

# **Environmental Response to Planning Application P/2021/01/01658**

## **Environmental considerations**

Kids Village have commissioned a number of ecological reports principally from Elite Ecology in order to support their application under section C of the National Policy Framework Protecting and Enhancing the Natural Environment.

## **Breeding Bird Survey**

The methodology used for this survey does not conform to the standards published on the British Trust for Ornithology (BTO) website nor those endorsed by the RSPB and BTO in Gilbert, Gibbons and Evans (1998) Bird Monitoring Methods.

The accepted standard is three site visits – one in March-April; one between early April-mid May; and one between mid May- early June with the latter 2 visits being at least four weeks apart. Elite Ecology conducted their field survey visits on 26/6/20, 7/7/20 and 26/7/20 which plainly do not meet this standard.

If we accept the observations made despite the flawed methodology, then 25 bird species were noted. The status of these species are evaluated by Elite Ecology with reference to Eaton M et al Birds of Conservation Concern which is a list of species published at regular intervals. The species are classified as green, amber or red listed according to increasing conservation concern. The number of species on the red and amber lists increasing with each subsequent update.

Elite Ecology inconsistently use the long out dated 2009 and more recent 2015 lists. The latest list was published on 1/12/21. The final report from them uses the 2009 list. This would give an inaccurate assessment and indeed if the 2021 list is applied to the 25 species recorded by Elite Ecology then 1 species (4%) is red listed and 5 (20%) are amber listed.

Observations by myself would call into question the number of red listed species recorded at the site. Three were noted on 16/3/22, namely Greenfinch (1 male calling) , Skylark (2 singing) and Lapwing (2 calling) all indicative of breeding activity at the proposed development site. The Skylarks and Lapwings were recorded within the proposed development site boundary. Both these species are listed as UK Biodiversity Action Plan Priority species (2007) and under Section 41 of the Natural Environmental and Rural Communities Act (2006).

Regular longer term observations have recorded 5 red listed and 7 amber listed species at or immediately adjacent to the development site. Also reference is made by Elite Ecology to the RSPB (2002) The Population Status of Birds in the UK and The Conservation of Habitats and Species Regulations (2010). This RSPB report is long out of date the most recent available being published in 2020. The Habitats and Species legislation was updated in 2017.

## **Invertebrate Survey Report**

The survey notes the presence of the White-clawed Crayfish in Appendix B (blue crosses on page 22 of their report) illustrating the extract from the Staffordshire Ecological Record of Protected Species.

The White-clawed Crayfish is included in Section 5 of The Wildlife and Countryside Act (1981) and is an IUCN endangered red list species.

Consideration of the crayfish is dismissed on page 12 of the Elite Ecology report as “ the area of concern is off site so no further actions are required for these”.

Government guidance (gov.uk 14/1/22) on making planning decisions for the White-clawed crayfish specifically cites the need to assess a planning application when there are White-clawed Crayfish on or NEAR a proposed development site.

The site is adjacent to River Swarbourn at the bottom of the downward slope of the site. There is consequently a risk of contamination of the water body particularly by crayfish plague (*Aphanomyces astaci*).

## **Other considerations**

There seems to be no obvious consideration made for the Brown Hare which is subject to Section 41 of the Natural Environmental and Rural Communities Act

Badgers. Elite Ecology note that “update Badger survey needed if work not commenced within 6 months of the survey date of 9/7/21”. Six months have elapsed.

## **Conclusions**

There would be appear to be a number of inconsistencies and inaccuracies in the reports provided by Elite Ecology which would invalidate any Environmental Impact Assessment and consequent recommendations.