological interest of a site and compliments data collected in the field by providing ecological context for the site and its wider landscape. The search area extended up to 1km and incorporated the following resources:

- Multi-Agency Geographic Information for the Countryside (MAGIC) (www.magic.gov.uk) was searched for European and National Statutory designated sites, including Special Protected Areas (SPA's), Special Areas of Conservation (SAC's), Sites of Special Scientific Interest (SSSI) and Local Nature Reserves (LNR's);

- UK Biodiversity Action Plan (BAP) http://jncc.defra.gov.uk/) and Local BAP (LBAP) http://www.derbyshirebiodiversity.org.uk/lbaps/peak-district.php were reviewed of likely occurring priority species and habitats;

- Google Maps (www.google.co.uk/maps) and Ordnance Survey (OS) maps were reviewed to help determine terrestrial and hydrological connectivity with the wider landscape. This related to the presence of ponds within 250m of the proposal site.

2.2 Phase 1 Habitat Survey

2.2.1 The Phase 1 Habitat survey broadly followed the standard methodology as detailed in the JNCC (2010), *Handbook for Phase 1 Habitat Survey - A technique for Environmental Audit* and further developed in Guidance for Baseline Ecological Assessment (Institute of Environmental Assessment, 1995). This involved mapping and describing the broad habitats and compiling a general plant species list to reflect the floristic assemblage of each habitat type. All botanical names follow the nomenclature of Stace (2010).

2.2.2 Target notes (tn) were used to illustrate key features of interest (i.e. over mature trees / dead standing wood) or to draw attention to areas considered too small to map or for the purpose of highlighting the location of an invasive plant species.

2.3 Scoping for Protected Species

2.3.1 In accordance with the Institute of Environmental Assessment, (1995) the survey extended to assess faunal potential. The level of scoping does not necessarily constitute full survey effort, although reasonable effort is made to provide informed conclusions for the potential requirement of further survey. The scoping involved recording field evidence associated with the following protected faunal species:

- ***Bats***: assessing trees for their potential to accommodate bat roosts and assessing habitats for foraging and commuting;

- ***Badgers***: including a search for badgers setts, pathways, foraging and latrines;

- ***Birds***: assessing habitat potential to accommodate breeding birds, recording evidence of any bird species heard or sighted;

- ***Reptiles***: assessing habitat value for basking and winter hibernation, to include noting the variation of habitat structure and the presence of features such as rubble piles;

- ***Riparian mammal***: evidence of water vole (*Arvicola amphibious*) and otter (*Lutra lutra*) was searched for on the River Goyt. Where accessible, the search extended to 100m up and down sections of the river and involved accessing the river to view both embankments. The search comprised of searching for droppings, feeding signs, runs and resting places;

- ***Amphibians***: relative to findings from the desk study, water bodies were assessed for their potential to accommodate great crested newt (*Triturus cristatus*).

3 SURVEY FINDINGS

3.1 Desk Study

3.1.1 Todbrook Reservoir Site of Special Scientific Interest (SSSI) and Brookfield Pond Local Nature Reserve (LNR) are located 8.7.5m to the south west of the proposal site. Whilst Todbrook Reservoir feeds the Peak Forest canal there are no direct habitat connections between the proposal site and the designations.

3.1.2 There broadleaved woodland throughout the proposal site is classed as a UK Priority habitat type (http://www.magic.gov.uk/MagicMap.aspx).

3.1.3 There are no ponds within 250m of the proposal site.

3.2 Habitats and Flora

3.2.1 The survey site equates to 0.4ha, is currently unmanaged and characterised by semi-mature broadleaved woodland, continuous / scattered scrub, tall ruderal and a small area of semi-improved neutral grassland. Figure 1 (Appendix 1) illustrates the arrangement of habitats and also shows adjacent land features to include the River Goyt (eastern boundary) and the Peak Forest Canal (western boundary).

3.2.2 The site is currently utilised for informal recreation, with numerable access points through a defunct stone on the sites western boundary. The stone wall forms the parapet to the tow path of the Peak Forest Canal.

Broadleaved Woodland

3.2.3 Broadleaved woodland forms the dominant habitat type and continues its extent beyond the sites southern boundary, until tapering out at the Whaley Bridge canal basin. Characteristic tree species include sycamore (*Acer psuedoplatanus*), pedunculate oak (*Quercus robur*), wych elm (*Ulmus glabra*), common ash (*Fraxinus excelsior*) alder (*Alnus glutinosa*) and willow species (*Salix* sp.). The latter two species are more prominent along the margins of the River Goyt, where the ground conditions are more persistently damp. Target note (tn1) refers to the most notable mature tree specimens on site, including a pedunculate oak and common ash, which has an abundant cover of ivy (*Hedera helix*). Target note (tn2) refers to a mature alder with aging features (cavities / split trunk). See faunal section in respect of value to roosting bats.

3.2.4 The woodland understory is co-dominated by common nettle (*Urtica dioica*) and the invasive plant species Himalayan balsam (*Impatiens glanulifera*). The presence of Himalayan balsam reflects persistent damp soil conditions, possibly resulting from seepage of the Peak Forest canal and the River Goyt's fluctuating water levels.

Scrub and Tall Ruderal

3.2.5 These habitat types occur around the woodland edge and are encroaching into a small area of semi-improved neutral grassland. The dominant species include thickets of bramble (*Rubus fruticosus* agg) and goat willow (*Salix cinerea*). Target note (tn3) refers to sites western boundary, which supports some notable mature hawthorn (*Crataegus monogyna*) shrubs, amongst semi-mature sycamore trees. The shrubs and trees of tn3 sit at a higher elevation than other aspects of the site and run parallel with a defunct stonewall of the Peak Forest Canals towpath.

3.2.6 Amongst the scrub are prominent stands of rosebay willowherb (*Chamerion angustifolium*).

Semi-improved Neutral Grassland

3.2.7 This habitat is largely characterised by tussock forming grass species, namely cock's-foot (*Dactylis glomerata*) and false oat-grass (*Arrhenatherum elatius*). Tall herb and scrub is encroaching throughout, reflecting the unmanaged nature of the site.

3.2.8 Target note (tn4) reflects the most species rich area, located on thin free draining soils of the TESCO's road embankment. Species here are loosely spaced and include common knapweed (*Centeurea nigra*), oxeye daisy (*Leucanthemum vulgare*), salad burnet (*Sanguisorba minor*) and vetch (*Vicia* sp.) species.

3.3 Protected Species

3.3.1 No evidence was found of riparian mammals along the River Goyt and Peak Forest Canal. The river embankments for where the development proposals apply are regularly frequented by the public, thus disturbance could affect the likely presence of species such as otter.

3.3.2 There is no evidence of badger within the survey area and suitable breeding habitat is not available for great crested newt (*Triturus cristatus*). The survey has identified potential or confirmed presence for the following protected species.

Bats

3.3.3 Table 1 below details the findings of three trees with bat potential. Criteria assessment is taken from Hundt, L, (2012).

Tree species	tn ref	Description	Resulting value
Common ash (*Fraxinus excelsior*)	tn1	Mature tree with widespread cover of ivy, spreading into canopy branches. Possible gaps between growth stems of ivy. The tree is located amongst dense cover of surrounding trees, possibly reducing potential for bats.	Category 2 (Low)
Alder (*Alnus glutinosa*)	tn2	Mature tree with large split within the main trunk, exposing internal wood, where decay is present and small cavity openings, although surrounded by dense vegetation form other trees and shrubs. The hole is occupied by a bees nest.	Category 2 (Low)

Breeding Birds

3.3.4 All vegetation across the site and the defunct stone wall on the western boundary has the potential to accommodate nesting birds during the breeding season (March to August inclusive). These habitats are also likely to accommodate bird assemblages during autumn / winter for food and shelter.

3.3.5 Dipper (*Cornus cornus*) was observed calling (two flight passes) from the River Goyt. It is therefore possible that dipper are nesting along a nearby section of the River Goyt and are travelling up and down stream as part of their commuting / foraging range.

4 CONCLUSIONS AND RECOMENDATIONS

4.1.1 The Extended Phase 1 Habitat survey has identified the proposal site to support a mosaic of unmanaged habitats, largely characterised by common and widespread plant species, although the woodland is a UK BAP Priority habitat type. The key features on site are represented by target notes (tn1-tn4), although certain features such as the presence of Himalayan balsam are considered widespread and are therefore not denoted by a target note. Recommendations drawn from the survey findings are bulleted below.

- ***Habitat retention / enhancement***: The Detailed Landscape Proposals (Drawing No. 270.01) makes reference to shrub and tree retention as well as additional planting of native species. Shrub and tree retention reflects efforts to retain features of the UK BAP habitat for broadleaved woodland and offers screening between the proposal site and the Peak Forest Canal towpath. It is recommended to give priority to hawthorn shrubs as a longer established landscape feature on the sites western boundary (tn3) as well as trees and existing ground flora that form part of the River Goyt riverine habitat, which will offer wider benefits for the potential future migration of otter. It is also recommended to negotiate repair of the defunct stone wall, which would heighten the profile of the locality and compliment the design of the proposed development.

- ***Himalayan balsam***: as a Schedule 13 species of the Wildlife and Countryside Act (1981, as amended) it is unlawful to plant or otherwise cause spread of Himalayan balsam. Risk of spread is most sensitive when the plant has set seed (August – September, inclusive). Works on site would therefore need to be undertaken outside this period, to prevent further spread of this species. During works it is recommended eradicate Himalayan balsam on site, ideally from mechanical cutting and burying the vegetative fragments. This mechanical control will need to be accompanied with frequent inspections and on going pulling as new plants are encountered.

- ***Breeding birds:*** The site has a complex vegetative structure that is suitable for bird species to establish nests (from ground level to the tree canopy). It is therefore recommended to undertake vegetation clearance outside of the nesting bird season, which falls from March-August inclusive. Where this is not possible, 24hr pre-site clearance checks will need to be undertaken by a suitably qualified ecologist, to check for nesting activity. Where nesting activity is located, the area will need to remain protected for a minimum period of 28 days. Only when fledglings have vacated a nest can vegetation clearance proceed. In this respect vegetation clearance outside of the nesting period is the favoured approach.

- ***Bats:*** three trees (tn1 and tn2) are noted for their bat potential, all of which are defined as Category 3 (low value). Removal of these tree will need to adhere to the method statement detailed below. Should bats be found or suspected at any time then tree work will cease and ecological advice be sought. Should bats be subsequently found roosting within trees requiring removal then a licence from Natural England will be required in order to undertake the works lawfully.

Tree felling method statement for all category 2 trees

- Ideally carry out work on likely trees in autumn this avoids periods when bats are particularly vulnerable – during hibernation or when non-flying young are present.
- When preparing to cut a tree look for evidence of bat occupancy – obvious holes, cavities and splits; dark staining on a tree below a hole; staining around a hole; maze of tiny scratch marks around the hole; noise coming from a hole; on close inspection the hole may contain droppings.
- Bats may be anywhere inside a hole, try to cut as far above a hole as possible.
- If in doubt if it is a roost, do not cut and seek ecological advice.
- Bats may be inside cracks held open by the weight of a branch, which will close when branch taken off. Search such splits for bats before removing large limbs.
- When felling ivy clad trees, once felled allow a 24 hour rest period before limbing and removing ivy.
- Where possible ring bark and leave up to 15 metres standing dead wood (trunk), with due regard to Health and Safety issues.

If bats are found:

- If the roost is still intact and bats are not injured, seek ecological advice immediately. If help is not available allow bats to fly out of harms way.
- If the timber is felled, the roost is not exposed and the bats are not injured, temporarily seal and isolate roost and seek ecological advice immediately and contact Natural England. If help not readily available, position the roost off the ground, re-open it and allow bats to relocate of their own accord.
- If roost has been exposed, and bats have been injured, collect bats into a secure box or bag (using a glove) and seek ecological advice immediately. Do not handle bats without gloves.
- In all cases where bats are found to occupy a tree, seek ecological advice immediately.

5 REFERENCES

- Hundt, L, (2012). Bat Surveys: Good practice Guidelines, 2nd edition, Bat Conservation Trust

- JNCC, (2010). Handbook for Phase 1 Habitat Survey – a Technique for Environmental Audit. ISBN: 0861396367

- Institute of Environmental Assessment, (1995). Guidelines for Baseline Ecological Assessment. E & FN SPON, Chapman & Hall, London

- Stace, C (2010). New Flora of the British Isles (3rd Ed) Cambridge University

6 APPENDICIES

Appendix 1 – Figure 1 – Extended Phase 1 Habitat Findings

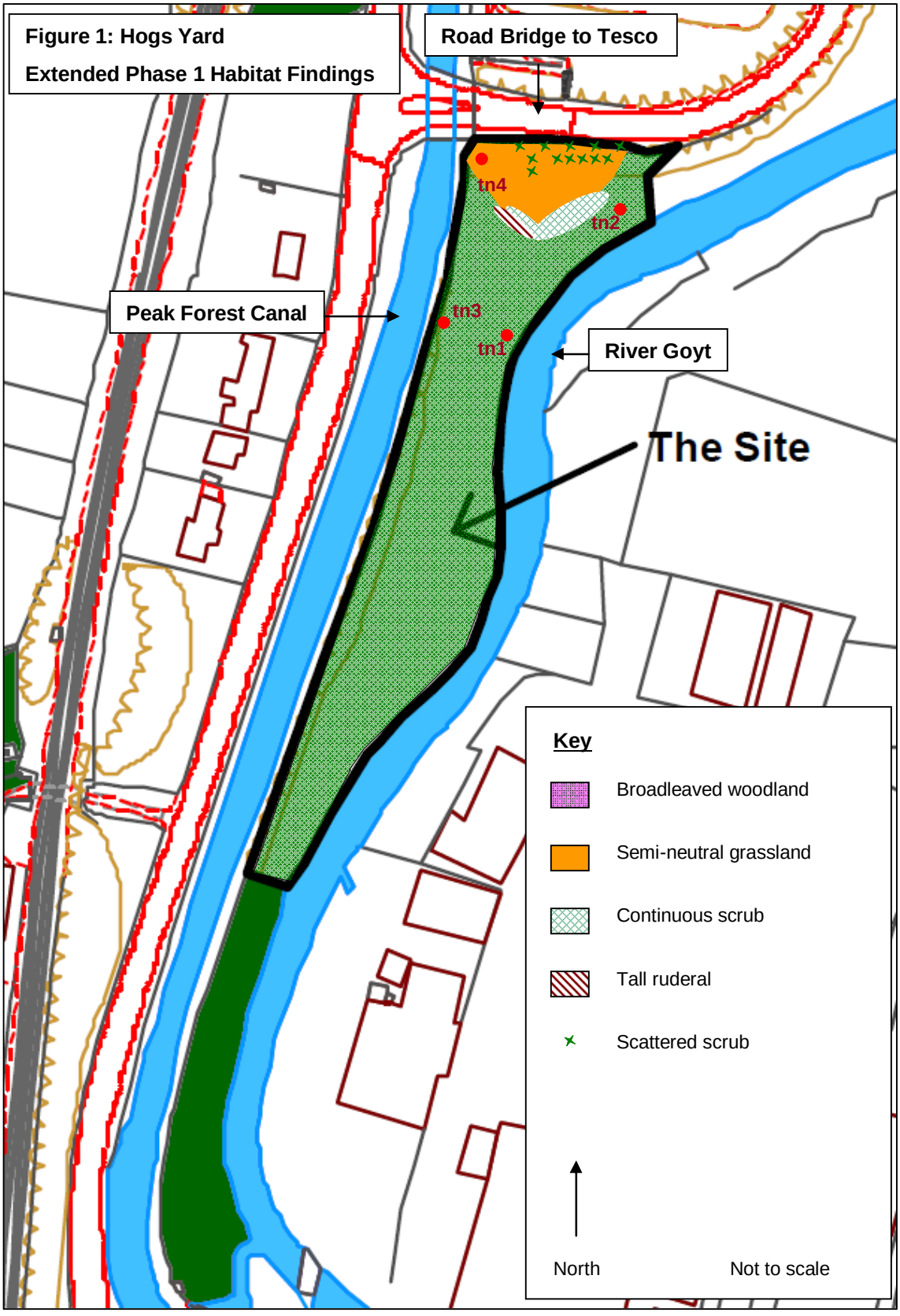
Figure 1: Hogs Yard
Extended Phase 1 Habitat Findings
Road Bridge to Tesco
tn4
tn2
Peak Forest Canal
tn3
tn1
River Goyt
The Site
Key
Broadleaved woodland
Semi-neutral grassland
Continuous scrub
Tall ruderal
Scattered scrub
North
Not to scale