LAND NORTH OF EAGLETHORPE
WARMINGTON
NORTHANDS

Retrospective Section 73A Applications
to extend the timescale for

Construction of an Agricultural Reservoir together with
removal of surplus material arising in the course
of construction and the importation of a limited
quantity of engineering clay
(Permission EN/02/846C)

AND

Variation of Condition 3 of Planning Permission
EN/05/02356C to vary the details of the
plant and ancillary works on land north of
Eaglethorpe, Warmington, Northants
(Permission NCC/09/00047/MIN & EN/09/01072/NCC)

UPDATED STATEMENT

on behalf of
RJD Ltd

D. K. SYMES ASSOCIATES
Mineral Planning & Development Consultants

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June 2014
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*The appendices listed below are not attached as copies are included with the Planning Statement dated July 2013*

**APPENDICES:**

- **APPENDIX 1** - Application Forms and Certificates ‘Reservoir’
- **APPENDIX 2** - Application Forms and Certificates ‘Plant Site’
- **APPENDIX 3** - Planning Permission EN/02/846C ‘Reservoir’
- **APPENDIX 4** - Planning Permission NCC/09/00047/MIN & EN/09/01072/NCC ‘Plant Site’
- **APPENDIX 5** - Extended Phase 1 Ecological Survey

**PLANS:**

- 95010/PB/L - Site Location Plan
- 95010/PB/1 - Planning Permission Boundaries Plan
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NORTHANTS

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UPDATED STATEMENT

The submission of the Updated Environmental Statement in May 2014 required the Planning
Statement of July 2013 to be revised. The principal revision is that the Environmental Impacts at
Chapter 4 have been replaced by the Updated Environmental Statement. This Updated Statement is
the same as the Planning Statement with any amendments shown in italics for clarity.

1. BACKGROUND

1.1 The construction of the agricultural reservoir at Elton Estate is controlled by two
separate but linked permissions. One is for the construction of the actual reservoir and permits the
removal of surplus materials as well as the importation of engineering clay. The other is for the
erection of a low profile sand and gravel processing plant on adjacent land to treat the surplus
material which is good quality sand and gravel. This latter permission was varied by a Section 73
application which changed the details of the processing plant.

1.2 Whilst the permissions are closely linked, each relates to a separate area of land,
albeit they share a common boundary. Because of the inter-dependence it is important to ensure
that the timescales are the same.
1.3 The timescale is determined by factors beyond the control of the applicant and the company constructing the reservoir as it is dependent upon the ability of the market to accept/absorb the material, especially as it is being processed into high quality aggregate and so has to compete in the market. This, combined with the quantity that needs to be removed, will determine the actual timescale.

1.4 There have been three main factors all of which have contributed to the delays in progress. These are summarised below,

- the full depth of the material that needs to be removed was difficult to 'prove' due to the high level of groundwater and much of the northern part of the site was covered by trees. Since operations commenced the depth has been deeper than expected. (Note, it is important to remove the sand and gravel in terms of hydraulically constructing the reservoir).

- within 12 months of commencement the economy slumped which had a very marked impact on the construction market and the rate of removal of materials,

- the company appointed to market the minerals (who are a well established major company) were unable to meet the minimum requirements (note, they could not be replaced due to contract periods).

1.5 The outcome is that the project has fallen well behind schedule and the completion dates within the planning permissions have not been achieved leaving the reservoir approximately half excavated.

1.6 The options open to the Estate are to cease construction or apply to extend the timescales. The former is plainly not sensible as there continues to be a strong and growing demand for storage reservoirs which is reflected in the water policies of the E.A. Also, a half built reservoir cannot be satisfactorily engineered and in effect will not provide water for irrigation.

1.7 Therefore, to enable the project to be completed and to deliver the benefit of an assured water supply for the Estate, an extension of time will be needed. Based on the changes in market conditions and the likely remaining quantity, as well as accommodating the time already lost a period of 5 years (i.e. end of 2018) should ensure the works will be completed.
2. APPLICATIONS

2.1 As explained above, there are two permissions which need to be amended. The permitted completion date has passed and the Planning Act recognises that for situations such as this a Section 73A application allows for a further period of time to be applied for retrospectively.

2.2 In relation to the 'Reservoir Permission' ref. EN/02/846C the completed application forms are attached at Appendix 1. Being a Section 73 application a plan showing the application area is not required, however plan reference 95010/PB/1 is attached which shows the extent of the reservoir permission.

2.3 The completed application forms to extend the timescale for the 'Plant Site', permission NCC/09/00047/MIN & EN/09/01072/NCC, are attached at Appendix 2. The boundaries of this permission are also shown on plan reference 95010/PB/1. This shows that the access road is common to both permissions which allows the surplus material to be imported to the plant and for the processed product to be removed to the A605.

2.4 This Updated Statement has been prepared to accompany both applications and briefly reviews the development details, the environmental impacts and the policy background.

2.5 The submitted documents are now,

Updated Statement dated June 2014
Original Appendices and plans (attached to Planning Statement dated July 2013)
Updated Environmental Statement dated May 2014

with the Updated Statement dated June 2014 replacing the Planning Statement dated July 2013

3. DEVELOPMENT DETAILS

3.1 The primary purpose of the development is to build an agricultural reservoir within the low lying land adjacent to the River Nene. As the majority of the surplus materials are good quality sand and gravel this is processed on the plant area in order to make best use of the deposit.
3.2 In terms of the construction of the reservoir, the material is excavated on a campaign basis. This entails works taking place in short concentrated periods, with the material being taken to stockpile in the plant area. The activities within the reservoir site are summarised below:

- dewatering of the site starts 2 - 3 weeks before excavation activities in order to lower the level of groundwater,

- soils and overburden is stripped in advance of excavation and either placed in the nature conservation area (in the south west) or temporarily stored in a bund,

- the reservoir void is dug by hydraulic excavator loading to articulated dump trucks,

- the excavated material is taken to stockpile via the internal road,

- once the 'excavated' or 'as dug' stockpile is full, the reservoir area is tidied and shaped, dewatering ceases and the void fills with water,

- each campaign lasts 3/4 weeks and recovers approximately 40,000 tonnes of material to stockpile.

3.3 The environmental impacts of the reservoir works remain the same as those that were fully considered at the original application stage, with the operations being controlled by the conditions attached to the permission, a copy of which is attached at Appendix 3.

3.4 The principle of the design of the reservoir remains unchanged. The present position on the ground is that the majority of the nature conservation area has been excavated and is part backfilled with the overburden to be ready for final shaping, leaving the 'reservoir' area yet to be fully excavated.

3.5 The plant site is temporary and is a separate permission as it was clear very early in the development that it was more sustainable to process the material at point of arising rather than transport it some miles to a processing plant and then move it again to the market.
3.6 The principal activities that take place within the plant area are:

- a large (circa. 50,000 t.) stockpile of 'as dug' material at the western end closest to the reservoir,

- a modular processing plant in the centre of the site which is fed with 'as dug’ material by wheeled loader,

- stockpiles of processed minerals are managed by a second wheeled loader,

- silt is settled in a series of shallow ponds that are regularly cleaned with the silt being used in the building of the nature conservation area,

- there are site offices comprising single storey modular buildings providing welfare facilities and offices for the site staff,

- lorries arrive via the purpose designed access on the A605,

- following reporting to the weighbridge they are loaded by the wheeled loader, weighed and leave via the wheelecleaner if needed.

3.7 The application for an extension of time does not materially change the activities covered by the Plant Site permission and the current conditions will continue to apply to control the environmental impacts. (Copy of permission attached at Appendix 4).

3.8 The two developments have been operating for over 5 years and apart from one or two early matters, mainly in relation to the temporary works when building the perimeter environmental bunds, there have been no issues with the development.

4. ENVIRONMENTAL IMPACTS

4.1 The environmental impacts have been reviewed and are addressed in the Updated Environmental Statement which replaces this section in the original Section 73 applications.
5. PLANNING

5.1 National Planning Policy Framework

5.1.1 The application is for the construction of an agricultural reservoir, but before this can be completed minerals need to be excavated. The reservoir will capture surplus water for storage and use in the Spring and Summer when the water resources are under stress. This represents a very sustainable development in terms of use of this resource and is in line with the policies of the E.A. Without a further extension of time the reservoir will not be completed so the benefit will be lost.

5.1.2 By allowing the development to continue would meet the principle of sustainable development which is at the heart of the NPPF. With regard to other policies it would;

- support a prosperous rural economy through the benefit of irrigation on crop yield and quality,

- meets the challenge of climate change by capturing water when plentiful, for use when it is scarce,

- it enhances the natural environment through good design of the reservoir and the biodiversity created,

- it facilitates the sustainable use of minerals by prior extraction and ensuring best use is made.

5.2 Northants Minerals and Waste Framework

5.2.1 The extraction of minerals is not the reason for the development so, whilst being a separate activity in its own right, does not fall directly into the mineral policies. Those that are considered relevant relate to development control, rather than the policies that relate to 'need'.

5.2.2 The adopted Control and Management of Development Plan Document sets out the policies which are reviewed below;
CMD4 - Non Allocated Sites
The mineral extraction at Elton is needed to deliver the reservoir which is the justification for the development, and does not conflict with the spatial strategy.

CMD7 - Natural Assets and Resources
The completed scheme increases the biodiversity noticeably above the original site conditions.

CMD8 - Landscape Character
The development has been designed to protect the existing landscape features and to result in an enhancement at completion.

CMD9 - Historic Environment
This has been addressed by the original submission and is covered by an existing condition.

CMD10 - Layout and Design
The existing facilities are very well screened and are not overlooked and operated to high safety standards.

CMD11 - Mineral Safeguarding Areas
The site is in the Minerals Safeguarding Area and the minerals are being extracted prior to development which meets this policy objective.

CMD13 - Restoration and Afteruse
The restoration is a mixture of agricultural use by the reservoir, with an area designed for nature conservation/biodiversity which complies with this policy.

CMD14 - Implementation
The development is controlled by appropriate conditions and there have been no complaints or impacts since operations commenced. Currently there is not a formal local liaison group but there is contact with the local parish when required.
5.2.3 It is considered that the current operations at both the Reservoir Site and the Plant area are in accordance with the current policies for Northants and the continued operations will not give rise to any unacceptable impacts.

6. CONCLUSION

6.1 The development of the agricultural reservoir at Elton Estate is controlled by two separate but linked permissions. One covers the reservoir site in the valley of the river Nene, the other the plant area where the materials are treated. The access onto the A605 is covered by both permissions.

6.2 The project has experienced serious delays due to a number of related reasons, not least being the marked downturn in the economy which occurred within 6 - 9 months of starting the work. The project timescales have been reviewed in light of the slowly improving market and through changing the company responsible for removing the minerals. In order to complete the scheme a further period of 5 years is needed for both permissions.

6.3 The principle of the development for a winter filled agricultural reservoir remains robust, if anything the case has grown stronger as the Environment Agency develop and strengthen their policies on water management. It represents a very sustainable development and meets the policies of the Government and the County.

6.4 An extension of time to both permissions will enable the reservoir to be completed, will avoid sterilisation of the remaining minerals and deliver the biodiversity benefits without giving rise to any unacceptable impacts.

DKSyw95010
10 June 2014
APPENDIX 3
Planning Permission
EN/02/846C
‘Reservoir Permission’
PLANNING PERMISSION

Name and address of applicant  
The Elton Estate  
The Estate office  
Elton Hall  
Peterborough  
PE8 6SH

Name and address of agent (if any)  
D.K. Symes Associates  
39 Main Road  
Middleton Cheney  
Banbury  
Oxon  
OX17 2ND

Part I - Particulars of application

Date of Application  
23rd August 2002

Application No.:  
EN/02/846C

Particulars and location of development  
Construction of an agricultural reservoir together with removal of surplus material arising in the course of construction and the importation of a limited quantity of engineering clay. Land north of Eaglethorpe, Warmington. The Elton Estate. EN/02/846C.

Part II - Particulars of decision:

The Northamptonshire County Council

Hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:-

Commencement

1. The development hereby permitted shall be begun within 3 years from the date of this permission. The Mineral Planning Authority shall be given a minimum of 14 days written notice prior to development commencing.

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
Scope of Planning Permission

2. The development hereby permitted is restricted to the areas edged red on submitted drawing reference 95010/R/A.

3. Except as may otherwise agreed in writing by the Minerals Planning Authority the development shall be carried out in accordance with the submitted application EN/02/846C and associated drawings reference 95010/R/2a and 9501/R/2b.

4. Clay extraction and importation shall be restricted solely to the constructional requirements of the irrigation reservoir and the depth of clay extraction shall not exceed eight metres, unless otherwise agreed in writing by the Mineral Planning Authority.

Dust

5. Prior to the commencement of operations on site a scheme of measures to reduce dust emissions to a minimum during site preparation, mineral extraction, on site vehicular movement and restoration operations, including the use of water spray facilities and water bowers, in periods of dry weather shall be submitted to the Mineral Planning Authority for written approval.

The scheme, as agreed in writing by the Authority shall be implemented throughout operations on site.

Noise

6. Prior to the commencement of the development hereby permitted a scheme of proposals for the monitoring of noise at nearby noise sensitive residential properties of the Water Mill House and Lady Margaret Cottages, shall be submitted to the Mineral Planning Authority for approval in writing. The agreed scheme shall be implemented throughout the operations.

In the event that monitored noise levels exceed those in the submitted noise report, proposals for mitigation shall be submitted in writing and implemented forthwith and not later than two weeks from the occurrence of the breach.

Hours of Working

7. Except as may otherwise be agreed in writing by the Mineral Planning Authority, site preparation, mineral extraction, levelling and restoration operations and any associated activities including plant and machinery maintenance shall be restricted to between the hours of 7.00 am to 5.00 pm on Mondays to Fridays and 8.00 am and 1.00 pm on Saturdays, with no such operations being carried out on the site on Sundays or Public Holidays.

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
Access and Protection of the Public Highway

8. The sole vehicular access for the development hereby permitted shall be by way of the access located as shown on the deposited plan. This access shall be maintained to the satisfaction of the Mineral Planning Authority.

9. Prior to the commencement of the development hereby permitted a detailed scheme of highway works and specifications for the improvements at the “Lady Margaret” access, including the provision of a permanent raised, solid, central island in the A605 Road, shall be submitted for approval in writing by the Mineral Planning Authority. The scheme, as may be approved in writing and incorporating such modifications as the Mineral Planning Authority may require, shall be fully implemented prior to the commencement of mineral extraction operations on the site (see form PL6 attached to this permission).

Wheel Cleaning

10. No commercial vehicles shall enter the public highway unless their wheels and chassis are clean in order to prevent mud or other material being deposited on the public highway.

Archaeology

11. Two weeks prior notice shall be given to the County Archaeologist of the date on which it is proposed to commence soil stripping in each Phase. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigations to be submitted and approved by the Mineral Planning Authority.

Flood Protection

12. The applicant shall ensure that the development proposals and the subsequent restoration of the site shall be undertaken in accordance with the findings and recommendations of the Flood Risk Assessment (dated June 2003) received by the Mineral Planning Authority on 4th June 2003.

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
Ecological Management Plan

13. Prior to the commencement of the development hereby permitted an ecological management plan shall be submitted for approval in writing by the Mineral Planning Authority. The plan shall include, amongst other things, the requirements detailed in the letter submitted from RPS Ecoscope to the Northants Wildlife Trust dated 11th August 2003, which includes:
   - Plans for the treatment of Crassula infestation.
   - Design of the conservation area to maximise potential for breeding and wintering bird species of interest.
   - Proposals for the long-term management of the conservation area for the benefit of the wildlife interest.
   - A programme to monitor the success of the Crassula treatment, the development of vegetation and the bird populations on the site.
   - Measures to ensure that reptiles (Grass Snake) are not harmed during construction.

14. In the first appropriate season immediately prior to the commencement of operations on the site a survey shall be carried out to identify potential water vole and otter habitat in the area to be disturbed by the construction of the feeder ditch from the River Nene. The results of the survey shall be used to determine any necessary habitat protection and a scheme of proposals shall be submitted to the Mineral Planning Authority for approval in writing. The scheme, as may be approved shall thereafter be implemented.

Soil Stripping and Storage

15. Except as may otherwise be agreed in writing bunds for the storage of soils shall conform to the following criteria:
   
a) Topsoil bunds shall not exceed 3 metres in height.
b) Subsoil and overburden bunds shall not exceed 5 metres in height.

All bunds which remain for more than six months shall be sown with a grass seed mixture.

Buildings, Plant and Machinery

16. With the exception of a weighbridge and office, and pump house, and notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1988, no fixed plant or machinery, or any buildings in connection with the development other than those hereby permitted shall be erected, extended, installed, rearranged, repaired or altered in any way under the provisions of Class A or B of Part 19 of Schedule 2.

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Educational Needs and Disability Act 2001 should also be adhered to wherever appropriate.
Plant Reversing

17. Except as may otherwise be agreed in writing by the Mineral Planning Authority, all mobile plant on site shall be fitted with and shall utilise a radar warning system which complies with the Health and Safety Executive’s requirements relating to when all mobile plant is reversing. Accordingly no audible system of reversing warning shall be utilised unless it is an environmentally acceptable method which has been agreed in writing with the authority. All heavy goods vehicles entering the site shall be routed to minimise reversing manoeuvres.

18. All building and fixed or mobile plant as associated with mineral extraction shall be removed as part of the restoration of the site as soon as there are no longer required, and not later than the date referred to in condition 26 of this permission.

Fuel Storage

19. Any fuel storage above ground and refuelling facilities shall be bunded to at least 110% of the tank capacity and constructed on an impermeable base with an independent sealed drainage system with no direct discharge to any watercourse, land, or underground strata.

Public Rights of Way

20. The bridleway crossing the haul road into the site and along the south eastern boundary shall be safeguarded in accordance with a scheme of measures to be submitted and agreed in writing prior to mineral extraction operations commencing on site. The agreed scheme shall be implemented throughout the life of the operations.

Tree Screen Retention

21. The existing established trees which are located between the site and Eaglethorpe Water Mill House identified on the plan EN/02/886CA attached to this planning permission, shall be retained in situ throughout the period of mineral extraction, reservoir construction, and restoration operations at the site.

Landscaping

22. Except as may otherwise be agreed in writing by the Mineral Planning Authority within six months from the commencement of development, a landscaping scheme shall be submitted to the Mineral Planning Authority for approval. The scheme shall include proposals for the planting of trees and shrubs including plants, around the wet lips of the reservoir and the wetland area, with details of their numbers, size and species.

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
23. The implementation of the landscaping scheme as may be approved by the Mineral Planning Authority and incorporating such modifications or additions as the Authority may reasonably require shall be undertaken and completed to the satisfaction of the Authority by the end of the first planting season following the restoration of the site.

24. Any trees, shrubs or plants which die, become diseased, damaged or are removed within 5 year period shall be replaced in the next planting seasons with others of the same size and species, unless otherwise agreed in writing with the County Planning Authority.

Bird Hide

25. A bird hide with public access linked to the existing public bridleway shall be provided as part of the restoration works. Further details of the hide and public access link including design, materials, colour and location shall be submitted and agreed with the Mineral Planning Authority and implemented within the six month restoration period referred to in condition 28 of this permission.

Restoration

26. Except as may otherwise be agreed in writing by the Mineral Planning Authority the amended restoration scheme, reference Plan 95010/R3b received by this Authority on 22nd August 2003 shall be implemented upon cessation of the mineral extraction operations hereby permitted and shall be completed before the end of this permission as stated in Condition 28.

Ecological Aftercare

27. Not later than the completion of the mineral extraction operations or the date referred to in Condition 28 of this permission, whichever is the sooner, a five year ecological aftercare programme incorporating the requirements in Condition 13 of this permission shall be submitted to the Mineral Planning Authority for approval in writing. The five year aftercare programme, as may be approved by the Authority, shall be implemented throughout the aftercare period.

End Date

28. The development hereby permitted shall cease not later than 5 years from the date of commencement given in accordance with Condition 1 above and the land shall be restored or reinstated within 6 months of this date in accordance with the conditions of this permission.

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
REASONS FOR APPROVAL (and relevant Development Plan policies)

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. To specify the area and to avoid doubt as to the scope of this planning permission. (Minerals Local Plan policy NMLP21C).

3&4. To specify the submitted drawings and plans and avoid doubt as to the scope of this planning permission. (Minerals Local Plan policy NMLP21C).

5. To safeguard the local environment and protect the amenities of local residents from unreasonable dust levels. (Minerals Local Plan policy NMLP20A).

6&7. To minimise the noise disturbance to local residents and to enable the noise effects of the development to be adequately monitored and controlled. (Minerals Local Plan policy NMLP20A).

8. To ensure a satisfactory means of access to the highway. (Minerals Local Plan policy NMLP29).

9&10. In the interests of highway safety and to safeguard the interests of users of the public highway. (Minerals Local Plan policy NMLP20I).

11. To ensure that adequate archaeological investigations and recording is undertaken prior to the development taking place. (Minerals Local Plan policy NMLP26).

12. To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity. (Minerals Local Plan policy NMLP20J Northamptonshire County Structure Plan 1996-2016 policy AR8).

13,14. To ensure the long-term proper aftercare of the land in accordance with a detailed agreed plan in the interests of nature conservation. (Minerals Local Plan policy NMLP20C).

15. To minimise structural damage and compaction of the soil and to aid the final restoration of the site. (Minerals Local Plan policy NMLP 20H).

16. To ensure the Mineral Planning Authority returns control over the erection of fixed buildings, plant and machinery in the interests of amenity. (Minerals Local Plan policy 20A).

17&18. To protect the amenities of local residents. (Minerals Local Plan policy 20A).


Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
20. To protect the interests and safety of the users of the public rights of way. (Minerals Local Plan policy NMLP30).

21-26. To protect the existing tree screen and to ensure proper restoration, landscaping and aftercare of the site within a reasonable time in accordance with detailed agreed plans, in the interests of the environment and local amenity. (Minerals Local Plan NMLP36).

27. To specify the date when the conditions of this permission shall have been fully implemented and to enable the Mineral Planning Authority to reconsider the development position in the light of circumstances prevailing at the end of the consent period. (Minerals Local Plan NMLP20 and 21).

**Informatives**

The Environment Agency have raised the following issues in their consultation response dated 7th July 2003.

1. Under the terms of the Water Resources Act 1991, an Impounding Licence may be required from the Agency for the impounding of any watercourse, ditch or stream (e.g. by dam, weir etc.) and an Abstraction Licence may be required from the Water Resources and Licensing Section of the Environment Agency on 01522 513100 for the abstraction of water from any inland water or underground strata. This is dependent on water resource availability and therefore may not necessarily be granted.

2. The proposal may result in the retention of more than 25,000 cu.m of water above normal ground level and require registration with the County Council under the Reservoirs Act 1975, and an Impounding Licence from the Environment Agency, under Section 25 of the Water Resources Act 1991.

3. Any person intending to excavate minerals shall give notice of their intentions to the Environment Agency (under Section 28, Anglian Water Act 1977). The appropriate forms can be obtained by contacting the Water Resources department of the Environment Agency at the address below.

4. All excavated material must be tipped at a suitably licensed or exempt waste management facility and this would require a Waste Management Licence or registration for an exemption. The applicant is advised to contact the Environment Agency (Martin Ward) 01536 385170) for further information on applying for a licence or registering an exemption.

Date 2nd July 2004 Signed ______________

Authorised to sign on behalf of the County Planning, Transportation and Environment Officer

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/08a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements (a), to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

(a) The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.

0474

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
IMPLEMENTATION OF THIS PLANNING PERMISSION INVOLVES THE CONSTRUCTION OR ALTERATION OF AN ACCESS CROSSING(S) ON A MAINTAINED PUBLIC HIGHWAY AND YOU ARE CONSEQUENTLY REQUIRED TO CONTACT THE HIGHWAY AUTHORITY BEFORE COMMENCING ANY VEHICULAR MOVEMENT FROM THE HIGHWAY INTO THE SITE.

The planning approval ("Permission to develop") does not automatically permit the laying out or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980.

The constructional details of the crossing of a verge or a footway are subject to the approval of the Highway Authority. The work may be executed by any person authorised to do so by the Highway Authority, in accordance with the approved details. A nominal fee to cover administration and supervision costs must be paid to the Highway Authority before work may commence.

It is an offence in accordance with Section 133 of the Highways Act 1980, to damage the footway of a maintainable highway by excavation or as a consequence of works on adjoining land. The Highway Authority may make good any damage and recover any expenses incurred from the owner of the land or the person responsible for the damage. Accordingly, no vehicular movement to the site should take place until the appropriate vehicle crossing has been provided.

YOU MUST, THEREFORE, CONTACT NORTHAMPTONSHIRE HIGHWAYS, PO BOX 221, JOHN DRYDEN HOUSE, NORTHAMPTON NN4 7DE 01604 236663 TO OBTAIN INFORMATION, INSTRUCTION OR AN ESTIMATE RELATING TO THIS CROSSING(S), QUOTING THE SITE LOCATION AND THE ABOVE PLANNING REFERENCE.

County Planning, Transportation and Environment Officer

Development Liaison and Regulations
Planning, Transportation and Environment
PO Box 221
John Dryden House
Northampton NN4 7DE

MARCH 2002
APPENDIX 4
Planning Permission
NCC/09/00047/MIN & EN/09/01072/NCC
‘Plant Site Permission’
Town and Country Planning Act 1990

PLANNING PERMISSON

Name and address of applicant
Elton Estates Co Ltd and RJD Ltd
Cecil House
Harlow Common
Essex
CM17 9HY

Name and address of agent
D. K. Symes Associates
39 Ma独立 Road
Middleton Cheney
Banbury
OX17 2ND

Part I - Particulars of application

Date of Application
3rd July 2009

Application No.:  
NCC/09/00047/MIN and EN/09/01072/NCC

Particulars and location of development
Variation of condition 3 of planning permission EN/05/02356C to vary the details of the plant and ancillary works, on land north of Eaglethorpe, Warmingtont, Northants.

Part II - Particulars of decision:

The Northamptonshire County Council

Hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:-

Commencement

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Scope of Planning Permission

2. The development hereby permitted is restricted to the areas edged red on submitted drawing reference 95010/TP/A.

3. Except as may otherwise be approved in writing by the Mineral Planning

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Authority, the site shall be worked in accordance with the submitted plans 95010/TP/L, 95010/TP/A, 95010/PS/I, 95010/TP/R/1, 95010/OW/1 and 95010/PP/1 and supporting application details except where specifically amended by any of the conditions attached to this permission.

**Dust**

4. Measures to reduce dust emissions to a minimum during mineral processing, on site vehicular movement and restoration operations shall be undertaken in accordance with the Dust Management Scheme (Report No.R913-R01 dated May 2006 prepared by Smith Grant Environmental Consultancy) including the use of water spray facilities and water bowsers in periods of dry weather. The scheme shall be implemented throughout the life of the operations.

**Noise**

5(a) Monitoring of noise at nearby noise sensitive residential properties of the Water Mill House and Lady Margaret Cottages shall be undertaken in accordance with the Noise Assessment Report Dated November 2005 prepared by ANV Acoustic Consultants and approved by the Mineral Planning Authority in its letter dated 27th October 2006. The agreed scheme shall be implemented throughout the operations.

(b) In the event that monitored noise levels exceed those in the submitted noise report, proposals for mitigation shall be submitted in writing and implemented forthwith and not later than two weeks from the occurrence of the breach.

**Hours of Working**

6(a) Except as may otherwise be agreed in writing by the Mineral Planning Authority, the development hereby permitted and all operations relating thereto shall be restricted to between the hours of 7.00am to 5.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays with no such operations being carried out on the site on Sundays or Public Holidays.

(b) No material shall be transported to the plant site from the reservoir construction area on Saturdays, Sundays or Public Holidays.

**Access and Protection of the Public Highway**

7. The sole vehicular access for the development hereby permitted shall be by way of the access located as shown on Plan No 95010/TP/A. This access shall be maintained to the satisfaction of the Mineral Planning Authority.

8. Within 3 months of the date of this decision notice a detailed scheme of

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highway works and specifications for the improvements at the 'Lady Margaret' access, including the provision of a permanent raised, solid, central island in the A605 Road, shall be submitted for approval in writing by the Mineral Planning Authority. The scheme, as may be approved in writing and incorporating such modifications as the Mineral Planning Authority may require, shall be fully implemented prior to the commencement of Mineral Processing operations on the site.

Wheel Cleaning

9. No commercial vehicles leaving the site shall enter the public highway unless their wheels and chassis are clean in order to prevent mud or other materials being deposited on the public highway.

Flood Protection

10. Within 3 months of the date of this permission, a detailed surface water drainage strategy for the design, provision and implementation of surface water drainage, shall be submitted to and approved in writing by the Minerals Planning Authority in consultation with the Environment Agency. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

Soil Stripping and Storage

11. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part), or is built upon, or used for the stacking of subsoil, soil making material or overburden, or as a machinery dump or plant yard, or for the construction of a road, all available topsoil and subsoil shall be stripped from that part.

12. Bunds for the storage of agricultural soils shall conform to the following criteria:

   a) Topsoils, subsoils and subsoil substitutes shall be stored separately.

   b) Where continuous bunds are used dissimilar soils shall be separated by a third material, previously agreed in writing with the Mineral Planning Authority.

   c) Topsoil bunds shall not exceed 3 m in height and subsoil bunds shall not exceed 5 m in height.

   d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.

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13. All storage bunds intended to remain in situ for 6 months or over the winter period are to be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the Mineral Planning Authority. The seed mixture and the application rates are to be agreed with the Mineral Planning Authority in writing no less than one month before it is expected to complete the formation of the storage bunds.

14. All topsoil, subsoil and soil forming material shall be retained on the site.

Soil Handling

15. Soil handling should only be carried out when the soil is in a dry and friable condition (see condition 16), should be restricted to the months of April to October inclusive, and during that period, soil handling should only commence or continue when ground and weather conditions are suitable e.g. no significant rain and no pools of water on the soil surface.

16. Soil should only be moved when in a dry and friable condition. The criteria for determining dry and friable shall be based on a field assessment of the soils wetness in relation to its lower plastic limit. An assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If a long thread of less than 3mm diameter can be formed, the soil is wetter than the lower plastic limit and soil moving should not take place until the soils have dried out. If the soil crumbles before a long thread of 3mm diameter can be formed, then the soil is dry enough to move. This assessment shall be carried out on representative samples on each major soil type.

17. Plant or vehicle movement shall be confined to clearly defined haul routes agreed in writing by or on behalf of the Mineral Planning Authority, or to the overburden surface and shall not cross areas of topsoil and subsoil except for the express purpose of soil stripping or replacement operations.

Soil Replacement

18. The minimum settled depth of subsoil/subsoil-substitute and topsoil should be 1.2 metres.

19. All stones and other materials in excess of 10cm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.

20. The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the commencement of the final subsoil placement on

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each phase, or part phase to allow a site inspection to take place.

Restoration

21. Except as may otherwise be agreed in writing by the Mineral Planning Authority the restoration scheme as received by this Authority as part of the approved application reference EN/05/2356C shall be implemented upon cessation of the mineral processing operations hereby permitted and shall be completed within 6 months from the end of this permission as stated in condition 26.

Aftercare

22. An Aftercare Scheme requiring that such steps as may be necessary to bring the land to the required standard for the use of agriculture shall be submitted for the approval of the Mineral Planning Authority not later than 3 months prior to the date on which it is first expected that the replacement of topsoil shall take place.

The submitted Scheme shall:

a) Provide an outline strategy in accordance with Annex A of MPG 7 for the five-year Aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The Scheme shall include provision of a field draining system and provide for an annual meeting between the applicants, the Mineral Planning Authority and Defra.

b) Provide for a detailed annual programme, in accordance with Annex A of MPG 7 to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.

23. Unless the Mineral Planning Authority, after consultation with Defra, agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

Plant Reversing

24. Except as may otherwise be agreed in writing by the Mineral Planning Authority, all mobile plant on site shall be fitted with and shall utilise a radar warning system which complies with the Health and Safety Executive's requirements relating to when all mobile plant is reversing. Accordingly no audible system of reversing warning shall be utilised unless it is an environmentally acceptable method which has been agreed in writing by the Mineral Planning Authority. All heavy goods vehicles entering the site shall be routed to minimise reversing manoeuvres.

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Material

25. Only sand and gravel from the reservoir construction works permitted under planning permission EN/02/846C shall be processed at the plant site.

End Date

26. The development hereby permitted shall cease not later than 1st March 2013 or when the associated mineral extraction has ceased for a period in excess of 6 months, whichever date is the earlier, and the land shall be restored within 6 months of this date in accordance with the conditions of this permission.

Reasons for conditions and relevant Development Plan Policies

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. To define the scope of the permission and in the interest of clarity.

3. To define the scope of the permission and in the interest of clarity.

4. To safeguard the local environment and protect the amenity of local residents from unreasonable dust levels (Northamptonshire Minerals Local Plan (adopted May 2006) Policy 28).

5. To minimise the noise disturbance to local residents and to enable the effects of the development to be adequately monitored and controlled (Northamptonshire Minerals Local Plan (adopted May 2006) Policy 28).

6. To minimise the noise disturbance to local residents and to enable the effects of the development to be adequately monitored and controlled (Northamptonshire Minerals Local Plan (adopted May 2006) Policy 28).


Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.

11. To minimise structural damage and compaction of the soil and to aid the final restoration of the site (Northamptonshire Mineral Local Plan (adopted May 2006) Policies 14 and 31).

12-17. To ensure satisfactory storage and movement of soils on site in order to aid final restoration of the site. (Northamptonshire Mineral Local Plan (adopted May 2006) Policies 14 and 31).


21-23 To ensure that the physical characteristics of the soil are reinstated in the interests of the agricultural afteruse. (Northamptonshire Mineral Local Plan (adopted May 2006) Policies 14 and 31).


26. To specify the date when the conditions of this permission shall have been fully implemented and to enable the County Planning Authority to reconsider the development position in the light of the circumstances prevailing at the end of the consent period. (Northamptonshire Mineral Local Plan (adopted May 2006) Policy 31).

INFORMATIVE

1. For the avoidance of doubt the drawings and documentation to which the decision refers are as follows:
   - Section 73 planning application document dated June 2009 and covering letter dated 30th June 2009, Plan No.95010 and Plan No.95010/TP/A

2. Letter dated 12th August 2009 from the Environment Agency a copy of which is attached to this permission.

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REASONS FOR APPROVAL

The application has been necessitated because the plant site as constructed differs slightly from that which was originally approved. The changes may be summarised as follows: the 'footprint' of the plant site is slightly smaller than the original proposal and therefore there is less material that needs to be stored in the screening bunds around the site which are therefore reduced in height by approximately one metre; the water management process which facilitates 'washing' of the sand and gravel has been modified by utilising three shallow ponds to settle out fines instead of a propriety item of plant as originally intended; the processing plant is in the same location but the configuration has changed very slightly; finally the location of the office and weighbridge has been amended. The processing plant is of a low profile design and it is considered that the environmental impacts of the changes proposed will be negligible. No objections have been raised during the consultation process and it is considered that the proposal accords with the Development Plan, in particular Policies 14 (Reclamation), 18 (Traffic and Access), 27 (Flood Risk), 28 (Local Amenity), 31 (Planning Conditions) of the Northamptonshire Minerals Plan (adopted May 2006) and therefore there are no grounds to substantiate a refusal of permission and the revised plant layout should therefore be approved.

Date: 2nd October 2009  Signed ........................................

For Chief Planning Officer.

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1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/06a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements (a), to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

(a) The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.

4. Guidance on using the Planning Portal’s online appeals service, see leaflet PCS4 available at

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Dear Sir,

VARIATION OF PLANNING CONDITION 3 OF PLANNING PERMISSION EN/05/0236 TO VARY THE DETAILS OF THE PLANT AND ANCILLARY WORKS. LAND NORTH OF EAGLETHORP, WARMINGTON, NORTHAMPTONSHIRE.

Thank you for referring the above application to vary Condition 3 of Planning Permission EN/05/0236, which was received on 08 July 2009. Thank you for allowing us additional time to fully consider the application.

We have inspected the application as submitted, and have no comments to make in respect of the variation of Condition 3.

We note however, that to date we have not been consulted with a surface water drainage scheme, required by Condition 11, prior to the commencement of any development on site.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Miss Lesley Tims
Planning Liaison Officer
Direct dial 01536 385159
Direct e-mail lesley.tims@environment-agency.gov.uk

Environment Agency
Nene House (Pytchley Lodge Industrial Estate) Pytchley Lodge Road, Kettering, Northants, NN15 6JQ.
Customer services line: 08708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk
APPENDIX 5
Extended Phase 1 Ecological Report
LAND AT ELTON PARK, ELTON, PETERBOROUGH

EXTENDED PHASE 1 ECOLOGICAL ASSESSMENT

Final Document
July 2013
LAND AT ELTON PARK, ELTON,  
PETERBOROUGH

EXTENDED PHASE 1 ECOLOGICAL ASSESSMENT

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APPENDICES

Appendix 1  Protected Species Legislation

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EXECUTIVE SUMMARY

- A Phase 1 ecological assessment was undertaken on 3rd May 2013 of an area of land on the Elton Park estate in Elton, Peterborough. The site is an active aggregates operation in which minerals are being extracted to create a reservoir.

- The survey involved an extended Phase 1 ecological field survey to assess the potential for protected habitats and species to be present within the site.

- The survey area is a plot of 16.15 hectares of floodplain south of the River Nene, which formally comprised grassland and dense and scattered scrub. Mineral extraction works are now well under way, with the reservoir taking shape in the south-western half of the site. The north-eastern area is part flooded by pumps from the reservoir. The northern-most part of the site comprises scattered scrub and improved grassland habitats. The vegetative habitats on the site are of low to moderate ecological value.

- No signs of badger were identified on the site and it is considered unsuitable to support badger sets due to regular flooding. Foraging and commuting badger may enter the northern-most part of the site, where there are drier areas and good foraging potential within grassland and scrub habitats.

- A Phase 1 bat assessment was undertaken of the trees at the site, the majority of which are not of a suitable maturity or structure to support features that could be used by roosting bats. A group of mature trees in the south-west corner of the site contains three specimens with low potential to support roosting bats due to the presence of holes, splits and snags. The site is suitable for supporting foraging and commuting bats, which are likely to use the offsite woodland belt to the east and would find excellent foraging opportunities over the flooded areas, the scattered scrub in the north of the site and along the River Nene, off-site to the north.

- There are no hedgerows or other suitably structured vegetation within the site that could support dormice.

- The River Nene forms the northern and western boundaries of the site, and provides moderate quality habitat for otter and low quality habitat for water vole. No signs of these species were identified during the survey, however it is possible that otters use the channel for foraging and commuting. The habitat is
considered to be more open than would be optimal for water vole, although it is possible that this species may disperse through this part of the water course from other areas. The watercourse and banks will not be affected under the proposals.

- The flooded habitat in the north-east of the site and the large adjacent area of scattered scrub provide an unusual habitat interface in which there are likely to be high levels of breeding bird activity.

- A swathe of improved grassland along the north-west boundary, parallel to the River Nene, has high potential to support common species of reptile.

- The site supports unstable flowing and flooding aquactic habitats that are considered unlikely to support great crested newt. Overall the site is deemed as having negligible potential to support great crested newt.

- Following completion of the reservoir, the site's biodiversity could be supported and improved by the landscaping plans, which include planting of native wetland scrub, creation of MG5 type wetland grassland and creation of reedbeds in the new reservoir.

- The trees identified as having low potential to support roosting bats will not be affected by the proposals and there is therefore no recommendation for a Phase 2 bat assessment.

- All vegetation clearance works involving scrub habitats should be carried out outside the breeding bird season or, if this is not possible, under the supervision of an ecologist. Any active nests found should be left undisturbed until they are no longer occupied.

- Phase 2 assessments have been recommended for reptiles, the results of which should be used to inform appropriate mitigation, if required.

- The majority of remaining habitat will be retained, with the loss of some areas of scrub. A Phase 2 invertebrate survey is not considered necessary, and the landscaping plans are expected to increase the quality of the habitats present, which is likely to have a positive impact on invertebrates at the site.
1.0 INTRODUCTION

1.1 Background
Ecological Survey & Assessment Limited (ECOSA) have been contracted by Ingrebourn Valley Limited and D. K. Symes Associates to undertake an extended Phase 1 ecological assessment of an area of land on the Elton Park estate, north of Eaglethorpe in Elton, Peterborough. The site is centred on National Grid Reference (NGR) TL 07707 92103.

This report presents the findings of the Phase 1 ecological assessment carried out by ECOSA on 3rd May 2013.

1.2 Aims and Scope of Report
This report is based on a Phase 1 field survey which is aimed at assessing the suitability of the site and its immediate surrounds to support protected habitats and species. This information allows an initial assessment of the biodiversity value of the site to be made.

1.3 Site Setting and Description
The site is an area of land within Elton Park, a 15 kilometre² (km) estate surrounding Elton Hall in Elton, Peterborough. The site is situated immediately north of the A605 trunk route between Oundle (6.5km to the south-west) and Peterborough (13km north-east of the site).

The River Nene forms the site's north-western boundary and feeds a pool within the northern tip of the site. The surrounding landscape is rural and comprises a mosaic of agricultural arable land interspersed with hedgerows, country lanes and watercourses amongst a network of rural villages west of the cathedral city of Peterborough.

The surveyed site within the Elton Park estate comprises 16.15 hectares (ha) of land, 1.23km to the south-west of Elton Hall. The south-western half is occupied by an active aggregates operation in which a large reservoir is being created. Water from the reservoir is continuously pumped into adjacent former grassland in the north-eastern half of the site. The northern-most area supports scattered scrub and a belt of improved grassland runs the length of the north-west site boundary.
The site is situated in the West Anglian Plain Natural Area, described by Natural England as follows:

"The West Anglian Plain Natural Area comprising flat or gently rolling land with managed hawthorn hedges and occasional ancient woods, separated by extensive tracts of intensively managed arable land. The plain is drained by the large, slow-flowing River Ouse and River Nene (and a small stretch of the River Welland) and a multitude of smaller watercourses including small drains. In many of the valleys of these major watercourses lowland meadows occur on the seasonally flooded (winter and spring) alluvium. The West Anglian Plain also has an extensive series of old flooded gravel pits, clay pits and reservoirs, many of which have swamp vegetation or reedbeds along their margins.

The geology of the West Anglian Plain is characterised by Jurassic and more recent Pleistocene deposits and the Earth heritage interest is focused on different exposures, many of which are extremely rich in fossils such as ammonites, sea-urchins, fish, reptiles and rare dinosaurs."

1.4 Site Proposals
A reservoir is being created within the southern part of the site. The boundary vegetation will remain in situ and the retained northern area of scattered scrub and grassland habitat will be enhanced to increase the site's biodiversity.

1 Natural Areas are defined by Her Majesty’s Stationery Office as "biogeographic zones which reflect the geological foundation, the natural systems and processes and the wildlife in different parts of England, and provide a framework for setting objectives for nature conservation" (Biodiversity: The UK Steering Group Report, HMSO, 1995).
2.0 METHODS

2.1 Introduction
This section details the methods used during the extended Phase 1 ecological assessment undertaken at land on the Elton Park estate, north of Eaglethorpe in Elton, Peterborough.

2.2 Desk-Based Assessment Methods
The Multi-Agency Geographic Information for the Countryside (MAGIC) website was accessed on 10th May 2013 for information pertaining to statutory designated nature conservation sites located within a 1km radius of the site.

2.3 Phase 1 Ecological Field Survey Methods
The Phase 1 field survey was carried out on 3rd May 2013. The survey involved a walkover of the site to identify the broad habitat types present and to record evidence of any protected species such as badger Meles meles, bats, dormouse Muscardinus avellanarius, breeding birds, reptiles and great crested newt Triturus cristatus. Details of the species-specific survey methods are given below.

2.3.1 Vegetation
An assessment was made of all areas of vegetation within and immediately adjacent to the site. This involved a walkover survey to identify broad vegetation types and a list of characteristic plant species was compiled.

2.3.2 Badger
The survey involved a detailed investigation of the site to identify evidence of badger residence, foraging or territorial activity. Particular emphasis was placed on locating badger setts, paths, and signs of territorial activity such as latrine sites.

2.3.3 Bats
An assessment was made of the suitability of trees on the site to support roosting bats based on the presence of features such as holes, cracks, splits, exfoliating bark and ivy cladding. An assessment was made of the suitability of the site and the surrounding landscape to support foraging and/or commuting bat species. The survey conformed to current Bat Conservation Trust guidelines².

2.3.4 Dormouse

The dormouse survey was based on an assessment of habitat features that may indicate that dormice are present on site. This includes the presence of food sources such as common hazel Corylus avellana and honeysuckle Lonicera periclymenum. Additionally, the species requires a continuum of resources so that habitat structure, diversity and connectivity to adjacent areas of woodland/scrub are important features for determining the potential presence of dormice.

2.2.5 Otter and Water Vole

The southern bank of the River Nene that forms the northern site boundary was assessed for its potential to support otter and water vole by reference to bank structure and the bank side vegetation. Water voles generally require sloping banks in which to burrow and well developed bank side vegetation to provide shelter and food. During the survey attention was paid to the presence of burrows, latrines, feeding remains, trails and footprints. For otter, a similar examination was carried out in search of spraints, footprints, or any evidence of the presence of a holt.

2.3.6 Breeding Birds

The assessment of breeding birds on the site was based on the suitability of habitat present, evidence of nesting such as old or currently active nests and the presence of bird species that may potentially nest within the available habitat.

2.3.7 Reptiles

The reptile survey was based on an assessment of the suitability of habitat present within the site to support a population of common reptiles. Reptiles particularly favour scrub and grassland interfaces and the presence of these is a good indication that reptiles may be present on site. In addition, reptiles may utilise features such as bare ground for basking, tussocky grassland for shelter and compost heaps and rubble piles for breeding and/or hibernating. The quality of habitat within the surrounding landscape is also a useful indicator of whether reptiles are likely to occur at a site.

2.3.8 Great Crested Newt

The great crested newt survey was based on an assessment of the presence of suitable aquatic habitats such as ponds within or adjacent to the site and the presence of suitable terrestrial habitat. Ponds that are densely shaded, highly eutrophic or that contain fish are likely to be less suitable for this species.

In addition, online mapping resources were used to identify the presence of ponds or other waterbodies within a 500 metre (m) radius of the site. The 500m is a
standardised search radius to assist in the assessment of the potential of a site and its surrounding habitat to support this species, based on current Natural England guidance.

2.3.9 Terrestrial Invertebrates
An assessment was made of the site for its potential value to support diverse communities of invertebrates or any Biodiversity Action Plan (BAP) or scarce species. The assessment was made based on the presence of habitat features which may support important invertebrate communities. These features include, for example, an abundance of dead wood, the presence of diverse plant communities, the presence of varied woodland structure and sunny woodland edges with a diverse flora, presence of ponds and watercourses and the presence of free-draining soil exposures. During the Phase 1 survey there was no attempt made to identify species present and where a site supports features that may be of importance to invertebrates then further Phase 2 surveys may be required to assess the importance of the site.

2.4 Initial Protected Species Assessment
Details of the assessment criteria used to determine the ecological value of on-site attributes are outlined below. During the Phase 1 survey the assessment criteria are based on the potential for the site to support the species considered; this is usually based on the on-site habitat features and their suitability for the species considered (Paragraphs 2.4.1 to 2.4.2). Where a species has been confirmed as present during the Phase 1 survey then the ecological value of that species at the site is assessed. However, in many cases Phase 2 surveys will be required to assess the status of species and hence the importance of a population at the site, therefore the assessment of value should be considered a provisional assessment.

2.4.1 Badger, Dormouse, Otter, Water Vole, Breeding Birds, Reptiles, Great Crested Newt and Terrestrial Invertebrates
The potential for the site to support protected species is based on the results of the field survey assessment. The potential for on-site habitat to support badger, dormouse, otter, water vole, breeding birds, reptiles, great crested newt and notable or important terrestrial invertebrates is based upon the following criteria:

- **Species Present** - Species confirmed as present during the field survey, either through direct observation or by the presence of unambiguous field

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signs such as droppings, prints, hairs, nests, eggs etc. Further Phase 2 surveys will be required in order to assess population status.

- **High Potential** - The on-site habitat is of high quality for a given species/species group. The site is located within or adjacent to a national or regional stronghold. Good quality surrounding habitat and good connectivity. Further Phase 2 surveys will be required in order to assess population status.

- **Medium Potential** - The on-site habitat is of moderate quality, providing most or all of the known key requirements of a given species/species group. Factors limiting the potential of occurrence may include small habitat area, habitat severance and disturbance. Further Phase 2 surveys will be required in order to assess population status.

- **Low Potential** - On-site habitat is of poor to moderate quality for a given species/species group. The presence cannot be discounted on the basis of national distribution, nature of surrounding habitats, habitat fragmentation, recent on site disturbance etc. Further Phase 2 surveys likely to be required in order to assess population status.

- **Negligible Potential** - Although presence cannot be absolutely discounted, the site includes very limited or poor quality habitat for a particular species/species group. The surrounding habitat is considered unlikely to support wider populations of a species/species group. The site may also be outside or peripheral to the known national range for a species. Further Phase 2 surveys are unlikely to be required.

### 2.4.2 Bats - Tree Assessment

The trees on-site were graded for their importance to bats using the following criteria:

- **Bats Present** – In some instances, bat presence can be confirmed from trees e.g. where droppings or staining is visible, where roosting bats have been observed entering/emerging from a tree or where roosting bats can be heard. Such trees will require further Phase 2 surveys to assess roost status.

- **High Potential** - High potential trees have features such as loose bark, splits and deep/extensive holes suitable for roosting bats. High potential trees are generally large and/or mature specimens. Further Phase 2 surveys will be required to assess the presence/absence of bats.
- **Medium Potential** - Medium potential trees have some interest for roosting bats such as broken snags, some flaking bark, a covering of ivy or shallow holes. Further Phase 2 surveys will be required to assess the presence/absence of bats.

- **Low Potential** - Low potential trees have some, although generally limited potential to support roosting bats. Further Phase 2 surveys are likely to be required to assess the presence/absence of bats.

- **Negligible Potential** - Negligible potential trees are those that provide few or no features with bat roosting potential. Generally these trees are immature specimens. Further Phase 2 surveys are unlikely to be required to assess the presence/absence of bats.

2.5 **Phase 1 Survey Timing and Weather Conditions**

The extended Phase 1 field survey was carried out by Frances Lowe (Natural England Bat Licence No. 20130175) of ECOSA on 3rd May 2013. The weather conditions were dry and sunny with five per cent cloud cover, a north-easterly wind at Beaufort Scale Force 1 and an ambient temperature of 16°C Celsius (C).

2.6 **Phase 1 Survey Equipment**

During the Phase 1 survey the surveyor was equipped with 10x42 binoculars, a high-powered torch and a digital camera.

2.7 **Phase 1 Survey Limitations**

It is not always possible to provide definitive assessments of a species' presence/likely absence at a site and so in the absence of direct evidence assessments and recommendations are based on the presence of suitable habitat within/adjacent to a site.
3.0 RESULTS

3.1 Introduction
This section details the results of the extended Phase 1 field survey undertaken at land on the Elton Park estate, north of Eglelthorpe in Elton, Peterborough and provides an initial assessment of the ecological value of the site. An outline of protected species legislation relevant to the survey findings is presented in Appendix 1.

3.2 Desk-based Assessment

3.2.1 Multi-Agency Geographical Information for the Countryside Database Search
A search of the MAGIC database revealed the presence of no statutory designated nature conservation sites located within a 1km radius of the site.

3.3 Vegetation Survey Results
The vegetation within the site is described here in general terms using Phase 1 habitat survey terminology and referring to dominant, characteristic and other noteworthy species in each vegetation type within the survey area. The following Phase 1 habitat types are present within the site, which are described below:

- Scattered trees and plantation woodland;
- Dense, scattered and mature scrub;
- Improved grassland;
- Inundated former grassland;
- Ephemeral/short perennial vegetation;
- Dry ditch;
- Riparian pool; and
- Reservoir and earthworks.

3.3.1 Scattered Trees and Plantation Woodland
A line of immature willow Salix species (sp.) trees protrudes towards the centre of the site from the entrance along the southern boundary (Figure 1).

The south-western boundary of the site encompasses a small area of larger plantation woodland surrounding a tributary of the River Nene (Figure 2). The woodland is more typical of a plantation in the off-site area to the west, consisting of evenly spaced poplar Populus sp.. The on-site area supports a group of mature bankside trees dominated by poplar and ash Fraxinus excelsior.
The scattered trees and plantation woodland at the site are semi-natural habitats of low quality that are common and widespread throughout the UK. The species present include non-native, naturalised and/or hybrid cultivated species and are considered to be of low ecological value.

3.3.2 Dense, Scattered and Mature Scrub

An area of dense willow *Salix* sp. scrub is situated in the south-western part of the site alongside a tributary of the River Nene (Figure 3).

Scattered scrub in the form of occasional patches of hawthorn *Crataegus monogyna*, blackthorn *Prunus spinosa* and bramble *Rubus fruticosus aggregate* (agg.) are present throughout an area of inundated grassland habitat in the north-eastern part of the site.

Mature scrub takes up a large part of the northern area of the site, comprising willow *Salix* sp., hawthorn and poplar, upon a grass sward dominated by false oat-grass *Arrhenatherum elatius* (Figure 4).
The dense willow scrub in the south-west of the site provides an ecological buffer to the River Nene tributary and enhances the variety of vegetation in the vicinity of the watercourse. The mature scrub in the northern area of the site provides good vegetative cover on an otherwise exposed site. Taken together, these areas of scrub are considered to be of moderate ecological value in the context of the site. The scattered scrub is less valuable and arises from a lack of management, being of low ecological value.

### 3.3.3 Improved Grassland

A large swathe of improved grassland spans much of the north-western boundary, adjacent to the River Nene (Figure 5 and Figure 6). The grassland extends between the mature scrub in the north and the reservoir in the centre. The sward is denser and longer in the south-west, forming tussocks in some places and newly colonising the built up bank next to the reservoir. The species composition is dominated by barren brome *Bromus sterilis*, hairy brome *Bromus ramosus*, red fescue *Festuca rubra*, curled dock *Rumex crispus*, broadleaved dock *Rumex obtusifolius* and wild teasel *Dipsacus fullonum*. Abundant ground ivy *Glechoma hederacea* and locally dominant common nettle *Urtica dioica* are also present.

![Figure 5](image5.jpg) **Figure 5** (left) North-western area of improved grassland, looking south-west
![Figure 6](image6.jpg) **Figure 6** Common nettle dominates some parts of the grassland, particularly bankside areas

Improved grassland is generally species-poor and is present in abundance on both a local and national scale. The grassland does not contribute significantly to the biodiversity of the site and is therefore deemed to be of low ecological value.

### 3.3.4 Inundated Former Grassland

This area of habitat is situated in the eastern area of the site, immediately north of the entrance (Figure 7). It appears to have been improved grassland until recently and has developed into a more complex habitat as a result of ongoing inundation by water pumps from the adjacent reservoir. The boundaries have been built up to form earth
banks that are being colonised by new growth of grass and forb species (Figure 8). The resultant small and large pools of water are bordered by a range of common and widespread terrestrial and emergent plants.

Lesser pond sedge Carex acutiformis is dominant throughout the centre of the area, with locally dominant yellow flag iris Iris pseudacorus, common nettle and creeping cinquefoil Potentilla reptans. Curled dock, broadleaved dock, great willowherb Epilobium hirsutum and cleavers Galium aparine are present in abundance, with frequent creeping thistle Cirsium arvense, creeping bent Agrostis stolonifera and ground ivy. Occasional willow Salix sp., creeping buttercup Ranunculus repens, wild teasel, hawthorn, common ragwort Senecio jacobaea, bristly ox tongue Picris echioides and blackthorn are also present, with rare bramble.

While being unusual in character, the area of inundated former grassland comprises common and ephemeral species dominated by particularly aggressive species that indicate the site’s former treatment with fertilisers. On the basis of the vegetation present, this area is therefore considered to be of low ecological value.

3.3.5 Ephemeral/short Perennial Vegetation
Ephemeral/short perennial vegetation has colonised areas of bare earth created by earthworks in the southern area of the site. Curled dock, broadleaved dock, creeping thistle, wild teasel and bristly ox tongue are all present in abundance, with frequent stands of hard rush Juncus inflexus. This habitat type is sparse and ephemeral, deemed as having low ecological value.

3.3.6 Dry Ditch
A newly created dry ditch is situated north of the reservoir in the west of the site. The ditch is evidently dry on a seasonal basis, as common reedmace Typha latifolia is present. The ditch supports little vegetation and is of low ecological value.
3.3.7 Riparian Pool

A pool of approximately 0.15ha is formed by an inlet from the River Nene in the north of the site (Figure 9). The pool is reasonably deep and surrounded by mature scrub and improved grassland. Little emergent vegetation is present, however the feature is deemed as having moderate ecological value, being part of the River Nene.

![Figure 9](image)

Figure 9 The pool formed by an inlet of the River Nene in the north of the site

3.3.8 Reservoir and Earthworks

The main feature of the site is a large reservoir currently being created in the central and southern area (Figure 10 and Figure 11). A mineral extraction operation is ongoing, requiring a continuous stream of heavy plant to carry material from the reservoir to the plant located north-east of the site along a network of wet earth tracks.

![Figure 10](image)

Figure 10 View across earthworks and the reservoir taken from the east looking south

![Figure 11](image)

Figure 11 The reservoir from the north

The site and much of the habitat present is heavily disturbed as a result of the operations. No vegetation is present in these areas, which are considered to be of low ecological value.
3.4 Badger Survey Results

No badger setts were recorded on the site, and the majority of the ground would be too wet for this purpose. The surrounding countryside will undoubtedly support resident badger, which may forage and commute within areas of woodland to the south-west and north-east, and the improved grassland on-site regularly. The site therefore has moderate potential to support foraging and commuting badger and low potential to support resident badger.

3.5 Bat Survey Results

3.5.1 Bats – Tree Assessment

The site contains three trees in the south-west corner with potential to support roosting bats. These are an ash (Figure 12) and two poplar (Figure 13 and Figure 14) which support features such as splits, loose bark and snags that could be used by tree-roosting bat species. The trees are considered to have low potential to support roosting bats.

![Figure 12](image1.png) (top left) Ash in the south-west corner of the site with a split limb
![Figure 13](image2.png) (bottom left) Poplar with a woodpecker hole that roosting bats could use as a roost
![Figure 14](image3.png) Large poplar with a broken limb, providing gaps suitable for roosting bats

3.5.2 Foraging and Commuting Habitat

Habitats surrounding the site are ideal for use by foraging and commuting bats, being rural in character and supporting many linear landscape features such as hedge-lined country lanes and the River Nene and associated tributaries. These features link occasional parcels of semi-natural and plantation woodland. Bats are likely to forage
over the waterbodies on and adjacent to the site and over the mature scrub in the north-east. The site is deemed as having moderate potential for supporting foraging and commuting bats.

3.6 Dormouse Survey Results
The site does not support any hedgerows. While there are plantation and mature and dense scrub habitat on the site, none offers the level of structure, species diversity and connectivity that would be required by dormice. The site is therefore considered to have negligible potential to support this species.

3.7 Otter
The otter survey of the southern bank of the River Nene on the northern site boundary recorded no evidence of otter activity, however, otter are known to be present on the River Nene and are likely to commute and forage through this stretch of the river on a regular basis. There is no habitat along the site boundary suitable for the formation of otter holts but short term lie-ups may be used from time to time in areas of longer grass. The site is therefore considered to be of moderate potential for supporting otter.

3.8 Water Vole
The water vole survey of the southern bank of the River Nene recorded no evidence of water vole activity. American Mink *Mustela vison* are present in the Nene catchment⁴, with past surveys recording water vole signs on as little as 7 per cent of stretches surveyed in the region. The southern bank of the River Nene at the site is formed of disturbed areas of grassland and there are limited areas of longer herbaceous vegetation required by the species for foraging and cover. The channel is wide, open and exposed, unlike the well-vegetated channels preferred by this species for foraging and protection from predators (Figure 15).

![Figure 15 Northern site boundary formed by the southern bank of the River Nene](image)

The site is therefore considered to be of low potential for supporting water vole.

3.9 Bird Survey Results

The aquatic, riparian and terrestrial habitats on and adjacent to the site provide opportunities in which a range of bird species can forage, commute and nest. The following bird species were recorded on or adjacent to the site during the survey: coot *Fulica atra*, moorhen *Gallinula chloropus*, mallard *Anas platyrhynchos*, great crested grebe *Podiceps cristatus*, Canada goose *Branta canadensis*, black-headed gull *Chroicocephalus ridibundus*, pheasant *Phasianus colchicus*, jackdaw *Corvus monedula*, great spotted woodpecker *Dendrocopos major*, woodpigeon *Columba palumbus*, collared dove *Streptopelia decaocto*, swallow *Hirundo rustica*, blue tit *Cyanistes caeruleus*, great tit *Parus major*, chaffinch *Phylloscopus collybita*, blackcap *Sylvia atricapilla*, goldfinch *Carduelis carduelis*, chaffinch *Fringilla coelebs*, dunnock *Prunella modularis*, robin *Erithacus rubecula* and wren *Tetrodryas troglodytes*.

It is likely that many of these species and others nest within vegetation on the site, with the exception of swallow, which requires buildings or exposed rock faces for nesting. Overall, the site is considered to offer high potential for supporting nesting bird species.

3.10 Reptile Survey Results

The area of unmanaged improved grassland running parallel to the River Nene in the north of the site provides habitat in which reptiles could forage, commute, bask, shelter, breed and hibernate, and is therefore considered to offer moderate potential for supporting common species of reptile.

3.11 Great Crested Newt Survey Results

The aquatic habitats on the site comprise the reservoir, newly flooded areas and the riparian pool in the north of the site. The reservoir is large, exposed, free of emergent vegetation and newly created. It is therefore unsuitable for supporting great crested newt. The areas of flooding are new and considered to be ephemeral habitat that great crested newt are unlikely to have colonised since their creation. Furthermore, the instability and disturbed nature of this habitat is likely to perturb great crested newt from settling on the site. The riparian pool in the north of the site has little emergent vegetation and is heavily occupied by wildfowl. It is fed by the River Nene, and appears to be subject to a current in some areas. This combined with the likely presence of predatory fish make the waterbody unsuitable to support great crested newt.
Ordnance survey 1:25,000 maps do not indicate that there are any other ponds located within a 500m radius of the site, making it unlikely that great crested newt would be able to colonise the site from nearby habitat. The mature scrub on the site would provide suitable terrestrial habitat for this species, however the lack of suitable aquatic habitat means that great crested newt are unlikely to occupy the site. The site is therefore deemed as having negligible potential to support great crested newt.

3.12 Terrestrial Invertebrates

It is possible that occasional rare or notable invertebrates would be supported by the site, due to the mixture of aquatic and terrestrial habitats available and with the River Nene forming the site’s north-western boundary. However, it is unlikely that any significant assemblages would be present. It is therefore considered that the site is likely to be of low to moderate potential to support a diverse community of invertebrates, or notable invertebrate species.

3.13 Overall Site Assessment

The vegetation present comprises a varied range of terrestrial and aquatic habitats surrounding a highly disturbed active mineral extraction site. The habitats present include those of low and moderate ecological value, and taken together these make the northern area of the site in particular a suitable area to support common reptiles and breeding birds. A number of bird species were observed during the survey. Three mature trees in the south-western corner of the site have the potential to support bats, which are likely to forage and commute within on-site habitats. It is considered unlikely that dormice or great crested newt would be supported by the site due to the lack of suitable habitat. Overall, the site is considered to be of low to moderate ecological value, due to the presence of suitable habitat for a number of protected species and the unusual combination of habitats present.
4.0 EVALUATION, IMPACTS AND RECOMMENDATIONS

4.1 Introduction
This section presents the conclusions of the Phase 1 ecological assessment at land on the Elton Park estate, north of Eaglethorpe in Elton, Peterborough and provides an initial assessment of the likely ecological constraints to the proposed development and recommendations for any further survey work considered necessary. An outline of protected species legislation relevant to the findings of this report is provided in Appendix 1.

4.2 Designated Sites

4.2.1 Evaluation
The MAGIC database search revealed that there are no statutory designated sites located within a 1km radius of the site.

4.2.2 Potential Impacts of Proposed Development
No impacts to designated sites are anticipated.

4.2.3 Recommendations
No specific recommendations are considered necessary with regard to designated sites.

4.3 Vegetation

4.3.1 Evaluation
The site contains a range of low and moderate value habitats, particularly to the north of the reservoir, where mature scrub and unmanaged improved grassland are present adjacent to the River Nene. All of the vegetative habitats on the site are formed of common and widespread floral species.

4.3.2 Potential Impacts of Proposed Development
The proposals will see the retention of boundary vegetation and the planting of the reservoir and surrounds with aquatic vegetation including reedbeds, scrub and wetland grass mix. This is expected to mitigate the loss of an area of mature scrub from the north of the site. No mature trees will be removed.

Other potential impacts associated with the continued mineral extraction works may include soil compaction, plant movements, noise, vibration and dust. The movement of material may impact upon adjacent, retained habitats.
Post-extraction, the site will be designed for wildlife, particularly wildfowl. The site is unlikely to see a significant increase in the level of human activity and associated impacts.

4.3.3 Recommendations

The retained boundary habitats should be protected by a fenced buffer zone extending 5m into the site from the retained habitat. This protective measure will also serve to retain much of the set-aside grassland.

Loss of mature scrub from the north of the site should be minimised as much as possible. Landscaping plans include the planting of an area of native wetland scrub south-east of the reservoir, comprising approximately 1,400 whips of alder Alnus glutinosa, white willow Salix alba, hawthorn, dogwood Cornus sanguinea, hazel and guelder rose Viburnum opulus. The use of native shrubs can contribute significantly to the overall biodiversity of a site.

Bankside habitat and the areas surrounding the reservoir will be planted with British Seed Houses RE3 river floodplain / water meadow (MG8 grassland) mix, and reedbeds will be created at the edges of the reservoir.

Taken together, the landscaping proposals will mitigate the loss of habitat and disturbance to the site, and are likely to cause an increase in biodiversity and an associated positive impact overall.

4.4 Badger

4.4.1 Evaluation

No evidence of badger was identified during the survey. The site is largely unsuitable to support resident badger but is likely to support foraging and commuting badger on a regular basis.

4.4.2 Potential Impacts of Proposed Development

There are no direct impacts anticipated to badgers, as no setts were present at the time of the survey. There will be a decrease in badger foraging habitat overall, however higher quality habitats will be created on-site and the impact of this is considered to be negligible.
4.4.3 **Recommendations**

There are no recommendations specific to badger, however those outlined in section 4.3.3 will increase the quality of on-site foraging habitat for this species.

4.5 **Bats**

4.5.1 **Evaluation**

The Phase 1 bat assessment of the trees on the site revealed that two poplar and one ash in the south-west corner have low potential to support roosting bats. The site is suitable for foraging and commuting bats.

4.5.2 **Potential Impacts of Proposed Development**

As the trees with potential to support bats are to be retained within landscaping proposals, there is not anticipated to be any impact on roosting bats at the site, and Phase 2 surveys are not considered necessary for this species group.

Limited areas of foraging and commuting habitat will be temporarily lost and then reinstated, and overall the habitats on the site will be of higher quality in the long-term and increase the site's capacity to support foraging and commuting bats.

There may be some noise disturbance resulting from the extraction operations, although the majority of work will take place during daylight hours when bats are not active, and this impact is considered to be insignificant.

There will be no increase in lighting, human presence, noise or disturbance in the long-term.

4.5.3 **Recommendations**

The recommendations laid out in Paragraph 4.3.3 will increase the botanical and invertebrate diversity of the site, improving its capacity to provide a foraging resource for bats in the local area. This positive impact will offset any temporary disturbance impacts in the long term.

4.6 **Dormouse**

4.6.1 **Evaluation**

The site contains no habitat that is considered to be of suitable structure, diversity or connectivity to support dormice.
4.6.2 Potential Impacts of Proposed Development

As dormice are unlikely to be present, it is not anticipated that the proposals will have an impact upon this species or its habitat.

4.6.3 Recommendations

No specific recommendations are considered necessary in respect of dormice.

4.7 Otter

4.7.1 Summary Evaluation

There was no evidence of otter activity recorded during the field survey, however otter are known to be present in the wider catchment of the River Nene and there is moderate potential for this species to use the river adjacent to the site for commuting and foraging in a regular basis. There is no habitat deemed suitable for construction of a holt, but otter may form lie-up sites along the bank in areas of longer vegetation.

4.7.2 Impacts of Proposed Development

The southern bank of the River Nene will not be directly impacted by the works, which are set back some distance from the river. Given this, along with the lack of otter evidence recorded during the survey, it is considered extremely unlikely that there would be any adverse impact on otter breeding, commuting and foraging activity as a result of the works.

In England, otter are fully protected under the Wildlife and Countryside Act 1981 through inclusion in Schedule 5. In addition, otter is protected under the Conservation of Habitats and Species Regulations 2010. Refer to Appendix 1 for further details.

4.7.3 Recommendations

No specific recommendations are considered necessary in respect to this species.

4.8 Water Vole

4.8.1 Summary Evaluation

There was no evidence of water vole activity recorded from the southern bank of the River Nene along the northern site boundary. The river channel is open and exposed and provides limited areas of suitable shelter for this species and therefore the potential for water vole to be present at the site is considered to be low. Water vole distribution is poor throughout the wider catchment.
4.8.2 **Impacts of Proposed Development**

As the southern bank of the River Nene has only low potential to support water vole and will not be directly affected by the works, it is considered unlikely that there will be a significant impact on this species.

In England, water vole are fully protected under the Wildlife and Countryside Act 1981 through inclusion in Schedule 5. Refer to Appendix 1 for further details.

4.8.3 **Recommendations**

No specific recommendations are considered necessary in respect to this species.

4.9 **Breeding Birds**

4.9.1 **Evaluation**

The site contains various scrub habitats that offer excellent nesting opportunities for a range of bird species including wildfowl. A high level of bird activity was observed on the site during the survey.

All breeding birds, their nests, eggs and young are protected by the Wildlife and Countryside Act 1981 (as amended). In England, mallard, swallow and dunnock are on the amber list of Birds of Conservation Concern. See Appendix 1 for further information regarding the legal and conservation status of birds in the UK.

4.9.2 **Potential Impacts of Proposed Development**

Boundary vegetation will be retained under the proposals, however there will be loss of an area of mature scrub habitat in the north of the site prior to creation of a new area of scrub post-extraction. Any clearance works involving scrub could impact breeding birds if undertaken during the breeding season, which extends from March to August, inclusive. If nesting birds are present, the proposed works would result in a net loss of potential nesting habitat and may result in disturbance or harm to nesting birds, their eggs or young.

4.9.3 **Recommendations**

In order to avoid any potential impacts to nesting bird species, it is recommended that any clearance works involving scrub are undertaken outside of the main nesting season of March to August, inclusive. Should such works be necessary within this period it is recommended that habitat is first inspected by a suitably qualified ecologist to identify any active nesting sites. If an active nest is identified, no works should take place in the vicinity until nesting activity has been concluded.
4.10 Reptiles

4.10.1 Evaluation

Suitable reptile habitat is present on the site in the form of a large swathe of unmanaged improved grassland situated between the reservoir and the River Nene, along the site’s northern boundary. Approximately 2.2ha of suitable reptile habitat is present in this area.

4.10.2 Potential Impacts of Proposed Development

The proposals will see the damage and/or disturbance of part of the area of improved grassland in the north of the site. If reptiles are present, extraction operations could cause harm to reptiles through crushing, disturbance and loss of habitat.

4.10.3 Recommendations

It is recommended that a Phase 2 reptile assessment is undertaken in order to ascertain the presence or likely absence of common species of reptile from the site. The survey should involve the laying of approximately 120 refugia consisting of bituminous felt cut into 0.5x0.5m tiles in areas of suitable habitat. The site should then be visited on seven separate occasions in suitable weather conditions to survey the refugia for sheltering and basking reptiles. The survey should conform to current best practice survey guidelines and the results should be used to inform whether any mitigation, such as a reptile translocation programme, is necessary.

In England, all common species of reptile are fully protected under the Wildlife and Countryside Act 1981 through inclusion in Schedule 5. Refer to Appendix 1 for further details.

4.11 Great Crested Newt

4.11.1 Evaluation

There are no waterbodies on the site with suitability to support breeding great crested newt; the aquatic habitats present are unstable, consisting of a riparian pool and artificially flooded areas, along with the large reservoir in the centre of the site. There are no other suitable waterbodies within a 500m radius and it is therefore considered extremely unlikely that great crested newt would occupy the site.

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4.11.2 Potential Impacts of Proposed Development

As it is considered extremely unlikely that great crested newt are present on the site, there is not anticipated to be any impact on this species arising from the mineral extraction or associated works.

4.11.3 Recommendations

As great crested newt are unlikely to be present, there is no recommendation further survey. The measures detailed in section 4.3.3 will improve the quality of the terrestrial habitats present, however suitable breeding habitat in the area would be required before the site is likely to be utilised by great crested newt.

4.12 Terrestrial Invertebrates

4.12.1 Summary

The site contains a diverse range of aquatic and terrestrial habitats that have the potential to support some rare or notable species of invertebrate.

4.12.2 Potential Impacts of Proposed Development

It is considered that any minor impact on invertebrates caused by the loss of mature scrub at the site will be offset by the habitat enhancement works proposed within the landscaping scheme for the reservoir.

4.12.3 Recommendations

Phase 2 surveys for invertebrates are not considered to be necessary, given that the reservoir creation works are well under way. The landscaping proposals are considered to adequately offset any impacts associated with the works.

4.13 Updating Survey

If the work is still underway by May 2015, it is recommended that the extended Phase 1 ecological assessment is updated, as the ecology of the site is likely to have changed during this period.
Appendix 1  Protected Species Legislation

European Protected Animals⁶ - Otter

In England, otter are fully protected under the Wildlife and Countryside Act 1981 through inclusion in Schedule 5. In addition, otter is protected under the Conservation of Habitats and Species Regulations 2010. Taken together, these legislative instruments make it illegal to carry out the following activities:

- Deliberately or recklessly capture or kill any wild animal of a European protected species;
- Deliberately or recklessly disturb any such animal;
- Deliberately or recklessly take or destroy eggs of any such wild animal;
- Damage or destroy a breeding site or resting place of such a wild animal; and
- Keep, transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal of a European protected species, or any part of, or anything derived from such a wild animal.

Any activity that would result in a contravention of the above legislation would require a licence to avoid committing an offence. Natural England has powers to grant a licence for the following purposes:

- 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; or
- Preventing the spread of disease; or
- Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries.

The Conservation of Habitats and Species Regulations contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm an European protected species. For development activities this licence is obtained after Planning Permission has been obtained. The three tests are that:

⁶ Summarised from www.dofra.gov.uk
The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;

- There must be no satisfactory alternative; and

- Favourable conservation status of the species must be maintained.

A recent court judgment\(^7\) makes it clear that, notwithstanding the licensing regime, the Local Planning Authority must also address its mind to these three tests when deciding whether to grant planning permission for a development which could harm a European protected species. A Local Planning Authority failing to do so would be in breach of Regulation 3(4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (revised in 2010 to become the Conservation of Habitats and Species Regulations) which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

In order to determine whether an activity requires a licence, Natural England advises that the guidance of a consultant ecologist is sought. However, Natural England offer the following advice as a guide:

- A licence is needed if the consultant ecologist, on the basis of survey information and specialist knowledge of the species concerned, considers that on balance the proposed activity is reasonably likely to result in an offence under Regulation 41\(^8\) of the Conservation of Habitats and Species Regulations; or

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\(^7\) Judgment handed down by His Honour Judge Waksman QC sitting as a judge of the High Court at the start of June 2009 in the case of R (on the application of Simon Woolley) v Cheshire East Borough Council. The judgment clarified for the first time the legal duty of a Local Planning Authority when determining a planning application for a development which may have an impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or others.

\(^8\) Regulation 41 of the Conservation of Habitats and Species Regulations 2010 state:

41. (1) A person who:

(a) deliberately captures, injures or kills any wild animal of a European protected species,
(b) deliberately disturbs wild animals of any such species,
(c) deliberately takes or destroys the eggs of such an animal, or
(d) damages or destroys a breeding site or resting place of such an animal,

is guilty of an offence.

(2) For the purposes of paragraph (1)(b), disturbance of animals includes in particular any disturbance which is likely:

(a) to impair their ability—

(i) to survive, to breed or reproduce, or to rear or nurture their young, or
(ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or

(b) to affect significantly the local distribution or abundance of the species to which they belong.
• If the consultant ecologist, on the basis of survey information and specialist knowledge of the species concerned, considers that on balance the proposed activity is reasonably unlikely to result in an offence under Regulation 41 of the Conservation of Habitats and Species Regulations then no licence is required. However, in these circumstances Natural England would urge that reasonable precautions be taken to minimise the effect on European protected species should they be found during the course of the activity. If they are found then work should cease and an application be made to the Wildlife Licensing Unit at Natural England, Bristol.

**Water Vole**

In England, water voles are fully protected under the Wildlife and Countryside Act 1981 through inclusion under Schedule 5.

These legislative instruments make it illegal to carry out the following activities:

• Intentional kill, injure or take a water vole from the wild;
• Possess or control (live or dead animal, part or derivative);
• Damage, destroy or obstruct access to any structure or place used by water vole for shelter or protection;
• Disturb a water vole occupying such a structure or place;
• Sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative); and
• Advertise for buying or selling such things.

**Wild Birds**

The Wildlife & Countryside Act 1981 (as amended) is domestic legislation for Great Britain that repeals existing wildlife legislation such as:

• Protection of Birds Acts 1954 to 1967; and
• Conservation of Wild Creatures and Wild Plants Act 1975.

The Act covers the provisions made in these previous acts and provides additional provision for species and countryside protection. The Act is the primary legislation in Great Britain for

(3) It is an offence for any person:
(a) to be in possession of, or to control,
(b) to transport,
(c) to sell or exchange, or
(d) to offer for sale or exchange.

*www.naturenet.net*
the protection of flora, fauna and the countryside. The Act includes the UK’s domestic implementation of the species protection of the European Directive on the Conservation of Wild Birds (79/409).

Under the Wildlife and Countryside Act 1981 all birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions to intentionally:

- Kill, injure or take any wild bird.
- Take, damage or destroy the nest of any wild bird while it is in use or being built.
- Take or destroy the egg of any wild bird.
- Have in one’s possession or control any wild bird (dead or alive) or any part of a wild bird which has been taken in contravention of the Act or the Protection of Birds Act 1954.
- Have in one’s possession or control any egg or part of an egg which has been taken in contravention to the Act. This includes items taken or killed before the passing of the Act.
- Have in one’s possession or control any live bird of prey of any species in the world (with the exception of vultures and condors) unless it is registered and ringed in accordance with the Secretary of State’s regulations.
- Have in one’s possession or control any bird of a species occurring on Schedule 4 of the Act unless registered (and in some cases ringed) in accordance with the Secretary of State’s regulations.
- Disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

Status of Wild Birds
The leading governmental and non-governmental conservation organisations in the UK have reviewed the population status of the birds that are regularly found in the UK. A total of 247 regularly breeding or wintering species were assessed and each placed onto one of three lists - Red, Amber or Green. Forty species are Red-listed, 121 are Amber-listed and 86 are Green-listed. Seven quantitative criteria were used to assess the population status of each species and place it onto the Red, Amber or Green List. These criteria are listed below. The review excluded species that are not native to the UK and those that occur irregularly as vagrants or scarce migrants.

Global Conservation Status - Species assessed as Globally Threatened using IUCN11 criteria were placed on the Red List.
Recent Decline - Species whose breeding or non-breeding population declined, or range contracted, rapidly (by more than 50%) or moderately (by between 25 and 49%) over the last 25 years were placed on the Red and Amber Lists respectively.

Historical Decline - Species whose populations declined severely between 1800 and 1995 were placed on the Red List, except for those that have recovered substantially (more than doubled) in the last 25 years, which were Amber Listed. In earlier assessments, all species showing a serious historical decline were Red Listed, but in this assessment the success of recent conservation action has been recognised by moving recovering species to the Amber List.

European Conservation Status - Species whose population status is unfavourable in Europe (but which are not Globally Threatened) were placed on the Amber List.

Rare Breeders - Species with a mean population size of 1-300 pairs breeding annually over the last five years were placed on the Amber List. If a full census was carried out in a single year, the result of this was used instead of a five-year mean.

Localised Species - Species for which 50% or more of the breeding or non-breeding population occurs at 10 or few sites were placed on the Amber List. This criterion was used because a species whose population is confined to a few sites faces a greater threat from chance events than one whose population is widespread. The sites considered were either Important Bird Areas (identified by BirdLife International) or Special Protection Areas (designated under the European Union’s Directive on the Conservation of Wild Birds).

International Importance - Species with 20% or more of their European population breeding in the UK were placed on the Amber List, as were non-breeding wildfowl with 20% or more of their northwest European population occurring in the UK and non-breeding waders with 20% or more of their East Atlantic Flyway population occurring in the UK. This criterion is different from the others as it is a measure of the UK's responsibility for each species rather than the extent to which species are threatened.

- Red List species are those that are Globally Threatened according to IUCN criteria; those whose population or range has declined rapidly in recent years; and those that have declined historically and not shown a substantial recent recovery.

- Amber List species are those with an unfavourable conservation status in Europe, those whose population or range has declined moderately in recent years; those whose population has declined historically but made a substantial recent recovery; rare breeders; and those with internationally important or localised populations.
Species that fulfil none of the criteria are Green-listed.

Common Reptiles
All common reptile species (grass snakes, adders, common lizards and slow worms) native to Britain are protected by the Wildlife & Countryside Act, 1981 (as amended). This legislation makes it illegal to intentionally kill or injure a common reptile. As a result, reptiles must be removed from areas of development and relocated onto suitable release sites before any site works can commence.