



Uttlesford District Council

Chief Executive: Dawn French

Scrutiny Committee

Date: Monday, 25th September, 2017
Time: 7.30 pm
Venue: Council Chamber - Uttlesford District Council, Council Offices, London Road, Saffron Walden, CB11 4ER

Chairman: Councillor A Dean
Members: Councillors H Asker, G Barker (Vice-Chair), R Chambers, P Davies, M Felton, S Harris, G LeCount, M Lemon, B Light and E Oliver

Substitutes: Councillors A Gerard, A Mills, G Sell and L Wells

Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given notice by 12 noon two working days before the meeting.

AGENDA PART 1

Open to Public and Press

1 Apologies for Absence and Declarations of Interest

To receive any apologies for absence and declarations of interest.

2 Covering Report to call in of Land at De Vigier Avenue, Saffron Walden

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To consider the call in of the Cabinet decision on 7 September 2017 to approve the disposal of land at De Vigier Avenue, Saffron Walden submitted by Councillors Asker, LeCount and Light.

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Committee: Scrutiny

Agenda Item

Date: 25 September 2017

2

Title: Land at De Vigier Avenue, Saffron Walden

Author: Peter Snow, Democratic and Electoral
Services Manager

Item for decision:
yes

Summary

1. The Cabinet decided on 7 September 2017 to approve the disposal of land at De Vigier Avenue, Saffron Walden previously set aside as public open space.
2. The decision has been called in by Councillors Asker, LeCount and Light for review by the Scrutiny Committee. The reasons for call in are set out in the situation section below.
3. The role of the Scrutiny Committee is to consider the decision and decide whether it should be confirmed or referred back to the Cabinet for reconsideration.

Recommendations

4. To determine whether the decision taken by the Cabinet to dispose of land at De Vigier Avenue, Saffron Walden is correct or should be referred back to the Cabinet.

Financial Implications

5. See attached report.

Background Papers

6. See the attached report for details of background papers.

Impact

- 7.

Communication/Consultation	See attached report
Community Safety	See attached report
Equalities	See attached report
Health and Safety	See attached report
Human Rights/Legal Implications	See attached report

Sustainability	See attached report
Ward-specific impacts	See attached report
Workforce/Workplace	See attached report

Situation

8. The following valid call in request has been received for consideration by the Committee:

I, Heather Asker and fellow Councillors, Barbara Light and Garry Le Count wish for Scrutiny Committee to receive the following as a call in item.

‘Agenda item for Cabinet decision regarding Land at De Vigier Avenue, Saffron Walden’

The decision was reached that UDC should not pass the land over to SWTC to be managed as an open space, nor would it manage the land itself as an area of open space, as had been agreed under a Section 106 agreement.

We believe this decision is wholeheartedly wrong, insensitive and purely financially driven and should be revoked.

Background:

UDC has made no effort whatsoever to make said piece of land an open space to be used, in particular, by the residents of De Vigier Avenue.

It has left the area fenced off and allowed to become un-usable

THIS LAND WOULD HAVE BEEN HANDED OVER TO THE COUNCIL IN A FULLY USABLE CONDITION. THE S106 AGREEMENT STATES THAT THE:DEVELOPER WILL “GRADE, LAY OUT AND SOW (IT) WITH GRASS SEED..... AND REMOVE ALL BUILDING MATERIALS AND REFUSE..... AND ENSURE THAT THERE IS SUFFICIENT TOPSOIL..... FOR THE PURPOSE OF A PUBLIC OPEN SPACE”

The residents have noted areas of planting carried out some 29 years ago, when the land was first made over to UDC and since then, all sorts of wildlife that have now made this area their home

REFERENCE IS MADE TO A WILD-LIFE SURVEY, BUT ITS FINDINGS AND METHODOLOGY WAS NOT MADE AVAILABLE TO CABINET WHEN THE DECISION WAS MADE

SWTC has documentation dating back to 1986(?) referencing S106 and has offered to adopt the area and manage as a proper open space for use by the public.

In his comments at Cabinet, Cllr Simon Howell made several references to the 'valuable contribution to the Council' of the sale of the land, but makes no mention of how much.

HE ALSO MADE NO STATEMENT AS TO WHAT COMPENSATION (IF ANY) WOULD BE MADE AVAILABLE TO THE RESIDENTS OF DE VIGIER AVENUE IN RETURN FOR THE LOSS OF THIS LAND

9. The original report submitted to the Cabinet on 7 September 2017 is attached for consideration.
10. Reference was made at the Cabinet meeting to three ecological reports commissioned by the Council. These are, respectively, an ecology report, a botanical assessment and a badger survey, and they are all attached to the original report.

Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
See attached report	See attached report	See attached report	See attached report

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

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Committee: Cabinet

Agenda Item

Date: 7 September 2017

9

Title: Land at De Vigier Avenue, Saffron Walden

Portfolio Holder Cllr Howell

Key Decision: Yes

Summary

- 1) Cabinet at its meeting in 25 May 2017 resolved to dispose of the land at De Vigier Avenue, Saffron Walden. Following the statutory advertisement three objections to the sale have been received; one from Saffron Walden Town Council (SWTC) and two from members of the public. Members are required to review their decision in light of the objections.

Recommendations

- 2) The Cabinet is recommended to
- a) Resolve that the land at De Vigier Avenue is no longer required for its current purpose as public open space;
 - b) Approve the appropriation of this piece of land for planning purposes under S122 Local Government Act 1972
 - c) Approve the disposal of the land for planning purposes under S233 Town and Country Planning Act 1990; and instruct the Director of Finance and Corporate Services to agree the terms of the sale and complete the disposal process.

Financial Implications

- 3) Agreeing to the request of SWTC would mean the Council foregoing a significant capital receipt.

Background Papers

- 4) Cabinet report 25 May 2017

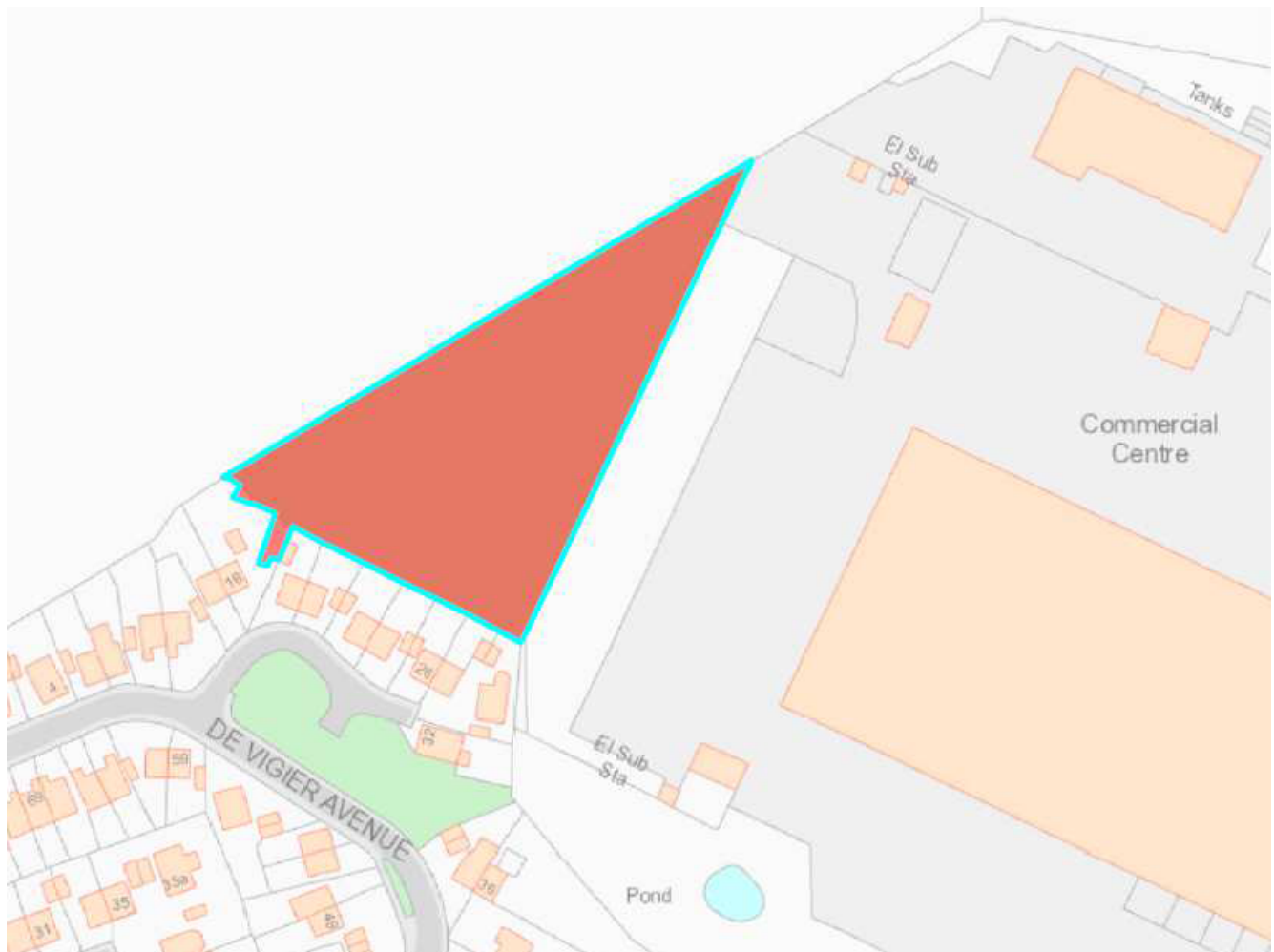
Impact

Communication/Consultation	Ward Members, Saffron Walden Town Council and the adjoining residents have been notified of the option for disposal. Meetings with the residents have been held by the Leader.
Community Safety	No specific implications
Equalities	None
Health and Safety	No specific implications
Human Rights/Legal Implications	No specific implications

Sustainability	No specific implications
Ward-specific impacts	Saffron Walden Castle
Workforce/Workplace	None

Background

- 5) The Council owns a piece of land, shown red below, at the end of De Vigier Avenue in Saffron Walden and adjacent to the former Ridgeons building supplies site. The approved development of the Ridgeons site has given the council an opportunity to consider the future of this land and the potential for it to be sold and incorporated into the adjoining mixed use development site, which is delivering new homes, space for businesses and open space.



- 6) At its meeting on 25 May 2017 the Cabinet agreed to dispose of the land to be sold for development purposes and delegated authority to the Director of Finance and Corporate Services to agree the terms of the sale.
- 7) Following a decision to dispose of this site, it was established that the land had been acquired by the Council as part of a planning obligation to provide public open space. The land has not been used as public open space since its acquisition, has been fenced off from the public for 29 years, was effectively landlocked and does not currently perform a recreational function.

- 8) As the Council acquired the land as public open space, it is obliged to follow a statutory procedure before it can appropriate it to other uses and dispose of it.

The statutory procedure for appropriating and disposing of land held as open space.

- 9) If Council-owned land is no longer required for the purpose for which it is held, the Council can appropriate it to a different use. It can also sell the land. However, there is a special procedure that needs to be followed before the Council can appropriate or sell land it holds as public open space.
- 10) Before deciding to appropriate or sell land held for open space purposes, the Council must advertise its intention in a local newspaper for two successive weeks and invite objections. It then must consider any objections received before making a final decision.
- 11) An advertisement was duly placed asking for any objections to be sent to the Council by 24 August. Three objections have been received. These are attached to the report and are summarised below.

Objections to appropriation/ disposal

Saffron Walden Town Council (SWTC)

- 12) Saffron Walden Town Council's objection is set out in Appendix One. SWTC objects to the disposal of the land. It refers to the "section 106" agreement from 1984 (in fact at that point a "section 52 agreement") which provides for the transfer of the land for use as public open space. The objection states that "it is currently used as such. This land is a discreet, wildlife area for flora and fauna and the disposal/sale of this land would have a negative impact on this natural environment". SWTC proposes that ownership is transferred to it for a nominal sum with a view to its future retention as public open space.

Robert Tongue on behalf of the Residents of De Vigier Avenue

- 13) Mr Tongue's objection is set out in Appendix Two. He states that the land in the Council's ownership

"is under covenant which is enforceable without any limit of time to be used as a public open space. A covenant shall be enforceable (without any limit of time) against any person deriving title from the original covenantor, which is yourselves, you have failed in your duty regards this, You have ignored the correct options open to you and instead of enforcing the covenant have decided to profit from this land with you current actions."

- 14) Mr Tongue also states his view that the proposed appropriation and disposal would infringe the rights of residents under the Human Rights Act. He cites specifically Protocol 1, Article 1 of the Convention, which states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land. He also refers to Article 8, which provides for respect for the private and family life of individuals.

Mr Storah

- 15) Mr Storah's objection is set out in Appendix Three. He mentions the planning agreement from 1984 and considers that this "requires" the Council to keep the land as public open space. Mr Storah makes a substantive point about the value of the current use of the land. He says:

This land is a discreet, wildlife area for flora and fauna and the disposal/ sale of this land would have such a serious adverse impact on this small enclave of natural environment that it would effectively be totally obliterated from the local area.... The wiping away of natural wildlife habitat from this locality surely cannot be what the council is looking to achieve on behalf of its residents."

Officer comments on the objections

- 16) Members should pay careful objection to the points raised by objectors. Even if there is not a legal bar to disposal of the land, members need to consider the issues raised before reaching a final decision. However, there are some misunderstandings and misconceptions regarding the legal and procedural aspects.

- 17) **The covenant.** The covenant referred to by the objectors is a covenant given by the developer to transfer the land to the Council for public open space purposes. It is not a covenant given by the Council, or enforceable against the Council, to maintain the land as open space. That said, the Council has separate legal obligations to manage public open space in a manner compatible with its status, and not for other purposes. In relation to public open spaces, the primary protection is the Public Open Spaces Act 1910. However, appropriation of the land under section 122, Local Government Act, 1972, or disposal under section 233, Town and Country Planning Act, 1990 explicitly overrides protection given by this Act. The Interim Head of Legal Services advises that the covenant does not prevent the appropriation and disposal of this land, provided the statutory procedure is followed and objections are properly considered.

- 18) **The Human Rights Act.** In his objection, Mr Tongue has suggested that appropriation or disposal of the land would breach the rights of residents provided by the European Convention on Human Rights, specifically Article 8 and Article 1 of the first protocol to the Convention.

Article 8 states:

"Everyone has the right to respect for his private and family life, his home and his correspondence."

Article 1 of the first protocol states:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."

The Interim Head of Legal Services does not consider that these rights are relevant to the proposed appropriation and disposal of the land.

It is difficult to see how the disposal of the land would, in fact, impinge on the right to respect for privacy and family life. Residents may consider the land to be a beneficial amenity but the removal of the amenity, by itself, would not amount to an infringement of Article 8 rights.

Mr Tongue refers to the case of Britton vs SOS. He says that "the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the

interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings.” The case concerned a planning enforcement notice served against a community living in the countryside in “benders” (a form of tent) without the benefit of planning permission. Whilst the application of Article 8 was a consideration in that case, the enforcement action had a clear impact on the home and family life of the residents who were subject to the enforcement notice.

It is difficult to see the relevance of Article 1 of the first protocol. This is concerned with “peaceful enjoyment of... possessions”. Whilst the word “possessions” has been given a broad interpretation (extending, for instance, to rights held under a statutory licence), the residents have no similar right to possession in respect of the open space.

- 19) ***Preservation of the existing use.*** The local residents express a clear view that the open space use of the land should continue and SWTC has offered to take over the land to secure this. Irrespective of the history of the site, it would be open to the Council to decide that the merits of open space use should prevail over the merits of appropriation and disposal. It is, as explained below, a matter for the Cabinet to decide whether or not land is still required for a particular purpose, provided that it meets the principles of good decision making, sometimes referred to as the “Wednesbury principles”.

Making a decision

- 20) As part of making the appropriation decision, members should consider whether the land “is **no longer required** for the purpose for which it is held”; i.e. as public open space. This does not mean the same thing as deciding whether the land is redundant or superfluous as public open space. It is, in simple terms, a decision whether the broad public interest is in keeping the land as public open space or in appropriating it for planning purposes as a prelude to its disposal.
- 21) In reaching a decision, the following will be the main considerations:
- (a) The current and future benefit that retention of the land would have. The objectors have set out their views on the benefits of the current use. The Ridgeons development will allow access to the site and this could provide an opportunity to enhance the open space provision. SWTC has offered to take responsibility for the land. This option may need more investigation but potentially is one that UDC could pursue. On the other hand, the land has not been used as public open space since its acquisition, has been fenced off from the public for 29 years, was effectively landlocked and does not currently perform a recreational/ open space function. Within the planning application for housing on the adjacent Ridgeons site there are four separate open space areas proposed. The Council has agreed to ensure that the existing treeline will be retained as a landscape buffer between the existing homes and the new development, and offered to the Town Council.
 - (b) The appropriation of this land for planning purposes would allow it to be incorporated into the adjoining mixed use development site, providing new homes, areas for business and open space. The development of the adjoining site provides a one-off opportunity to maximise the potential use of the land, by creating suitable access to enable the land to be developed and provide additional housing, for which there is a need. In addition, although negotiations on a disposal price have not been concluded, there is potential for generating a significant capital receipt for the Council which, in itself, is a public benefit and a matter which the Council should consider, given its general fiduciary duty.
- 22) Members may identify other relevant considerations but, broadly, it is a question of weighing the pros and cons of the two ways forward against each other and reaching a balanced decision.

23) Taking account of all of the earlier information Cabinet is, therefore, being invited to reconsider its earlier decision.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Members fail to give proper consideration to the objections as required by S122 Local Government Act 1972 and S233 Town and Country Planning Act 1990	1- This report sets out the objections	4 – Failure to review the objection or making a decision in bad faith or that is unreasonable may lead to legal challenge	This report outlines the objections and asks members to review their decision.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix One

11 Emson Close
Saffron Walden
Essex, CB10 1HL

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11th August 2017

**The Director of Finance and Corporate Services
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER**

Dear Sir

Re: Notice of intended appropriation of land for planning purposes and notice of intended disposal of land – Land to the north of De Vigier Avenue, Saffron Walden, Essex

I refer to the above public notice placed in Saffron Walden Reporter newspaper on 3rd August 2017. This proposed disposal of land was discussed at the Town Council's Planning & Road Traffic Committee meeting on Thursday 10th August 2017 where the following response was agreed:

That Saffron Walden Town Council objects to the disposal of this land and notes the covenant from 1984 contained within the S106 agreement covering the original transfer of this land to Uttlesford District Council. This covenant protects the land as "public open space" and it is currently used as such. This land is a discreet, wildlife area for flora and fauna and the disposal / sale of this land would have a negative impact on this natural environment. A further copy of an extract from the S106 Agreement is enclosed for avoidance of doubt and to confirm the status of this land as public open space.

Saffron Walden Town Council requests that this land is transferred for a nominal sum to the Town Council who will ensure its future retention as a public open space in accordance with the covenant within the S106 Agreement.

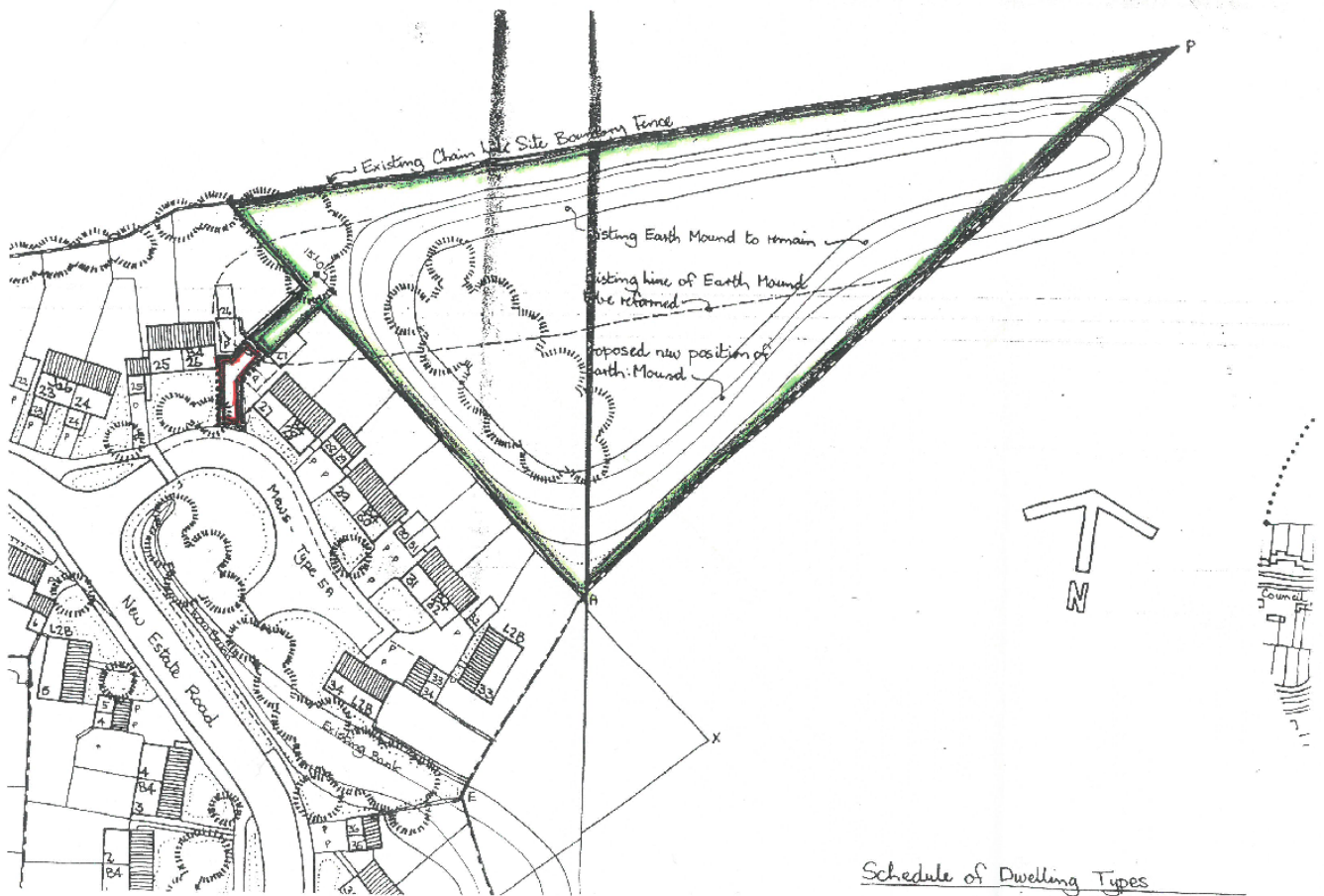
The above response was unanimously agreed by the Planning & Road Traffic Committee meeting on 10th August 2017 and should be considered as the formal response from Saffron Walden Town Council in respect of the public notice.

Yours sincerely

**Lisa Courtney
Town Clerk**

NOW THIS DEED WITNESSETH as follows:-

- 1 This agreement is made in pursuance to Section 52 of the Town and Country Planning Act 1971
- 2 In consideration of the Council granting planning permission under reference number JTT/96/84 (hereinafter called "the planning permission") the Company hereby covenant with the Council pursuant to Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 to the intent that this covenant shall be enforceable without any limit of time against any person deriving title from the company to its said interest in the land that the Company will convey that
* part of the land more particularly shown edged green on the plan annexed hereto for use as a public open space * (hereinafter called "the green land") in fee simple together with a right of way over the land coloured red approximately 15 foot wide and for the purpose of gaining access to the land edged green and without charge to the Council subject to the matters contained or referred to in the conveyance insofar as they affect the green land but otherwise free from incumbrances.
- 3 The company will lay out and grade and sow with grass seed the green land at its own expense and will remove all building materials and refuse from the green land and ensure that there is sufficient top soil on the green land for the purposes of a public open space to the reasonable satisfaction of the Director of Planning of the Council for the time being
- 4 The green land shall be conveyed to the Council as hereinbefore provided as soon as eighteen plots are



Appendix Two

Re Land North of De Vigier Avenue Appropriation and Disposal.

I on behalf of the Residents of De Vigier Avenue and myself formally object to your proposal to appropriate for planning purposes and Disposal of land north of De Vigier Avenue.

This land in your ownership is under covenant which is enforceable without any limit of time to be used as a public open space.

A covenant shall be enforceable (without any limit of time) against any person deriving title from the original covenantor, which is yourselves, you have failed in your duty regards this,

You have ignored the correct options open to you and instead of enforcing the covenant have decided to profit from this land with your current actions.

We would also like to bring to your attention you are infringing our Human Rights.

Human Rights Act

Responsibilities of the council under the Human Rights Act, in particular Protocol 1, Article 1. This states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land.

Additionally, Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. In the case of *Britton vs SOS* the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings

We consider the Land you are proposing to dispose of for housing our surroundings and your actions if carried out will be breaching our Human Rights.

regards

Robert Tongue

Chairman
De Vigier Avenue Residents Group

Appendix 3

Dear Sir

Re Notice of intended appropriation of land for planning purposes and notice of intended disposal of land - Land to the north of De Vigier Avenue, Saffron Walden

With reference to the above public notice placed in Saffron Walden Reporter newspaper on 3rd August 2017, I wish to object on the following basis.

There is a covenant dated 1984 contained within the S 106 agreement covering the original transfer of this land to Uttlesford District Council. This covenant protects the land as “public open space” and it is currently used as such. This land is a discreet, wildlife area for flora and fauna and the disposal/ sale of this land would have such a serious adverse impact on this small enclave of natural environment that it would effectively be totally obliterated from the local area.

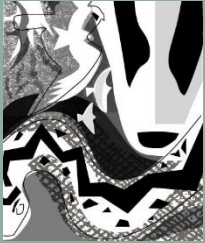
The notice states that the land “is no longer required for the purposes for which it is held”. Clearly this statement is grammatically wrong but, if it is intended to mean it is not required, then that is incorrect. The land is required. It is required to continue in its current use – a use in which it has been since its acquisition by the district council.

The wiping away of natural wildlife habitat from this locality surely cannot be what the council is looking to achieve on behalf of its residents.

Yours sincerely

A Storah

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MKA
ECOLOGY

Preliminary Ecological Appraisal

Ridgeons, Ashdon Road, Saffron Walden

Site	<i>Land at Ridgeons, Ashdon Road, Saffron Walden</i>
Project number	<i>22710</i>
Client name / Address	<i>Turnstone Estates, The Warehouse, 33 Bridge Street, Cambridge, CB2 1UW</i>

Date of issue	<i>30/06/17</i>
Version number	<i>002</i>
Revisions	<i>Addition of Phases 1c and 1d</i>

Author(s)	<i>Gabrielle Horne GradCIEEM</i>	
Surveyor(s)	<i>Gabrielle Horne GradCIEEM</i>	
Reviewed by	<i>Will O'Connor MCIEEM</i>	
Contact	<i>MKA Ecology Limited 01763 262211 info@mkaecology.co.uk</i>	

Declaration of compliance

This Preliminary Ecological Appraisal has been undertaken in accordance with British Standard 42020:2013 “Biodiversity, Code of practice for planning and development”.

The information which we have provided is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management’s (CIEEM) Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

Validity of data

Unless stated otherwise the information provided within this report is valid for a maximum period of 24 months from the date of survey. If works at the site have not progressed by this time an updated site visit may be required in order to determine any changes in site composition and ecological constraints.

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1. EXECUTIVE SUMMARY

In April 2017 MKA Ecology Limited was commissioned to undertake a Preliminary Ecological Appraisal of land at Ridgeons, Ashdon Road, Saffron Walden. The appraisal included a Phase 1 habitat survey, protected species scoping survey and desktop study of protected and notable sites and species in the area. A site visit was undertaken on 18 April 2017.

Outline planning permission has been granted for the phased re-development of the site to provide residential and commercial properties. The development of the wider site is underway with the construction of a new Ridgeons store complete and clearance work beginning in other areas. This report specifically refers to Phases 1c, 1d, 3, 5 and 6 which concern residential development.

The wider site currently comprises semi-improved calcareous grassland, scrub, bare ground with scattered forbs, scattered trees and hardstanding with buildings. A Local Wildlife Site is situated within the Site boundary of Phase 1d. This is situated on the access track and is designated for its calcareous grassland habitat.

The following ecological constraints were identified at the Site with recommendations made as follows;

- Habitat: Local Wildlife Site present. Recommended that this area is protected from further impacts, and an appropriate enhancement and management regime should be established.
- Habitat: Potential high value grassland in Phase 6. Recommended that a botanical survey is completed in this area.
- Birds: suitable breeding bird habitat on site. Recommended that vegetation and/or building clearance works are scheduled between the months of September and February inclusive
- Badger: suitable foraging and sett building habitat in Phases 1d and 5. Recommended that a Badger survey be undertaken, which can be conducted at any time of year but ideally between February to April inclusive and September to October inclusive.
- Reptiles: Suitable habitat available in Phase 6. Recommended that a survey for reptiles is undertaken between April and September.

The site has scope for significant biodiversity enhancements including native species planting, hedgerow establishment and integrated bird and bat box provisions. A Biodiversity Mitigation and Enhancement Plan has been produced for the wider site and it is recommended that this is reviewed and detailed plans for biodiversity interventions are produced for each phase.

2. INTRODUCTION

2.1. Aims and scope of Preliminary Ecological Appraisal

In April 2017 MKA Ecology Limited was commissioned to undertake a Preliminary Ecological Appraisal at land at Ridgeons, Ashdon Road, Saffron Walden by Turnstone Estates in order to support planning applications for Phases 1c, 1d, 3, 5 and 6.

The aims of the Preliminary Ecological Appraisal were to:

- Undertake a desktop study to identify the extent of protected and notable species and habitats within close proximity of each phase;
- Prepare a Phase 1 habitat map for each phase;
- Identify evidence of protected species/species of conservation concern at each phase;
- Assess the potential impacts of the proposed development;
- Detail recommendations for further survey effort where required; and
- Detail recommendations for biodiversity enhancements.

2.2. Site description and context

The survey area is shown on the map in Figure 1. Within this report this area is referred to as the Site or Ridgeons, Saffron Walden. This report refers specifically to Phases 1c, 1d, 3, 5 and 6 although it draws on data gathered across the wider site. These phases are also shown on Figure 1.

The Site is located on the outskirts of Saffron Walden, within Uttlesford District Council (centroid grid reference TL 55317 39024) and consists of scrub, bare ground with scattered forbs, semi-improved calcareous grassland, scattered trees, hardstanding and a building. The whole site is approximately 13ha but Phases 1c, 1d, 3, 5 and 6 comprise only a small part of this.

Phase 1c is vacant and comprises bare ground and hardstanding. Phase 1d is also vacant and comprises bare ground and scrub, however a small portion encompasses the Ashdon Road Verge Local Wildlife Site which is designated for its calcareous grassland habitat. Phase 3 is currently vacant and comprises hardstanding and bare ground. Phase 5 is also vacant and comprises bare ground and surrounding scrub habitats. Both Phase 3 and Phase 5 formerly contained commercial buildings but these have since been demolished. Phase 6 comprises grassland and scrub habitats.

The Site is boarded to the north and east by agricultural land, and to the south and west by residential housing and industrial premises. The town centre of Saffron Walden lies approximately 1.3km to the

west. The wider landscape is largely agricultural with arable fields, hedgerow, roads and wooded copses.

2.3. Proposed development

Outline permission has been granted for the wider site (UTT/13/2423/OP) for;

- Builders Merchant and Yard;
- Offices and/or Research and Development and/or Light Industrial;
- Business, General Industrial and Storage and Distribution uses;
- A Local Centre, including a local retail store, a cafe/restaurant/public house, a hotel; and
- Up to 167 dwellings including affordable housing.

This will include public open space, landscaping and the provision of supporting infrastructure including replacement substations. Detailed planning is being sought for residential properties on Phases 1c, 1d, 3, 5 and 6.

2.4. Legislation and planning policy

This Preliminary Ecological Appraisal has been undertaken with reference to relevant wildlife legislation and planning policy.

Relevant legislation considered within the scope of this document includes the following:

- The Wildlife and Countryside Act 1981 (as amended);
- The Conservation of Habitats and Species Regulations 2010 (as amended);
- Natural Environment and Rural Communities (NERC) Act 2006;
- The Countryside and Rights of Way (CROW) Act 2000;
- Protection of Badgers Act 1992; and
- Wild Mammals (Protection) Act 1996.

Further information is provided in Appendix 1, including levels of protection granted to the species considered in Section 3.3.

In addition to obligations under wildlife legislation, the National Planning Policy Framework (NPPF) issued in 2012 requires planning decisions to contribute to conserving and enhancing the local environment. Further details are provided in Appendix 1.

The Uttlesford District Council has produced an adopted Local Plan which covers a number of policies relating to biodiversity and habitat conservation, including nature conservation, re-use of agricultural

buildings, open spaces, mature trees, protection of designated sites and agricultural land, and protection of landscape elements of importance for nature conservation. Where relevant these are discussed in further detail in Section 5.

3. METHODOLOGIES

This Preliminary Ecological Appraisal has been undertaken in accordance with the Chartered Institute for Ecology and Environmental Management (CIEEM) Guidelines for Preliminary Ecological Appraisal (CIEEM, 2013).

3.1. Desktop study

A data search was conducted for the Site and the surrounding area within 2km of the site centroid. The organisations listed in Table 1 were contacted with regard to biodiversity data.

Table 1: Organisations providing biodiversity data

Organisation	Data collected	Date collected
Multi-agency Geographic Information for the Countryside (MAGIC) www.magic.gov.uk	Information on local, national and international statutory protected areas.	12/05/17
Essex Field Club	Information on protected and notable sites and species within 2km of the Site (TL5531639051)	19/04/17

A Phase 1 Habitat and Ecological Scoping Survey was carried out at Ridgeons Saffron Walden in April 2010 (MKA Ecology Ltd, 2010a). This was supported by a number of species specific surveys which included the following;

- Botanical survey (2010);
- Breeding bird survey (2010);
- Bat inspection (2010). Nocturnal bat surveys (2012), updated in 2014 and roost destroyed under licence in 2015;
- Hedgerow assessment 2012;
- Habitat Suitability Index assessments ponds, off-site pond surveyed for Great Crested Newt (2010);
- Reptiles surveys (2010). Reptile translocation (2015 and 2016); and
- Badger survey (2010 and 2015). Sett closures (2016).

A Wildlife Protection Plan and also a Biodiversity Mitigation and Enhancement Plan was also produced for the Site. These documents set out the methodologies to protect the retained ecological features and also methodologies to establish biodiversity interventions to promote biodiversity at the Site.

3.2. Phase 1 habitat survey

The habitat at the site was surveyed using the standardised Joint Nature Conservation Committee (JNCC) Phase 1 classification and mapping methodology (JNCC, 2010). Data were recorded onto field maps and then transferred onto a Geographic Information System (GIS) following the JNCC Colour Mapping Pallet for ArcGIS. Dominant plant species were observed and recorded within each habitat type. The plant species nomenclature follows that of Stace (2010).

The DAFOR scale is used to describe the relative abundance of species. The scale is shown in Table 2. It is important to note that where a species is described as rare this description refers to its relative abundance within the Site and is not a description of its abundance within the wider landscape. Therefore a species with a rare relative abundance within the Site may be common within the wider landscape.

Table 2: DAFOR scale

DAFOR code	Relative abundance
D	Dominant
A	Abundant
F	Frequent
O	Occasional
R	Rare

3.3. Protected species scoping survey

As part of the Preliminary Ecological Appraisal of the Site, an assessment of the potential for the habitats on site to support protected or notable species was made. This assessment was based on the quality, extent and interconnectivity of suitable habitats, along with the results of the desktop study detailed in Section 3.1.

Protected species frequently encountered on development sites include the following:

- Amphibians: Great Crested Newt *Triturus cristatus*.
- Reptiles: Adder *Vipera berus*, Common Lizard *Zootoca vivipara*, Slow-worm *Anguis fragilis*, Grass Snake *Natrix natrix*.
- Birds: All species, with special reference to species listed under Schedule 1 of The Wildlife and Countryside Act 1981 (as amended).
- Mammals: Badger *Meles meles*, bats (all species), European Water Vole *Arvicola amphibius*, Otter *Lutra lutra* and Hazel Dormouse *Muscardinus avellanarius*.

- Invertebrates: White-clawed Crayfish *Austropotamobius pallipes*.

In each case the likelihood of presence of these protected species at the Site was classified as being either high, moderate, low or negligible.

In addition to the species listed above, the potential for the Site to support other rare or notable species (or habitats) is also considered. This includes Species and Habitats of Principal Importance as listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006), and Red and Amber listed Birds of Conservation Concern (BoCC) as per Eaton *et al.*, 2015 (see Appendix 1).

This protected species scoping survey is designed to assess the *potential* for presence or absence of a particular species or species group, and does not constitute a full survey for these species.

3.4. Surveyor

The survey was undertaken by Gabrielle Horne GradCIEEM, Graduate Ecologist at MKA Ecology Limited. Gabrielle has two years' experience in undertaking Preliminary Ecological Appraisals.

3.5. Date, time and weather conditions

See Table 3 below for details of the date, time and prevailing weather conditions recording during the site visit for the Preliminary Ecological Appraisal.

Table 3: Date, time and weather conditions of survey visit

Date	Time of survey	Weather conditions*
27/04/17	10:30	Wind: 4-5 Cloud: 5 Temp: 8°C Rain: none

*Wind as per Beaufort Scale / Cloud cover given in Oktas.

3.6. Constraints

It should be noted that a single visit cannot categorically ascertain the presence or absence of any protected species. However, an assessment is made of the likelihood for protected species to occur based on habitat characteristics and the ecology of each species. Where there is potential for protected species, additional survey work may be required to ascertain their presence or absence.

Certain areas of scrub, primarily within Phase 5 could not be surveyed due to access restrictions. A Badger survey in these areas has been recommended to identify any setts within the scrub habitat.

4. RESULTS

4.1. Desktop study

An ecological desktop study was completed for the Site and the surrounding 2km. The data, provided by Essex Field Club, identified a small number of UK and European protected species, species and habitats of principal importance (as listed under Section 41 of the NERC Act 2006), and species of conservation concern within 2km of the Site. It should be noted that this is not a comprehensive list of the distribution or extent of the local flora and fauna of conservation importance. These species records are discussed in greater detail in the protected species scoping survey section (Section 0 below).

No statutory designated sites were identified within 2km. Two non-statutory designated sites (Ashdon Road Verges Local Wildlife Site (LWS) and Protected Road Verge (PRV), and Whitehill Wood LWS were identified as part of the desktop study, Ashdon Road Verges LWS PRV is located on site. The details are displayed in Table below.

Table 4: Non-statutorily designated sites within 2km of Ridgeons Saffron Walden

Site name	Area (ha)	Distance and direction	Reasons for selection
Ashdon Road Verges (LWS and PRV)	0.1	-	<ul style="list-style-type: none"> Supports chalk grassland flora including Marjoram <i>Origanum vulgare</i>, Sulphur Clover <i>Trifolium ochroleucon</i>, Greater Knapweed <i>Centaurea scabiosa</i>, Burnet Saxifrage <i>Pimpinella saxifraga</i>, Restharrow <i>Ononis repens</i>, Hoary Plantain <i>Plantago media</i>, Field Scabious <i>Knautia arvensis</i>, Blue Fleabane <i>Erigeron acer</i> and Fairy Flax <i>Linum catharticum</i>.
Whitehill Wood LWS	8ha	240m E	<ul style="list-style-type: none"> Ancient woodland

4.2. Phase 1 habitat survey

The wider site was found to comprise scrub, calcareous grassland, bare ground with scattered forbs, hardstanding and buildings. More detailed species lists, along with their relative abundance, can be found in Appendix 2. The Phase 1 habitat survey maps for each phase are provided in Figures 2a, 2b 2c and 2d at the end of this section. Descriptions of the habitat types present along with dominant species compositions are provided below.

Scrub

Areas of scrub (Photograph 1, Appendix 3) were located primarily along the borders of the Site, and covered much of the area of Phase 6. This habitat consisted of abundant Bramble *Rubus fruticosus* agg., Blackthorn *Prunus spinosa* and Hawthorn *Crataegus monogyna* with frequently occurring Hazel *Corylus avellana* and Rose *Rosa* sp. Other occasionally and rarely occurring species were also recorded and these are listed in Appendix 2. This habitat appeared to be unmanaged.

This habitat is present in Phases 1d, 5 and 6 only.

Semi-improved calcareous grassland

Small areas of semi-improved calcareous grassland (Photograph 2, Appendix 3) were present at the site, primarily in the Phase 6 area. This supported frequent Cocks-foot grass *Dactylis glomerata*, Birds-foot Trefoil *Lotus corniculatus*, Oxeye Daisy *Leucanthemum vulgare* and Wild Marjoram *Origanum vulgare*, as well as occasionally occurring species which are listed in Appendix 2. This habitat is unmanaged and appears to be encroached by the neighbouring scrub.

This habitat is present in Phase 6 only.

Bare ground with scattered forbs

Large areas of the site are covered by bare ground (Photograph 3, Appendix 3), interspersed with scattered forb species; a list of these species can be found in Appendix 2. This bare ground is a fairly recently created habitat, as a result of the construction and landscaping works associated with the new Ridgeons warehouse building.

This habitat is present in Phases 1c, 1d, 3 and 5 only.

Scattered trees

Several scattered trees were located across the site and these Ash *Fraxinus excelsior*, Sycamore *Acer pseudoplatanus* and Wayfaring Tree *Viburnum lantana*.

This habitat is present in Phases 1d and 5 only.

Hardstanding

Areas of hardstanding were found throughout the site (Photograph 4, Appendix 3).

This habitat is present in Phase 1c, 1d, 3 and 5 only.

Buildings

A number of commercial buildings are present across the wider site, some of which are in use and some are derelict and scheduled for demolition (see Photograph 5). No buildings are present in Phases 1c, 1d, 3, 5 and 7.

Calcareous grassland

This small area of habitat was only present to the western edge of area 1d, and is a Local Wildlife Site designated for its chalk grassland flora.

Figure 1: Phased development areas at Ridgeons, Saffron Walden

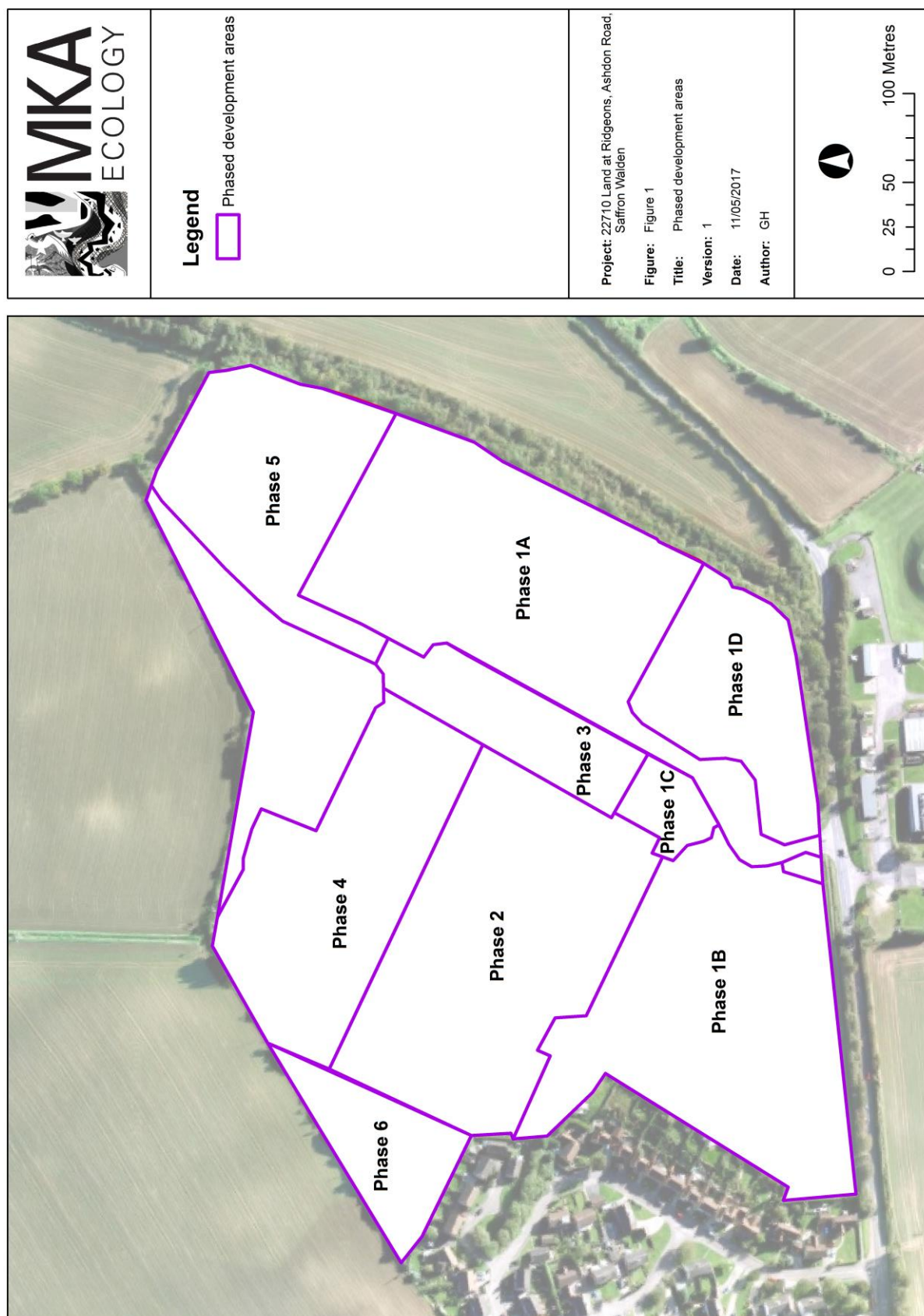


Figure 2a: Phase 6 at Ridgeons, Saffron Walden

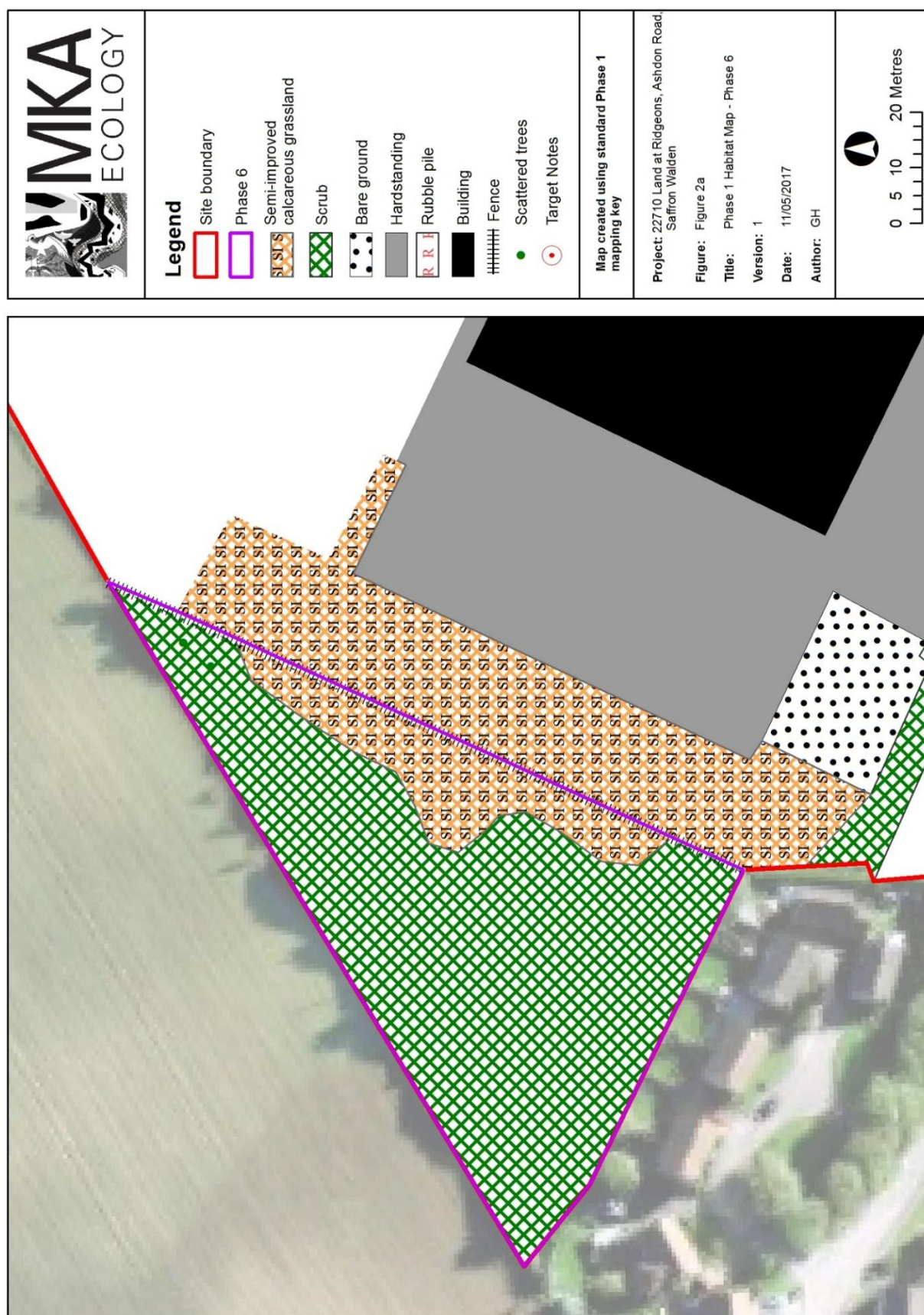


Figure 2b: Phase 5 at Ridgeons Saffron Walden

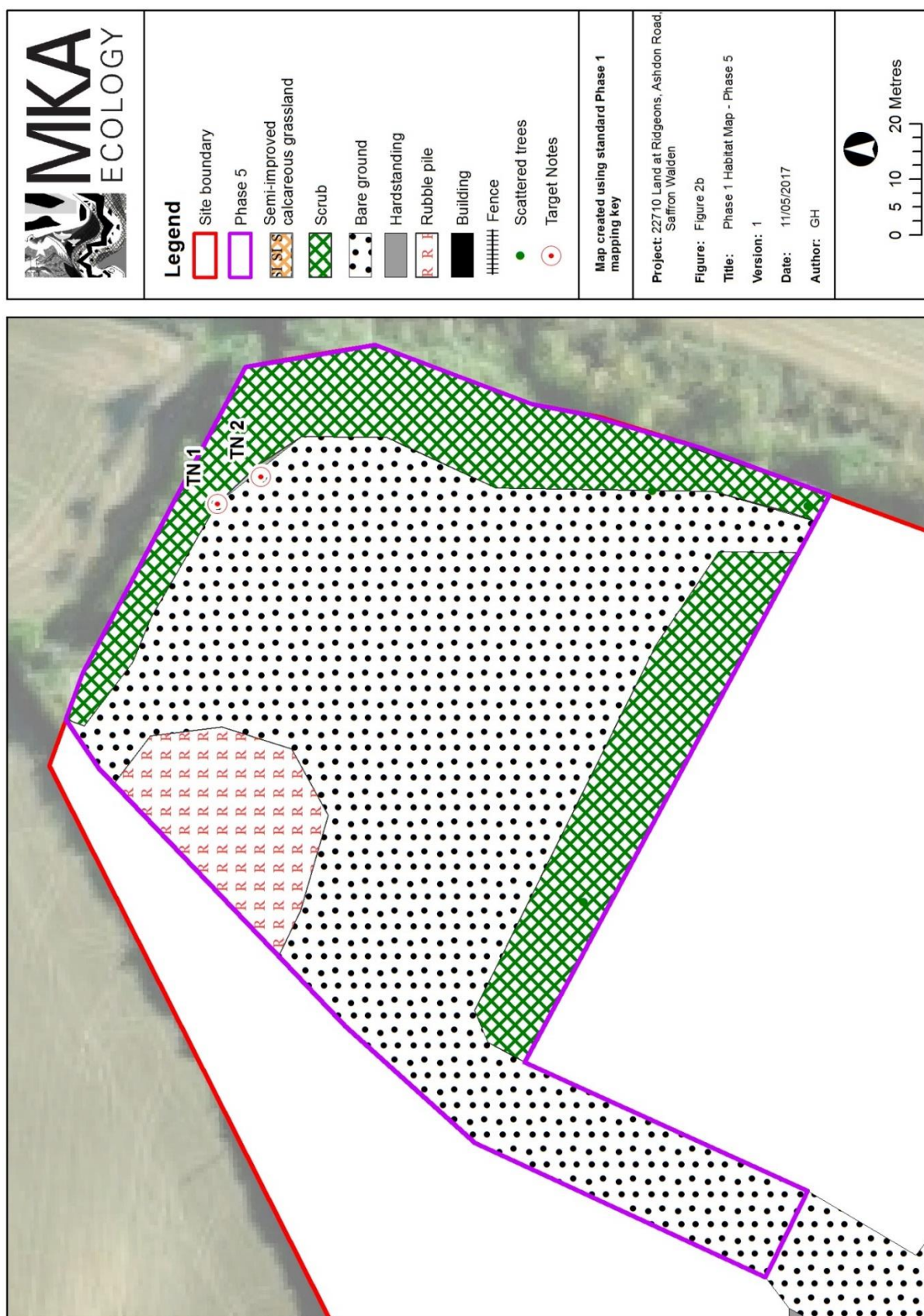


Figure 2c: Phase 3 at Ridgeons, Saffron Walden

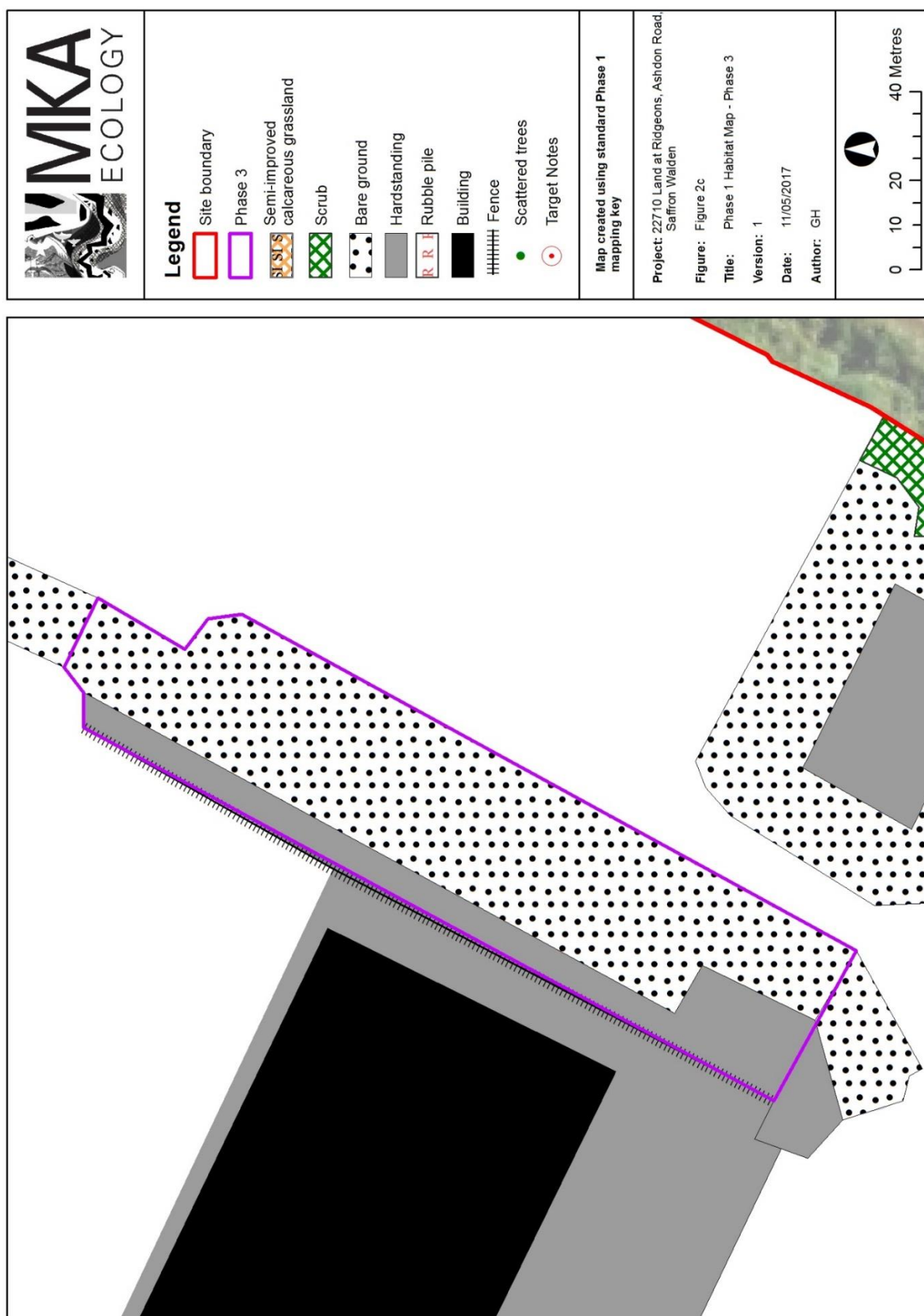
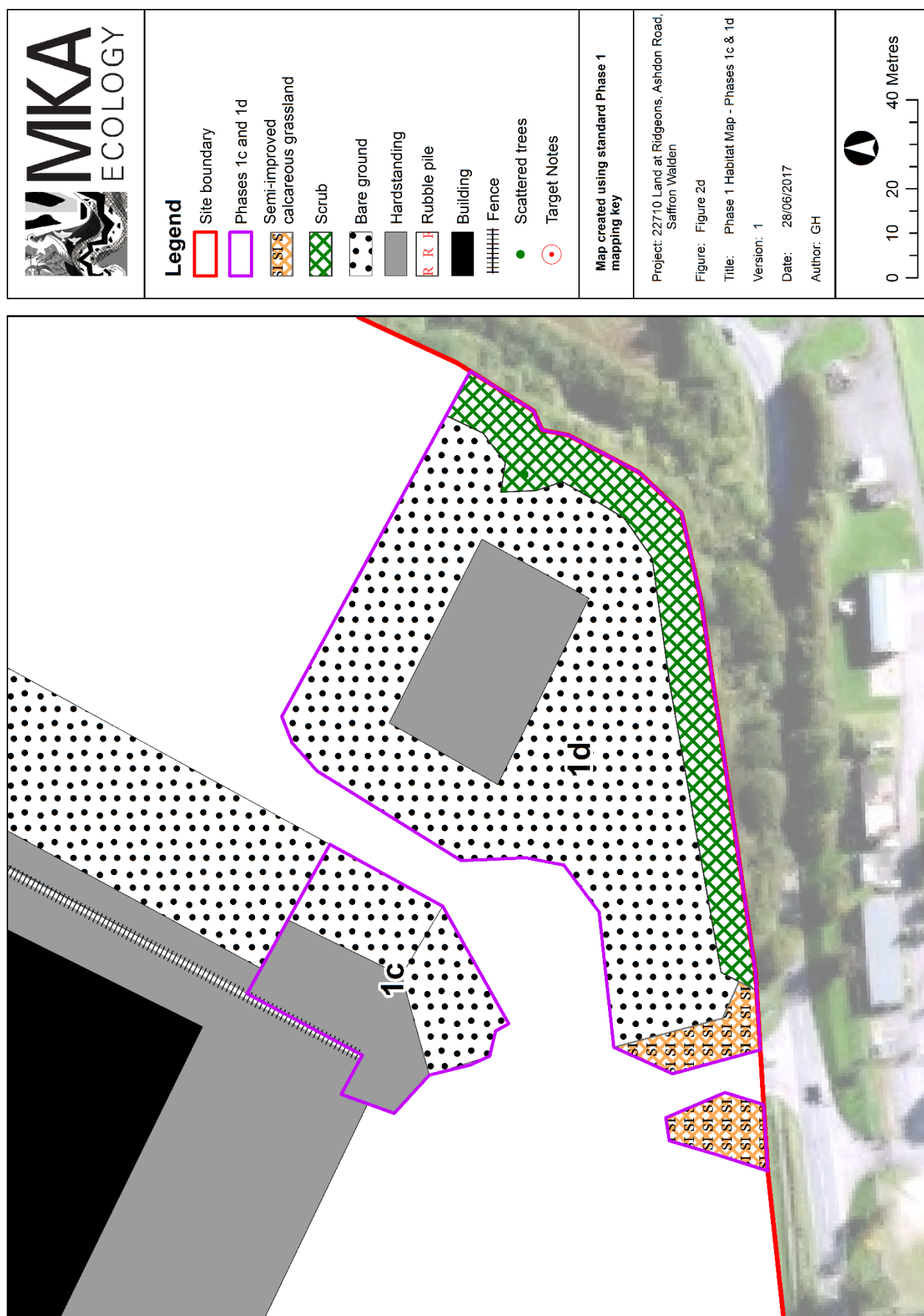


Figure 2d: Phases 1c and 1d at Ridgeons, Saffron Walden



Target Notes

TN1: Location of Wall Cotoneaster

TN2: Location of Bluebells

4.3. Protected species scoping survey

Plants

The data search returned records of several protected or notable species within the search area. These included species listed on Schedule 8 of the Wildlife and Countryside Act 1981 (Bluebell *Hyacinthoides non-scripta*), Annex B of EC CITES, species listed on the Essex Biodiversity Action Plan and species listed as Nationally Rare and Nationally Scarce. It also included plants listed as Endangered, Vulnerable (Sulphur Clover *Trifolium ochroleucon*) and Near Threatened (Hoary Plantain *Plantago media*) on the Vascular Plant Red List of Great Britain.

The Ashdon Road verges LWS is designed for its botanical diversity, and supports chalk grassland flora including Sulphur Clover, Wild Majoram, Hoary Plantain, Field Scabious and Fairy Flax. The boundary of Phase 1d encompasses part of this LWS.

The majority of the site is recently disturbed land and supports very little plant diversity, with commonly occurring plants recorded. However some small sections of the site (notably within Phase 6) support a greater diversity of plant species, including species associated with calcareous grassland (Wild Marjoram).

The potential for Phase 1c to contain important plant assemblages is **negligible**.

The potential for Phase 1d *outside* of the LWS to contain important plant assemblages is **negligible**.

The potential for Phase 3 to contain important plant assemblages is **negligible**.

The potential for Phase 5 to contain important plant assemblages is **negligible**.

The potential for Phase 6 to contain important plant assemblages is **low to moderate**. There is some scope for calcareous plant communities of some value to be present in this area.

Wall Cotoneaster was found in Phase 5 (Target Note 1). This species is listed as invasive under Section 9 of the Wildlife and Countryside Act 1981.

Invertebrates

The data search returned records of numerous protected or notable invertebrate species within the search area. This includes White-letter Hairstreak *Satyrrium w-album* (Wildlife and Countryside Act 1981: Schedule 5 Section 9.5a) and several moth species listed on Section 41 of the NERC Act 2006.

The potential for Phase 1c to contain important invertebrate assemblages is **negligible**. This is due to the recently disturbed nature of this area and the low botanical species and structural diversity.

The potential for Phase 1d to contain important invertebrate assemblages is **negligible**. This is due to the recently disturbed nature of this area and the low botanical species and structural diversity.

The potential for Phase 3 to contain important invertebrate assemblages is **negligible**. This is due to the recently disturbed nature of this area and the low botanical species and structural diversity.

The potential for Phase 5 to contain important invertebrate assemblages is **negligible**. This is due to the recently disturbed nature of this area and the low botanical species and structural diversity.

The potential for Phase 6 to contain important invertebrate assemblages is **negligible**. This is due to the small scale and lower botanical species diversity and low structural diversity.

Amphibians

The data search returned records of Great Crested Newt, Smooth Newt *Triturus vulgaris*, Common Frog *Rana temporaria* and Common Toad *Bufo bufo* within the search area. Two ponds are located within 500m, one of which is inside the wider site boundary.

The pond within the wider site boundary could not be accessed during the survey, however it was assessed as having 'poor' suitability for Great Crested Newt under the Habitat Suitability Assessment criteria (Oldham *et al*, 2000) in 2010 (MKA Ecology Ltd 2010b) and has very rarely held water during the intervening period.

The pond outside the site boundary was surveyed for Great Crested Newts in 2010 and a population of this species was found. However, this pond was considered to be a significant distance from the site boundary and Great Crested Newt are unlikely to migrate to the site due to the presence of widespread suitable habitat surrounding the pond.

The potential for Phase 1c to contain Great Crested Newt is **negligible**. This is due to the distance from local waterbodies and an absence of suitable habitat.

The potential for Phase 1d to contain Great Crested Newt is **negligible**. This is due to the distance from local waterbodies and an absence of suitable habitat.

The potential for Phase 3 to contain Great Crested Newt is **negligible**. This is due to the distance from local waterbodies and an absence of suitable habitat.

The potential for Phase 5 to contain Great Crested Newt is **negligible**. This is due to the distance from local waterbodies and an absence of suitable habitat.

The potential for Phase 6 to contain Great Crested Newt is **negligible**. This is due to the distance from local waterbodies which are known to contain this species.

Reptiles

The data search returned records of Slow-worm and Grass Snake within 2km of the site. Additionally, a large population of Common Lizard and one Grass Snake were recorded at the site in 2010 (MKA Ecology Ltd, 2010c), and removed in 2015 and 2016. These reptiles were moved to a receptor site in the north of the wider site.

The potential for Phase 1c to contain reptiles is **negligible**. This is due to a lack of suitable habitat.

The potential for Phase 1d to contain reptiles is **negligible**. This is due to a lack of suitable habitat.

The potential for Phase 3 to contain reptiles is **negligible**. This is due to a lack of suitable habitat.

The potential for Phase 5 to contain reptiles is **negligible**. This is due to a lack of suitable habitat.

The potential for Phase 6 to contain reptiles is **Moderate**. This is due to the fact that the area contains suitable habitat (in the form of grassland) and it is directly adjacent to an area which formerly contained a large population of Common Lizard before the translocation exercise.

Birds

A total of twelve species were recorded during the site visit. These species are shown in Table 5 together with their conservation status. It is important to note that this is not a full inventory of species for the site.

Table 5: Bird species recorded during site visit at Ridgeons, Saffron Walden

Common name	Systematic name	S1 W&CA ¹	BoCC ² Status	S41 SPI ³	Local PrSp ⁴
Pheasant	<i>Phasianus colchicus</i>	No	Green	No	No
Buzzard	<i>Buteo buteo</i>	No	Green	No	No
Woodpigeon	<i>Columba palumbus</i>	No	Green	No	No
Carrion Crow	<i>Corvus corone</i>	No	Green	No	No
Great Tit	<i>Parus major</i>	No	Green	No	No
Blue Tit	<i>Cyanistes caeruleus</i>	No	Green	No	No
Chiffchaff	<i>Phylloscopus collybita</i>	No	Green	No	No
Blackbird	<i>Turdus merula</i>	No	Green	No	No
Robin	<i>Erithacus rubecula</i>	No	Green	No	No
Dunnock	<i>Prunella modularis</i>	No	Amber	Yes	No
Chaffinch	<i>Fringilla coelebs</i>	No	Green	No	No
Goldfinch	<i>Carduelis carduelis</i>	No	Green	No	No

¹ Schedule 1 of The Wildlife and Countryside Act 1981 (see Appendix 1)

² Birds of Conservation Concern (see Appendix 1)

³ Section 41 (NERC Act 2006) 'Species of Principal Importance' (see Appendix 1)

⁴ Local Priority Species

The data search returned records of numerous bird species within the search area. These included species listed on Annex 2 of the Birds Directive, Appendix 2 of the Convention on Migratory Species, Schedule 1 of the Wildlife and Countryside Act 1981, Section 41 of the NERC Act, UK and Essex Biodiversity Action Plan (BAP) and birds listed as Amber or Red on the IUCN Red list.

Several of these species, including Kingfisher *Alcedo atthis*, Little Egret *Egretta garzetta* and Red Kite *Milvus milvus* would be unlikely to utilise the Site for breeding or overwintering, due to lack of suitable habitats. However, some passerine birds listed on the data search including Bullfinch *Pyrrhula pyrrhula* and Yellowhammer *Emberiza citrinella* (which are listed as Amber or Red on the BoCC Red List), and those recorded during the site visit, have the potential to utilise the Site for breeding and overwintering. The breeding bird survey conducted by MKA Ecology Ltd in 2010 identified Skylark *Alauda arvensis*, Dunnock *Prunella modularis*, Song Thrush *Turdus philomelos*, Starling *Sturnus vulgaris*, House Sparrow *Passer domesticus* and Bullfinch as breeding on site, all of which are listed as Amber or Red on the BOCC Red list. The Site may also provide some habitat for overwintering Fieldfare *Turdus pilaris* and Redwing *Turdus iliacus* (both listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended)), but it is unlikely to support significant numbers of these.

The Site contains suitable breeding bird habitats including scattered trees and scrub.

The likelihood of birds to utilise Phase 1c for breeding is considered to be **negligible**. There is no suitable breeding habitat in this location.

The likelihood of birds to utilise Phase 1d for breeding is **high** in the surrounding scrub habitats. However, the risk of Phase 1d containing important assemblages of birds is **negligible**.

The likelihood of birds to utilise Phase 3 for breeding is considered to be **negligible**. There is no suitable breeding habitat in this location.

The likelihood of birds to utilise Phase 5 for breeding is **high** in the surrounding scrub habitats. However, the risk of Phase 5 containing important assemblages of birds is **negligible**.

The likelihood of birds to utilise Phase 6 for breeding is **high** in the scrub habitats. However, the risk of Phase 6 containing important assemblages of birds is **negligible**.

Bats

The data search returned records of several bat species including Common Pipistrelle *Pipistrellus pipistrellus*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Brown Long-eared Bat *Plecotus auritus*, Noctule Bat *Nyctalus noctula*, Natterer's Bat *Myotis nattereri*, Daubenton's Bat *Myotis daubentonii*, Serotine *Eptesicus serotinus*, Barbastelle *Barbastella barbastellus* and several unidentified Pipistrelle *Pipistrellus* and Long-eared *Plecotus* species.

The habitats within Phase 1c are considered to be of **negligible** value for bats. There are no opportunities for roosting and no opportunities for foraging.

The habitats within Phase 1d are considered to be of **negligible** value for bats. There are no opportunities for roosting and the foraging habitats are limited.

The habitats within Phase 3 are considered to be of **negligible** value for bats. There are no opportunities for roosting and no opportunities for foraging.

The habitats within Phase 5 are considered to be of **negligible** value for bats. There are no opportunities for roosting and the foraging habitats are limited.

The areas of scrub and grassland in Phase 6 may provide opportunities for foraging and commuting bats although the area is unlikely to be of significant potential for the local bat populations. As such, the

foraging and roosting potential is considered to be **Low**. The potential for roosting bats within Phase 6 is **negligible**.

Badgers

The data search returned several records of Badger within the search area. Additionally, Badger setts were recorded within 30m of the site boundary in 2015 (MKA Ecology Ltd, 2015) some of which were closed under licence to enable the construction of the new Ridgeons shop. Suitable foraging and sett-building habitat exists within scrub habitats in the wider site.

The potential for Phase 1c to support foraging or sett building Badger is considered to be **negligible**.

The potential for Phase 1d to support setts is considered to be **moderate** due to the presence of suitable habitat and the known presence of this species in this area, and particularly along the disused rail track which forms the eastern boundary of the wider site.

The potential for Phase 3 to support foraging or sett building Badger is considered to be **negligible**.

The potential for Phase 5 to support setts is considered to be **moderate** due to the presence of suitable habitat and the known presence of this species in this area, and particularly along the disused rail track which forms the eastern boundary of the wider site.

The potential for Phase 6 to support Badger is considered to be **negligible**. Whilst this area contains suitable habitat for setts it was thoroughly searched during the survey visit and no evidence of Badger was observed.

Other mammals

The data search returned records of Brown Hare *Lepus europaeus*, Hedgehog *Erinaceus europaeus*, Harvest Mouse *Micromys minutus*, Field Vole *Microtus agrestis*, Bank Vole *Myodes glareolus*, Yellow-necked Mouse *Apodemus flavicollis* and Wood Mouse *Apodemus sylvaticus*.

No suitable habitat exists on site for Brown Hare and the likelihood of this species being present on site is considered to be **Negligible**. These species are not considered further within this report.

The scrub and grassland may provide habitat for the Mouse and Vole species listed above, although it is not considered optimal habitat. The likelihood of these species being on site is considered to be **Low** to **Moderate**.

Suitable habitat is present in Phase 1d, 5 and 6 for Hedgehog in the form of dense scrub and the likelihood of this species being present is considered to be **Low to Moderate**.

5. ECOLOGICAL CONSTRAINTS, OPPORTUNITIES AND RECOMMENDATIONS

This section outlines key ecological issues for consideration, recommendations for further work and ecological enhancements where appropriate.

Off-site habitats

No statutorily designated sites were located within 2km. Two non-statutorily designated sites were located within 2km. Ashdon Road LWS-PRV is located within the site boundary and this is addressed below. Whitehill Wood LWS is located 280m east of the Site and is designated for its ancient woodland flora. However, it is considered likely that this area falls outside the zone of influence for the development.

On-site habitats

The Ashdon Road LWS is located along the southern boundary of the wider site at the access point. This site has been designated for its botanical diversity and calcareous plant communities. Although small areas of the LWS have been impacted by construction activities associated with the development of the Ridgeons site, it remains a valuable area of botanical interest.

This area falls within Phase 1d, and measures should be taken to protect it from further impacts by construction activities. It should also be appropriately managed to ensure the botanical diversity to be maintained. Measures to protect and enhance this area are set out within the Wildlife Protection Plan (MKA Ecology Ltd, 2015) and the Biodiversity Mitigation and Enhancement Plan (MKA Ecology Ltd, 2015).

Recommendation 1

Protect the Ashdon Road Verge LWS from further impacts and implement appropriate management.

Plants

Wall Cotoneaster is listed on Schedule 9 of the Wildlife and Countryside Act 1981. It is illegal to plant or otherwise cause to grow in the wild any plant listed in Schedule 9. This species was recorded in Phase 5.

It is recommended that this species is disposed of appropriately and the species should not be allowed to spread in the wild.

Recommendation 2

Dispose of Wall Cotoneaster appropriately with the assistance of an invasive species specialist if required.

There is some potential for important plant communities associated with calcareous habitat to be present within the grasslands in Phase 6. Lowland calcareous grassland is a Habitat of Principal Importance listed on the Natural Environment and Rural Communities Act, 2006. It is recommended that a botanical assessment is completed at Phase 6 to review the area and establish the value of the grassland communities present. This assessment should take the form of a National Vegetation Classification (NVC) survey and should be completed between June and July.

Recommendation 3

Undertake an NVC survey of the grasslands at Phase 6 to establish whether any grasslands of ecological value are present. This survey should be completed between June and July.

Reptiles

Suitable habitat for reptiles (Common Lizard, Grass Snake and Slow-worm) is present on Phase 6, such as grassland and scrub. Impacts on reptiles are possible through clearance of vegetation and construction activities, as well as longer term habitat loss. Reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) (see Appendix 1).

Survey work is recommended in order to determine the presence or absence of reptiles at Phase 6 and establish potential impacts on these species. These surveys should be carried out using artificial cover objects (on or under which reptiles can bask) in the active season which runs from March to October. The optimum survey times are in April, May and September. Seven visits should be conducted during suitable weather conditions according to guidance published by Froglife (1999).

Recommendation 4

Undertake a survey for reptiles at Phase 6.

Birds

A total of twelve bird species were recorded during the Preliminary Ecological Appraisal. Several of the habitats recorded at the Site have the potential to provide suitable nesting habitats for birds, in particular the scrub.

All wild birds, their active nests and eggs are protected under The Wildlife and Countryside Act 1981 (as amended), which makes it an offence deliberately, or recklessly, to kill or injure any wild bird or damage or destroy any active birds' nest or eggs.

Scheduling vegetation removal works between the months of September and February inclusive (i.e. outside of the bird season) would avoid impacts on breeding birds.

Where vegetation clearance works are required during the breeding bird season (between the months of March and August inclusive), such works can only proceed following the completion of a nesting bird check undertaken by an experienced ornithologist. Any active birds' nest identified during this check must be protected from harm until the nesting attempt is complete. This will require a buffer to be left around the nest, the size of which will depend upon the species involved (as a general rule, this will be 10m in all directions around the nest). Any buffers established as a result of the initial nesting bird check must be subjected to a second check after the original nesting attempt is completed, before such areas can be removed during the breeding bird season.

Recommendation 5

Schedule vegetation clearance works between the months of September and February inclusive to avoid impacts on breeding birds.

It is strongly recommended that any potential nesting bird habitat is cleared outside the breeding bird season in order to avoid potentially lengthy delays if nests are found during nesting bird checks.

The loss of bird nesting habitat at the site will be mitigated for by the provision of bird boxes as part of the biodiversity enhancements proposed for the site. The provision of bird boxes is discussed in greater detail in the relevant section below.

Bats

Bat roosting behaviour, commuting and foraging activity can additionally be dramatically affected by artificial lighting (BCT, 2009). It is strongly recommended that any proposed exterior lighting is managed appropriately to ensure that the area remains suitable for foraging bats. A sensitive lighting scheme should be developed to allow suitable roosting and foraging areas for bats.

Recommendation 6

Light pollution from any lighting should be minimised both during and after the construction phase. A sensitive lighting scheme should be developed to allow for suitable roosting and foraging areas for bats within the site with maximum use of down lighting and hoods where necessary.

Badgers

Suitable foraging and sett building habitat exists in the scrub habitats on Phases 1d, 5 and 6. No evidence of Badger was noted on site during the visit, however, it was not possible to survey all of the suitable areas of scrub in Phase 1d and Phase 5. Badger activity is widespread in the area and notably along the disused railway which forms the eastern boundary of the wider site and of Phase 5.

Impacts on Badgers are possible through disturbance from vegetation clearance and construction activities. Badger setts and Badgers occupying a set are protected under the Protection of Badgers Act 1992.

Further survey for Badger is recommended to inform any mitigation or licensing measures required at Phase 5. Badger survey can be conducted at any time of year but the optimal time periods are February to April inclusive and September to October inclusive.

Recommendation 6

Undertake a Badger survey of Phases 1d and 5.

Opportunities for biodiversity enhancement

Following the issue of the National Planning Policy Framework (NPPF; see Appendix 1), all planning decisions should aim to maintain and enhance, restore or add to biodiversity and geological conservation interests. Ecological enhancements should aim to deliver biodiversity gains for the proposed development site.

A Wildlife Protection Plan and Biodiversity Mitigation and Enhancement Plan have been produced for the wider site (MKA Ecology Ltd, 2015). It is recommended that these plans are reviewed and detailed versions produced for Phases 1c, 1d, 3, 5 and 6. These detailed plans should include information on habitat creation, planting schemes and the provision of bird and bat boxes.

Recommendation 7

Review the Wildlife Protection Plan and Biodiversity Mitigation and Enhancement Plan and produce detailed versions for the detailed planning applications at Phases 1c, 1d, 3, 5 and 6.

Summary of recommendations

Table 6 to Table 8 below summarise the recommendations made within this report, and specifies the stage of the development at which action is required. Colour coding of cells within the table is as follows:

Key:

	No action required for this species group at this stage
	Action required (see notes for details)
	Level of action required will be determined following the further survey work

Table 6: Summary of recommendations at Phase 6 Ridgeons, Saffron Walden

Species	Pre-planning action required?	Pre-construction action required?	Construction phase mitigation required?	Enhancements proposed?
Habitats	Yes – further survey of grassland	TBC	TBC	Yes – review of enhancement plans
Reptiles	Yes – further survey	TBC	TBC	TBC
Birds	No	No	Yes – timing of works for vegetation removal OR further survey work	Yes – bird boxes and native planting

Table 7: Summary of recommendations at Phase 5 Ridgeons, Saffron Walden

Species	Pre-planning action required?	Pre-construction action required?	Construction phase mitigation required?	Enhancements proposed?
Invasive species	No	No	Yes – appropriate disposal of Cotoneaster	No
Birds	No	No	Yes – timing of works for vegetation removal OR further survey work	Yes – bird boxes and native planting
Badgers	Yes – further survey	TBC	TBC	TBC

Species	Pre-planning action required?	Pre-construction action required?	Construction phase mitigation required?	Enhancements proposed?
Habitats	No	No	No	Yes – review of enhancement plans

Table 8: Summary of recommendations at Phase 3 Ridgeons, Saffron Walden

Species	Pre-planning action required?	Pre-construction action required?	Construction phase mitigation required?	Enhancements proposed?
Habitats	No	No	No	Yes – review of enhancement plans

Table 9: Summary of recommendations at Phase 1d Ridgeons, Saffron Walden

Species	Pre-planning action required?	Pre-construction action required?	Construction phase mitigation required?	Enhancements proposed?
Birds	No	No	Yes – timing of works for vegetation removal OR further survey work	Yes – bird boxes and native planting
Badgers	Yes – further survey	TBC	TBC	TBC
Habitats	No	Establish methodology to protect Ashdon Road Verge LWS	Protection of Ashdon Road Verge LWS	Yes – review of enhancement plans

Table 10: Summary of recommendations at Phase 1c Ridgeons, Saffron Walden

Species	Pre-planning action required?	Pre-construction action required?	Construction phase mitigation required?	Enhancements proposed?
Habitats	No	No	No	Yes – review of enhancement plans

6. CONCLUSIONS

The Site at Ridgeons, Saffron Walden contains several habitats which have the potential to support several protected species groups, including birds, reptiles and Badger. The Site also supports a Local Wildlife Site which is designated for its calcareous grassland flora. A suite of ecological surveys and assessments have been completed to support an outline planning application for the wider site.

The development is phased and this report refers specifically to detailed planning applications for Phases 1c, 1d, 3, 5 and 6. Different ecological constraints were identified at the each phase and these will require further assessment or mitigation measures. No identified constraints are likely to preclude development at each of the phases.

The scattered trees and scrub habitats have the potential to support breeding birds. It is considered that by adhering to the timing constraints for the removal of suitable nesting bird habitat, proposed within this report, that the potential for direct disruption and adverse impacts on breeding birds at the Site can be avoided.

Further survey work in Phase 6 has been recommended for reptiles, to ascertain their presence or likely absence. Furthermore it is recommended that the value of the calcareous grassland in Phase 6 is assessed. Further survey work has been recommended for Badger in Phase 1d and 5 which are in close proximity to areas which are known to contain high Badger activity.

The Ashdon Road Verges LWS is situated within Phase 1d and this must be protected from any damage during the development process.

The site has scope for significant biodiversity enhancements and these have been detailed in a Wildlife Protection Plan and Biodiversity Mitigation and Enhancement Plan for the wider site. It is recommended that detailed enhancement plans are developed for each phase to ensure that appropriate biodiversity interventions can be made and the overall biodiversity value of these areas increased.

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8. APPENDICES

Appendix 1: Relevant wildlife legislation and planning policy

Please note that the following is not an exhaustive list, and is solely intended to cover the most relevant legislation pertaining to species commonly associated with development sites.

Subject	Legislation (England)	Relevant prohibited actions
Amphibians		
Great Crested Newt <i>Triturus cristatus</i> Natterjack Toad <i>Epidalea calamita</i>	Schedule 2 of Conservation of Habitats and Species Regulations 2010 (as amended)	<ul style="list-style-type: none">Intentionally or deliberately capture or kill, or intentionally injure;Deliberately disturb or intentionally or recklessly disturb them in a place used for shelter or protection;Damage or destroy a breeding site or resting place;Intentionally or recklessly damage, destroy or obstruct access to a place used for shelter or protection; andPossess an individual, or any part of it, unless acquired lawfully.
	Schedule 5 of The Wildlife and Countryside Act 1981 (as amended)	
Reptiles		
Common Lizard <i>Zootoca vivipara</i> Adder <i>Vipera berus</i> Slow-worm <i>Anguis fragilis</i> Grass Snake <i>Natrix natrix</i>	Part of Sub-section 9(1) of Schedule 5 of The Wildlife and Countryside Act 1981 (as amended)	<ul style="list-style-type: none">Intentionally kill or injure individuals of these species (Section 9(1)).

Subject	Legislation (England)	Relevant prohibited actions
Sand Lizard <i>Lacerta agilis</i> Smooth Snake <i>Coronella austriaca</i>	Full protection under Section 9 of Schedule 5 of The Wildlife and Countryside Act 1981 (as amended)	<ul style="list-style-type: none"> • Deliberately or intentionally kill, capture (take) or intentionally injure; • Deliberately disturb; • Deliberately take or destroy eggs; • Damage or destroy a breeding site or resting place or intentionally damage a place used for shelter; or • Intentionally obstruct access to a place used for shelter.
<i>Birds</i>		
All wild birds	Wildlife and Countryside Act 1981 (as amended)	<ul style="list-style-type: none"> • Intentionally kill, injure, or take any wild bird or their eggs or nests.
'Schedule 1' Birds	Schedule 1 of the Wildlife and Countryside Act 1981 (as amended)	<ul style="list-style-type: none"> • Disturb any wild bird listed on Schedule 1 whilst it is building a nest or is in, on, or near a nest containing eggs or young; or • Disturb the dependent young of any wild bird listed on Schedule 1.
<i>Mammals</i>		
Bats (all UK species)	Schedule 2 of Conservation of Habitats and Species Regulations 2010 (as amended)	<ul style="list-style-type: none"> • Deliberately capture, injure or kill a bat; • Deliberately disturb a bat (disturbance is defined as an action which is likely to: (i) Impair their ability to survive, to breed or reproduce, or to rear or nurture their young; (ii) Impair their ability to hibernate or migrate; or (iii) Affect significantly the local

Subject	Legislation (England)	Relevant prohibited actions
	Schedule 5 of Wildlife and Countryside Act 1981 (as amended)	<p>distribution or abundance of the species);</p> <ul style="list-style-type: none"> • Damage or destroy a bat roost; • Intentionally or recklessly disturb a bat at a roost; or • Intentionally or recklessly obstruct access to a roost. <p>In this interpretation, a bat roost is "<i>any structure or place which any wild [bat]...uses for shelter or protection</i>". Legal opinion is that the roost is protected whether or not the bats are present at the time.</p>
Badger <i>Meles meles</i>	Protection of Badgers Act 1992	<p>Under Section 3 of the Act:</p> <ul style="list-style-type: none"> • Damage a sett or any part of it; • Destroy a sett; • Obstruct access to, or any entrance of, a sett; or • Disturb a Badger when it is occupying a sett. <p>A sett is defined legally as any structure or place which displays signs indicating current use by a Badger (Natural England 2007).</p>
Hazel Dormouse <i>Corylus avellana</i>	Schedule 2 of Conservation of Habitats and Species Regulations 2010 (as amended)	<ul style="list-style-type: none"> • Intentionally or deliberately capture or kill, or intentionally injure; • Deliberately disturb or intentionally or recklessly disturb them in a place used for shelter or protection;

Subject	Legislation (England)	Relevant prohibited actions
	Schedule 5 of Wildlife and Countryside Act 1981 (as amended)	<ul style="list-style-type: none"> • Damage or destroy a breeding site or resting place; • Intentionally or recklessly damage, destroy or obstruct access to a place used for shelter or protection; and • Possess an individual, or any part of it, unless acquired lawfully.
Otter <i>Lutra lutra</i>	Schedule 2 of Conservation of Habitats and Species Regulations 2010 (as amended)	<ul style="list-style-type: none"> • Deliberately capture, injure or kill an Otter; • Deliberately disturb an Otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young; • Intentionally or recklessly disturb any Otter whilst it is occupying a holt; • Damage or destroy or intentionally or recklessly obstruct access to an Otter holt.
	Section 9(4)(b) and (c) of Schedule 5 of Wildlife and Countryside Act 1981 (as amended)	
Water Vole <i>Arvicola amphibius</i>	Section 9 of Schedule 5 of Wildlife and Countryside Act 1981 (as amended)	<ul style="list-style-type: none"> • Intentionally kill, injure or take Water Voles; • Possess or control live or dead Water Voles or derivatives; • Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection; or • Intentionally or recklessly disturb Water Voles whilst occupying a structure or place used for that purpose.
<i>Crustaceans</i>		

Subject	Legislation (England)	Relevant prohibited actions
White-clawed Crayfish <i>Austropotamobius pallipes</i>	Section 9(1) of Schedule 5 of Wildlife and Countryside Act 1981 (as amended)	<ul style="list-style-type: none"> Intentionally kill, injure or take White-clawed Crayfish by any method.

Conservation of Habitats and Species Regulations 2010 (as amended)

Full legislation text available at: <http://www.legislation.gov.uk/uksi/2010/490/regulation/61/made>

The Wildlife and Countryside Act 1981 (as amended)

Full legislation text available at: <http://www.legislation.gov.uk/ukpga/1981/69>

Countryside and Rights of Way Act 2000

Full legislation text available at: <http://www.legislation.gov.uk/ukpga/2000/37/contents>

Protection of Badgers Act 1992

Full legislation text available at: <http://www.legislation.gov.uk/ukpga/1992/51/contents>

Section 41 of Natural Environments and Rural Communities (NERC) Act 2006

Full legislation text available at: <http://www.legislation.gov.uk/ukpga/2006/16/contents>

Many of the species above, along with a host of others not afforded additional protection, are listed on Section 41 of the NERC Act 2006.

Section 41 (S41) of the Natural Environment and Rural Communities (NERC Act 2006) requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The list (including 56 habitats and 943 species) has been drawn up in consultation with Natural England and draws upon the UK Biodiversity Action Plan (BAP) List of Priority Species and Habitats.

The S41 list should be used to guide decision-makers such as local and regional authorities to have regard to the conservation of biodiversity in the exercise of their normal functions – as required under Section 40 of the NERC Act 2006. The duty applies to all local authorities and extends beyond just conserving what is already there, to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.

Schedule 9 of Wildlife and Countryside Act 1981 (as amended)

In addition to affording protection to some species, The Wildlife and Countryside Act 1981 (as amended) also names species which are considered invasive and require control. Section 14 of the Act prohibits the introduction into the wild of any animal of a kind which is not ordinarily resident in, and is not a regular visitor to, Great Britain in a wild state, or any species of animal or plant listed in Schedule 9 to the Act. In the main, Schedule 9 lists non-native species that are already established in the wild, but which continue to pose a conservation threat to native biodiversity and habitats, such that further releases should be regulated.

Wild Mammals (Protection) Act 1996

Full legislation text is available at: <http://www.legislation.gov.uk/ukpga/1996/3/contents>

Under this legislation it is an offence to cause unnecessary suffering to wild mammals, including by crushing and asphyxiation. It largely deals with issues of animal welfare, and covers all non-domestic mammals including commonly encountered mammals on development sites such as rabbits, foxes and field voles.

Birds of Conservation Concern (BoCC)

This is a quantitative assessment of the status of populations of bird species which regularly occur in the UK, undertaken by the UK's leading bird conservation organisations. It assesses a total of 246 species against a set of objective criteria to place each on one of three lists – Green, Amber and Red – indicating an increasing level of conservation concern. There are currently 52 species on the Red list, 126 on the Amber list and 68 on the Green list. The classifications described have no statutory implications, and are used merely as a tool for assessing scarcity and conservation value of a given species.

National Planning Policy Framework (NPPF)

Full text is available at: <http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

The NPPF was published in late March 2012 setting out the Government's planning policies for England and the process by which these should be applied. The policies within the NPPF are a material consideration in the planning process. The key principle of the NPPF is a presumption in favour of sustainable development, with sustainable development defined as a balance between economic, social and environmental needs.

Policies 109 to 125 of the NPPF address conserving and enhancing the natural environment, stating that the planning system should:

- Contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes;
- Recognise the wider benefits of ecosystem services; and
- Minimise impacts on biodiversity and provide net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

Furthermore there is a focus on re-use of existing brownfield sites or sites of low environmental value as a priority, and discouraging development in National Parks, Sites of Specific Scientific Interest, the Broads or Areas of Outstanding Natural Beauty other than in exceptional circumstances.

Where possible, planning policies should also “promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan”.

Appendix 2: Phase 1 Habitat species list

Please note that these lists are intended to be incidental records and do not constitute a full botanical survey of the site. Relative abundance is given using the DAFOR scale. Please see Table 2 for details.

Scrub

Common Name	Systematic Name	Relative abundance
Bramble	<i>Rubus fruticosus</i> agg.	Abundant
Blackthorn	<i>Prunus spinosa</i>	Abundant
Hawthorn	<i>Crataegus Monogyna</i>	Abundant
Hazel	<i>Corylus avellana</i>	Frequent
Rose	<i>Rosa</i> sp.	Frequent
Alder	<i>Alnus glutinosa</i>	Occasional
Bindweed	<i>Convolvulus</i> sp.	Occasional
Butterfly Bush	<i>Buddleia davidii</i>	Occasional
Chickweed	<i>Stellaria media</i>	Occasional
Common Mallow	<i>Malva sylvestris</i>	Occasional
Common Nettle	<i>Urtica dioica</i>	Occasional
Creeping Cinquefoil	<i>Potentilla reptans</i>	Occasional
Dogwood	<i>Cornus sanguinea</i>	Occasional
Field Maple	<i>Acer campestre</i>	Occasional
Greed Alkanet	<i>Pentaglottis sempervirens</i>	Occasional
Ground Ivy	<i>Glechoma hederacea</i>	Occasional
Hogweed	<i>Heracleum sphondylium</i>	Occasional
Periwinkle	<i>Vinca</i> sp.	Occasional
Teasel	<i>Dipsacus fullonum</i>	Occasional
White Dead-nettle	<i>Lamium album</i>	Occasional
Bluebell	<i>Hyacinthoides non-scripta</i>	Rare
Wall Cotoneaster	<i>Cotoneaster horizontalis</i>	Rare

Semi-improved calcareous grassland

Common Name	Systematic Name	Relative abundance
Cocks-foot grass	<i>Dactylis glomerata</i>	Frequent
Birds-foot Trefoil	<i>Lotus corniculatus</i>	Frequent
Oxeye Daisy	<i>Leucanthemum vulgare</i>	Frequent
Wild Marjoram	<i>Origanum vulgare</i>	Frequent
Cleavers	<i>Galium aparine</i>	Occasional
Common Nettle	<i>Urtica dioica</i>	Occasional
Cow Parsley	<i>Anthriscus sylvestris</i>	Occasional
Cowslip	<i>Primula veris</i>	Occasional
Fescue grass	<i>Festuca sp.</i>	Occasional
Garlic Mustard	<i>Alliaria petiolata</i>	Occasional
Moss	<i>Bryophyta</i>	Occasional
Yarrow	<i>Achillea millefolium</i>	Occasional

Scattered forbs

Common Name	Systematic Name	Relative abundance
Agrimony	<i>Agrimonia eupatoria</i>	Occasional
Bristly Oxtongue	<i>Helminthotheca echioides</i>	Occasional
Broadleaved Dock	<i>Rumex obtusifolius</i>	Occasional
Chickweed	<i>Stellaria media</i>	Occasional
Cleavers	<i>Galium aparine</i>	Occasional
Cock's-foot grass	<i>Dactylis glomerata</i>	Occasional
Colt's Foot	<i>Tussilago farfara</i>	Occasional
Cowslip	<i>Primula veris</i>	Occasional
Cow Parsley	<i>Anthriscus sylvestris</i>	Occasional
Creeping Bent	<i>Agrostis stolonifera</i>	Occasional
Creeping Buttercup	<i>Ranunculus repens</i>	Occasional
Creeping Cinquefoil	<i>Potentilla reptans</i>	Occasional
Creeping Thistle	<i>Cirsium arvense</i>	Occasional

Common Name	Systematic Name	Relative abundance
Dandelion	<i>Taraxacum officinale</i>	Occasional
Fescue grass	<i>Festuca sp.</i>	Occasional
Field Bindweed	<i>Convolvulus arvensis</i>	Occasional
Garlic Mustard	<i>Alliaria petiolata</i>	Occasional
Groundsel	<i>Senecio vulgaris</i>	Occasional
Ground Elder	<i>Aegopodium podagraria</i>	Occasional
Ground Ivy	<i>Glechoma hederacea</i>	Occasional
Hawthorn (sapling)	<i>Crataegus Monogyna</i>	Occasional
Herb Robert	<i>Geranium robertianum</i>	Occasional
Hogweed	<i>Heracleum sphondylium</i>	Occasional
Oxeye Daisy	<i>Leucanthemum vulgare</i>	Occasional
Perennial Ryegrass	<i>Lolium perenne</i>	Occasional
Red Deadnettle	<i>Lamium purpureum</i>	Occasional
Ribwort Plantain	<i>Plantago lanceolata</i>	Occasional
Shepherd's Purse	<i>Capsella bursa-pastoris</i>	Occasional
Spear Thistle	<i>Cirsium vulgare</i>	Occasional
Sycamore (seedling)	<i>Acer pseudoplatanus</i>	Occasional
Weld	<i>Reseda luteola</i>	Occasional
White Comfrey	<i>Symphytum orientale</i>	Occasional
Willowherb	<i>Epilobium sp.</i>	Occasional
Yarrow	<i>Achillea millefolium</i>	Occasional
Yorkshire Fog	<i>Holcus lanatus</i>	Occasional

Scattered trees

Common Name	Systematic Name	Relative abundance
Ash	<i>Fraxinus excelsior</i>	n/a
Sycamore	<i>Acer pseudoplatanus</i>	n/a
Wayfaring Tree	<i>Viburnum lantana</i>	n/a

Appendix 3: Site photographs

Photograph 1: Scrub



Photograph 2: Semi-improved calcareous grassland



Photograph 3: Bare ground with scattered forbs



Photograph 4: Hardstanding



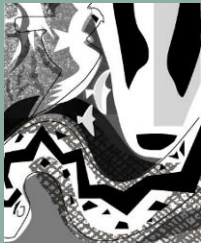
Photograph 5: Building





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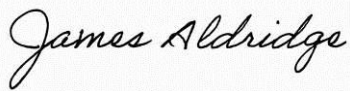
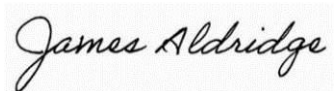

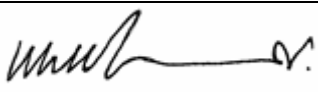
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Botanical Assessment

Phase 6, Ridgeons,
Ashdon Road, Saffron Walden

Site	<i>Land at Ridgeons, Ashdon Road, Saffron Walden</i>
Project number	22710
Client name / Address	<i>Turnstone Estates, The Warehouse, 33 Bridge Street, Cambridge, CB2 1UW</i>

Date of issue	28/07/17
Version number	001
Revisions	

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Declaration of compliance

The information which we have provided is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's (CIEEM) Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

Validity of data

Unless stated otherwise the information provided within this report is valid for a maximum period of 24 months from the date of survey. If works at the site have not progressed by this time an updated site

visit may be required in order to determine any changes in site composition and ecological constraints.

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1. EXECUTIVE SUMMARY

MKA Ecology Ltd was commissioned to undertake a botanical survey of the grassland at Phase 6, Ridgeons in Saffron Walden. This was completed on 6 July 2017. The aim of this assessment was to identify the plant communities present and assess their conservation value, in addition to detailing further surveys or mitigation, if required.

The grassland is situated on a steep bank at the west of the Ridgeons site. The botanical survey comprised a walkover survey and National Vegetation Classification assessment to determine the plant community present.

The walkover survey identified 64 plant species in the grassland, which included strong populations of three chalk grassland indicator species. The National Vegetation Classification survey found the grassland to comprise a species-rich sub-community of *Arrhenatherum elatius* grassland.

The retention of the grassland is not possible due to the design scheme and therefore a translocation of turves to grassland in close proximity to its existing location should be undertaken. A method statement should be drafted to detail how this will be achieved and measures for enhancement and long-term management of this habitat area.

This mitigation will avoid losses to biodiversity. With the enhancement and sensitive long-term management of the translocated grassland, the development can result in an enhanced ecological value of the Site post-development.

2. INTRODUCTION

2.1. Aims and scope of the report

In June 2017 MKA Ecology Ltd was commissioned to undertake a botanical survey at Phase 6 at Ridgeons in Saffron Walden. A survey of the Site was carried out on 6 July 2017.

The Preliminary Ecological Appraisal at the Ridgeons site in Saffron Walden determined that a detailed botanical assessment of Phase 6 was required to identify the plant communities present and assess their conservation value. The aims of the survey and this subsequent report were to;

- Undertake a botanical survey of the Site by recording all plant species in the grassland and completing a National Vegetation Classification (NVC) assessment methodology;
- Record all evidence of notable grassland plant species and habitats identified within the survey area;
- Identify if the grassland meets any conservation criteria or the Local Wildlife Site (LoWS) criteria;
- Detail recommendations for further survey effort, where required; and
- Detail recommendations for mitigation and enhancement where required.

2.2. Site description and previous survey effort

The survey area is shown on the map in Figure 1. Within this report this area is referred to as the Site or Phase 6 at Ridgeons, Saffron Walden. This report refers specifically to Phase 6 of the Ridgeons development site at Ashdon Road, Saffron Walden. This area was considered as having a risk of supporting important calcareous grassland assemblages and required more detailed botanical assessment.

The Site is located on the outskirts of Saffron Walden, within Uttlesford District Council (centroid grid reference TL 55317 39024). The whole development site is approximately 13ha but Phases 6 forms only a small part of this. Phase 6 contains scrub and grassland.

Phase 6 is bordered to the north by arable field margins, to the south-east by grassland and to the south-west by residential buildings. The town centre of Saffron Walden lies approximately 1.3km to the west. The wider landscape is largely agricultural with arable fields, hedgerow, roads and wooded copses.

2.3. Proposed development

Outline permission has been granted for the wider site (UTT/13/2423/OP) for;

- Builders Merchant and Yard;
- Offices and/or Research and Development and/or Light Industrial;
- Business, General Industrial and Storage and Distribution uses;
- A Local Centre, including a local retail store, a cafe/restaurant/public house, a hotel; and
- Up to 167 dwellings including affordable housing.

This will include public open space, landscaping and the provision of supporting infrastructure including replacement substations. Detailed planning is being sought for residential properties on Phases 6.

2.4. Legislation and planning policy

In Great Britain, wild plants that are legally protected are listed on Schedule 8 of The Wildlife and Countryside Act 1981, (as amended). Further minor amendments to wild plants protection measures are also provided under the Countryside and Rights of Way Act, 2000. In summary, it is against the law to:

- Pick, uproot or destroy wild plants listed on Schedule 8;
- Sell, offer for sale, possess or transport for the purpose of sale, wild plants listed on Schedule 8;
- Advertise any plant listed on Schedule 8 for buying and selling.

Section 13 of The Wildlife and Countryside Act 1981 (as amended) also prohibits the uprooting of any wild plants not listed on Schedule 8. However, these actions related to all wild plants (including those under Schedule 8) are deemed lawful if:

- The action is carried out by the owner or occupier of the land;
- The action is carried out by someone who has gained permission from the owner or occupier of the land;
- The action is authorised in writing by the appropriate local authority;
- The action has been permitted under licence for purposes of science, education, conservation and photography or to preserve public health or safety, or other form of property, or fisheries.

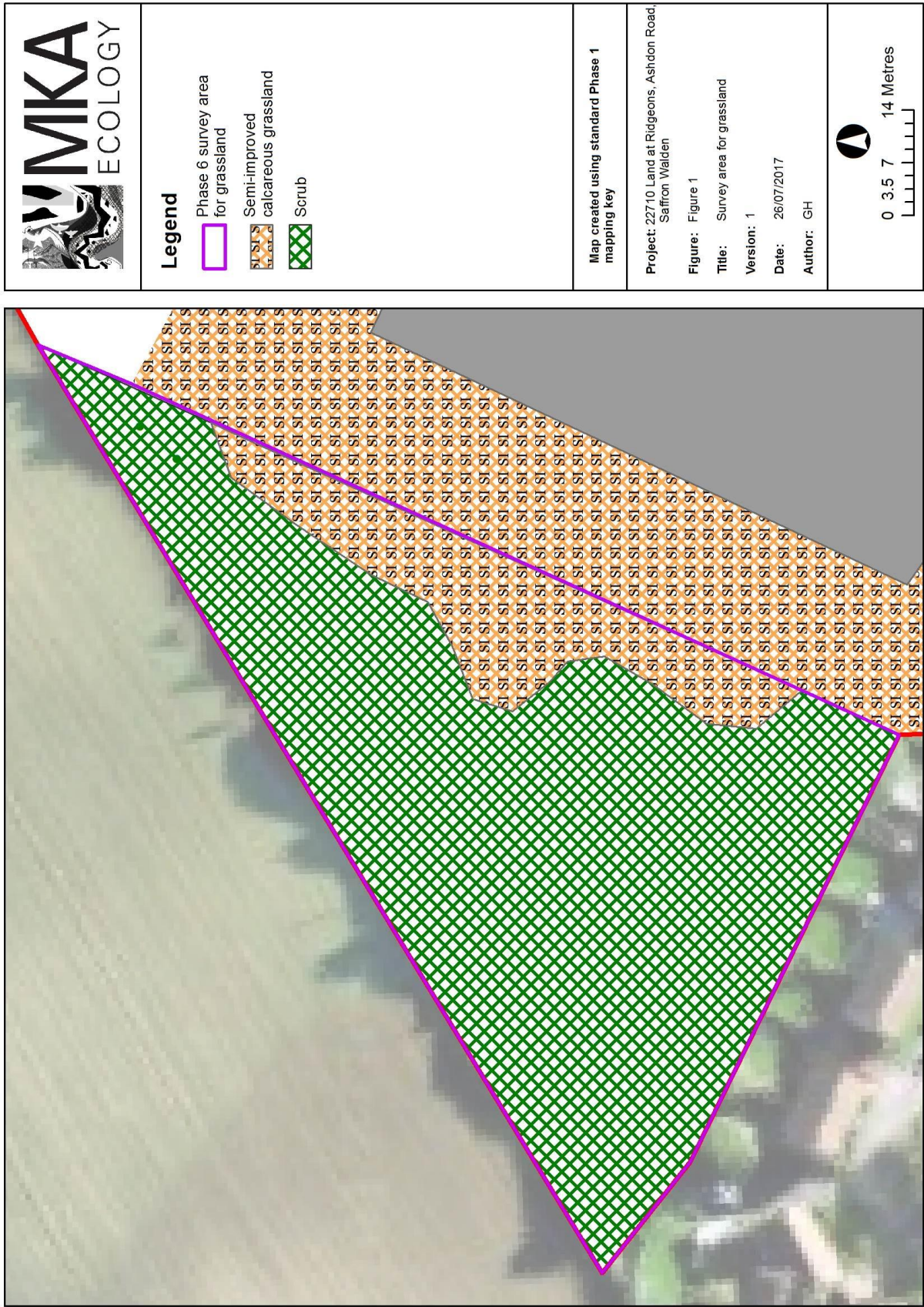
Both calcareous and neutral grasslands (lowland meadows) are listed as Habitats of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act (NERC Act 2006). Some plant species are listed as Species of Principal Importance under the same act. The

NERC Act (2006) sets out a duty for decision makers to contribute towards maintaining, and where possible enhancing, the conservation status of any Section 41 Habitat or Species of Principal Importance found on a site.

Following the issue of the National Planning Policy Framework (NPPF, see Appendix 2), all planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests.

Lowland meadows, which include calcareous grasslands, are also a Priority Habitat within Essex.

Figure 1: Phase 6 survey area for grassland



3. METHODOLOGIES

A walkover survey and NVC survey were both completed at the grassland at the Site on 6 July 2017. The weather conditions for these surveys are provided in Table 1 below.

Table 1: Summary of weather conditions

Date	Time of survey	Weather conditions*	
6 July 2017	08:00	Wind: 4E Cloud: 5/8	Temp: 20.2°C Rain: None

*Wind as per Beaufort Scale / Cloud cover given in Oktas.

3.1. Walkover and NVC survey

A simple walkover of the Site was completed recording a full inventory of higher plant species within the grassland. The purpose of the walkover survey was to identify any different areas of habitat to sample during the subsequent NVC survey. The NVC survey is a system to classify habitats, defined by the vegetation communities which are present. Quantitative information about the distribution of plant species is gathered and compared to predefined classifications to indicate the vegetation communities that are present in an area. This enables an assessment of the ecological value of a habitat, and can assist in impact assessment, mitigation and management.

The walkover survey found the grassland to be broadly homogenous in species composition and vegetation structure. The area of homogenous grassland in Phase 6 of the Site was sampled with five quadrats on the NVC survey.

Five randomly selected 2m by 2m quadrats were surveyed in the homogenous grassland in accordance with guidelines for short herbaceous vegetation in the NVC User's Handbook (Rodwell, 2006). In each quadrat all higher and lower plant species were identified, and their cover was measured, using the Domin Scale. The Domin Scale represents estimates of cover by numbers as shown in Table 2, and it is used to quantify the cover in quadrat data in Appendix 3.

In both the walkover survey and the NVC survey, plant keys were used to aid identification (Stace, 2010; Rose, 1989 and 2006). Plant species nomenclature follows that of Stace (2010).

Table 2: The Domin Scale as an estimate of percentage plant cover

Percentage Cover	Domin Scale
<4% - few individuals	1
<4% - several individuals	2

Percentage Cover	Domin Scale
<4% - many individuals	3
4-10%	4
11-25%	5
26-33%	6
34-50%	7
51-75%	8
76-90%	9
91-100%	10

The quadrat data was analysed using the computer software programme MAVIS (Centre for Ecology and Hydrology, 2000). MAVIS provides the best statistical fit of the quadrat data to the NVC community types described by British Plant Communities (Rodwell, 1992), indicated by a probability co-efficient. The co-efficient indicates the percentage similarity of the quadrat with the NVC community types. The NVC community type with the greatest probability co-efficient to the grassland quadrats were identified as the NVC community type of the grassland.

In the NVC system, for each sub-community there are constant species which typically occur in four-five of the five quadrats in that sub-community and frequent species which typically occur in three of the five quadrats (Rodwell, 2006). The frequency values next to each of these constant and frequent species in Appendix 3 shows the number of the five quadrats that they were recorded in during the NVC grassland survey. This assists with understanding the species responsible for the classification of the vegetation types recorded as particular sub-communities.

3.2. Surveyors

The survey was undertaken by:

- James Aldridge, Ecologist (MKA Ecology Ltd). James has been undertaking botanical assessments for over four years.
- Gabrielle Horne, Ecologist (MKA Ecology Ltd). Gabrielle has been undertaking botanical assessments for over two years.

3.3. Constraints on the methodologies

NVC communities are a continuum, and thus the surveyed quadrats do not always fit perfectly into the NVC community types. Where the species composition of the quadrat and the NVC community type differed, the closest NVC community type was assigned to the quadrat.

It was not possible to accurately identify the *Cotoneaster* sp. to species level due to an absence of berries at the time of survey. However the shape and size of the leaves and the stem structure made it possible to ensure that it was not a species of *Cotoneaster* protected by Schedule 8 of the Wildlife and Countryside Act (1981) as amended, of note under The Vascular Plant Red Data List for Great Britain or listed on Schedule 9 of the Wildlife and Countryside Act (1981) as amended. Therefore this did not alter the outcomes of this survey.

4. RESULTS

4.1. Walkover survey

The walkover botanical survey recorded 64 plant species including 63 higher plant species and one moss species. A comprehensive species list is provided in Appendix 4. Three species indicative of chalk grassland in Essex and one species indicative of unimproved grassland and marsh in Essex were recorded during the walkover survey (Essex Local Wildlife Sites Partnership, 2010). These species are shown in Table 3 below.

Table 3: Neutral and calcareous grassland indicator species recorded

Common Name	Systematic Name	Species indicative of chalk grassland in Essex*	Species indicative of unimproved grassland and marsh in Essex*
Wild Liquorice	<i>Astragalus glycyphyllos</i>	Yes	
Yellow-wort	<i>Blackstonia perfoliata</i>	Yes	
Wild Marjoram	<i>Origanum vulgare</i>	Yes	
Cowslip	<i>Primula veris</i>		Yes

*As set out in the Local Wildlife Site Selection Criteria (Essex Local Wildlife Sites Partnership, 2010).

Of the 64 recorded plant species, none were listed as Species of Principal Importance under the NERC Act (2006), protected under Schedule 8 of the Wildlife and Countryside Act (1981) as amended, and none were listed as invasive non-native species under Schedule 9 of the Wildlife and Countryside Act (1981) as amended. Species of Principal Importance and species listed under Schedules 8 and 9 of the Wildlife and Countryside Act (1981) as amended are not considered further in this report.

Of the 63 recorded higher plant species, 60 were listed as having a conservation status of least concern in The Vascular Plant Red Data List for Great Britain (Cheffings and Farrell, 2005), which shows these species to be abundant and widespread. The other three species (Early Goldenrod *Solidago gigantea*, Ribbed Melilot *Melilotus officinalis* and Sycamore *Acer pseudoplatanus*) were not included in The Vascular Plant Red Data List for Great Britain because they are introduced species to Great Britain, and these are not rare or of conservation importance.

Of the grassland indicator species, the Wild Liquorice formed extensive patches throughout the surveyed grassland, and the Wild Marjoram also formed dense stands in several areas. The Yellow-wort was found at a lower density throughout the grassland, and only one Cowslip individual was

recorded during the survey. There can be considered to be strong populations of Wild Liquorice, Wild Marjoram and Yellow-wort in the grassland.

4.2. NVC survey

A total of 47 species were recorded in the five quadrats on grassland, with a mean species richness of 22.6 in each quadrat (see Appendix 3 for quadrat data). Comparison of the grassland survey results against the NVC community types indicates a strong correlation with MG1 *Arrhenatherum elatius* grasslands.

The MAVIS software calculated a significantly stronger correlation of the quadrats with the MG1e *Arrhenatherum elatius*–*Centaurea nigra* sub-community (43.26) than with MG1a *Arrhenatherum elatius*–*Festuca rubra* sub-community (39.02).

The constant occurrence of Common Knapweed *Centaurea nigra* in all five quadrats caused the high correlation of the quadrat data with the MG1e *Arrhenatherum elatius*–*Centaurea nigra* sub-community. The MG1a *Arrhenatherum elatius*–*Festuca rubra* sub-community is typically less diverse than other MG1 communities and the quadrats were found to have a relatively high species-richness. The quadrats also contained Yorkshire-fog *Holcus lanatus*, Common Bird's-foot-trefoil *Lotus corniculatus*, Yellow Oat-grass *Trisetum flavescens* and Meadow Vetchling *Lathyrus pratensi* which are constant and frequent species in a typical MG1e sub-community and absent from the constant and frequent species of a typical MG1a sub-community. The grassland on site can thus be categorised as the MG1e *Arrhenatherum elatius*–*Centaurea nigra* sub-community.

This grassland also contained some notable species which were not constant or frequent species in the MG1e sub-community. Wild Liquorice and Wild Marjoram occurred in constant frequency in the quadrats and Yellow-wort was frequent in the quadrats, all three of which are chalk indicator species in Essex. Cowslip was recorded in one quadrat and this is a species indicative of unimproved grassland and marsh in Essex.

5. EVALUATION AND RECOMMENDATIONS

5.1. Overall evaluation of grassland

MG1 grassland communities typically contain tussocky grasses, primarily *Arrhenatherum elatius*, along with lower densities of Cock's-foot *Dactylis glomerata* and Yorkshire Fog. The MG1 community often becomes choked by legumes at the height of the growing season, and this was case on the surveyed grassland with the extensive occurrence of Wild Liquorice which is an Essex chalk grassland indicator species.

The MG1 community is defined as an ungrazed grassland and this lack of grazing disturbance can over time permit succession from grassland to scrub (Rodwell, 1992). This succession was evident on the surveyed grassland, with the presence of encroaching Bramble and Rose species from surrounding scrub habitat. Without disturbance these scrub species will begin to become dominant in the existing grassland. This MG1 community is typically found on freely-draining soils as seen here with the steepness of gradient on which the grassland is situated.

The MG1e *Arrhenatherum elatius*–*Centaurea nigra* sub-community is known to exist over a range of soil pH's, more commonly on mesotrophic soils and sometimes occupying calcareous soils. There is a surface exposure of chalk in Saffron Walden. Ruderal vegetation will often develop on MG1 grassland where nutrient enrichment has occurred and this ruderal vegetation is absent from the grassland at Phase 6. The grassland is of high species-richness with 63 vascular plant species recorded and with the occurrence of three chalk indicator species. With the local geology, high species-richness and the lack of obvious nutrient enrichment it is considered that the grassland is unimproved calcareous grassland.

5.2. Conservation value of grassland

Evaluation against Local Wildlife Site criteria

To be eligible for designation as a LoWS the Site must be found to comply with the following criterion for lowland calcareous grassland, neutral grassland, vascular plants or bryophytes displayed in Table 4 below.

Table 4: Minimum criteria for Essex Local Wildlife Site designation*

Reasons for designation	Habitat criterion (taken directly from Local Wildlife Site Selection Criteria)
Lowland calcareous grassland	<ul style="list-style-type: none"> • All areas of grassland supporting assemblages of typical chalk grassland species included as species indicative of chalk grassland in Essex should be considered for selection. • Whilst “classic” chalk grasslands are often very species-rich, in which many species indicative of chalk grassland in Essex will be present, Essex grasslands of this type are likely to have far fewer, with perhaps only two such species triggering eligibility under this criterion. • No lower limit to the size of such sites. • Restricted to sites located on thin brown earth soils over solid chalk substrates. • In Essex, surface exposures of chalk are restricted to the extreme north-west, around Saffron Walden, and in the south, around Grays and Purfleet. The former areas were doubtless long-ago sheep walks – open extensively grazed sheep pastures – but have for many decades now been under arable cultivation. As a result, areas of recognisable chalk grassland flora in Essex are virtually limited to roadside verges, the narrow fringes along the clifftops of old quarries and churchyards.

Reasons for designation	Habitat criterion (taken directly from Local Wildlife Site Selection Criteria)
Neutral grassland	<ul style="list-style-type: none"> • Lowland meadows - type MG5 (<i>Cynosurus cristatus</i> – <i>Centaurea nigra</i> grassland). Presence of rarities such as Green-winged Orchid, Pepper-saxifrage, Lady's Smock and many other grasses and herbs meet criteria. Species-rich grasslands on circum-neutral soils. Parts of Essex are underlain by chalky boulder clay, and the more base-rich areas can support limited numbers of the Essex chalk indicator grassland plants and these are included within this broad category. • Other Essex Natural Area 'priority' grassland types in the East Anglian Plain comprise: MG4 <i>Alopecurus pratensis</i> – <i>Sanguisorba officinalis</i> grassland and MG8 <i>Cynosurus cristatus</i> – <i>Caltha palustris</i> grassland. Indicate long continuity as grassland and support notable populations of invertebrates. • This criterion should include all grasslands that are in a deteriorated condition but which can be restored to this vegetation type. • Special consideration should be given to the presence in species indicative of unimproved grassland and marshland in Essex. Old unimproved grasslands can be identified by other evidence such as ridge and furrow.
Vascular plants	<ul style="list-style-type: none"> • Nationally significant plant species should be identified according to the current Vascular Plant Red Data List for Great Britain. • Should take into account published national and local Red Data Lists, Schedules within the Wildlife and Countryside Act 1981 (and subsequent amendments).

Reasons for designation	Habitat criterion (taken directly from Local Wildlife Site Selection Criteria)
Bryophytes	<ul style="list-style-type: none"> Sites supporting significant populations of 'notable' bryophytes will be eligible for selection. Notable follows the definitions of Nationally Rare and Nationally Scarce species given by Hill et al. (1991, 1992 and 1994), with Red Data species following Church et al. (2001). The 57 local status will follow the Essex Red Data List, which currently lists four liverworts and three mosses that are considered rare in the county.

*As set out in the Local Wildlife Site Selection Criteria (Essex Local Wildlife Sites Partnership, 2010).

The other LoWS habitat designations in Essex are for woodland, scrub and related habitats, heathland and acid grassland, river floodplain, wetland habitats, open water habitats, coastal habitats, brownfield sites, mosaic habitats, arable field margins and wildlife corridors. The grassland at Phase 6 does not meet these designations as following the survey analysis the qualifying habitat types are clearly different to the grassland present on site. A designation as a wildlife corridor is not relevant as the grassland does not connect two or more other LoWSs.

The grassland does not appear to have been managed in the past and supports a species-rich assemblage. The grassland is located in Saffron Walden where there is a surface exposure of chalk. The Local Wildlife Site Selection Criteria states that where perhaps two or more chalk indicator species are present the habitats should be considered for designation. As chalk grasslands in Essex are likely to have far fewer chalk grassland indicator species than typical high quality chalk grasslands, the presence of strong populations of three of these chalk indicator species (Wild Liquorice, Yellow-wort and Wild Marjoram) in the grassland at Phase 6 means that this grassland is of suitable condition to be considered for designation as a lowland chalk grassland LoWS in Essex although this is of a small scale.

The MG1 *Arrhenatherum elatius* grassland community identified on site is not suitable to be designated as a neutral grassland and did not contain any of the rarities listed for neutral grassland in the Local Wildlife Site Selection Criteria. Additionally, with only one species indicative of unimproved grassland and marshland in Essex present here this is unlikely to be considered sufficient number for the grassland on site to qualify for a neutral grassland LoWS through indicator species.

The absence of vascular or non-vascular plants that are protected under Schedule 8 of the Wildlife and Countryside Act (1981) as amended, nationally rare, nationally scarce or on the red data list on site, means that the grassland does not meet LoWS criteria for vascular or non-vascular plants.

Evaluation of grassland against Habitats of Principal Importance under the NERC Act (2006) and local priority habitats

Lowland meadows, which includes calcareous grasslands, are a local priority habitat in Essex. Lowland meadows and calcareous grasslands are Habitats of Principal Importance under the NERC Act (2006), which were formerly classed as UK Biodiversity Action Plan habitats. The grassland on site was assessed against the UK Biodiversity Action Plan (BAP) habitat descriptions for lowland meadows and lowland calcareous grasslands, which are shown in Tables 5 and 6 below.

Table 5: Lowland Meadow UK BAP Habitat description

Lowland Meadow Description
<ul style="list-style-type: none"> • They are taken to include most forms of unimproved neutral grassland across the enclosed lowland landscapes of the UK. • In terms of National Vegetation Classification plant communities, they primarily embrace each type of <i>Cynosurus cristatus</i>-<i>Centaurea nigra</i> grassland, <i>Alopecurus pratensis</i>-<i>Sanguisorba officinalis</i> floodplain meadow and <i>Cynosurus cristatus</i>-<i>Caltha palustris</i> flood-pasture. • Excluded from this plan are maritime grassland communities confined to coastal habitats (which will be covered in maritime cliff and machair action plans), <i>Anthoxanthum odoratum</i>-<i>Geranium sylvaticum</i> grasslands (which are treated in a companion action plan for upland hay meadows) and <i>Molinia-Juncus</i> pastures (which are covered in the purple moor grass and rush pasture (<i>Molinia-Juncus</i>) plan). • The plan concentrates on meadows and pastures associated with low-input nutrient regimes, and covers the major forms of neutral grassland which have a specialist group of scarce and declining plant species. Among flowering plants, these include fritillary <i>Fritillaria meleagris</i>, Dyer's greenweed <i>Genista tinctoria</i>, green-winged orchid <i>Orchis morio</i>, greater butterfly orchid <i>Platanthera chlorantha</i>, pepper saxifrage <i>Silene silaus</i> and wood bitter vetch <i>Vicia orobus</i>. • Agricultural intensification has led to the extensive development of nutrient-demanding, productive <i>Lolium perenne</i> grasslands. These are managed for grazing and also silage production which has widely replaced traditional hay-making. Where fertiliser input is relaxed or in swards which have only been partially improved, <i>Lolium-Cynosurus</i> grassland is common; in many respects this is intermediate between improved and unimproved lowland neutral grasslands but has few uncommon species and is generally of low botanical value.

The grassland communities which can be considered as lowland meadows are shown in Table 5 above to consist primarily of MG5 *Cynosurus cristatus*-*Centaurea nigra* grassland, MG4 *Alopecurus pratensis*-*Sanguisorba officinalis* floodplain meadow and MG4 *Cynosurus cristatus*-*Caltha palustris* flood –pasture. The grassland on site is shown by the NVC survey to comprise the MG1 *Arrhenatherum elatius* community, which does not correspond with any of these typical lowland

meadow communities. Additionally no scarce or declining plant species were recorded on site which are typically present in specialist groups on lowland meadows.

The MG1e *Arrhenatherum elatius*–*Centaurea nigra* sub-community is more species-rich than the majority of the other MG1 sub-communities and this was seen here with 63 vascular plants recorded in the grassland. The indicator species which are present indicate that the grassland is more calcareous in character and therefore it does meet the description for a lowland meadow Habitat of Principal Importance.

Table 6: Lowland Calcareous Grassland UK BAP Habitat description

Lowland Calcareous Grassland Description
<p>The definition of the habitat as given in the pre-existing Habitat Action Plan has been amended to:</p> <ul style="list-style-type: none"> • Include examples of NVC CG10 <i>Festuca ovina</i>-<i>Agrostis capillaris</i>-<i>Thymus praecox</i> grassland where they clearly occur below the upper limits of agricultural enclosure; and • Exclude examples of CG1 <i>Festuca ovina</i>-<i>Carlina vulgaris</i> grassland and CG2 <i>Festuca ovina</i>-<i>Avenula pratensis</i> grassland where these clearly occur above the upper limits of enclosure. <p>Following the 2007 review, occurrences of this habitat on roadside verges are also covered by the definition.</p>

The grassland community at the Site is MG1e *Arrhenatherum elatius*–*Centaurea nigra* sub-community, which is not a suitable community to meet the lowland calcareous grassland definition as a Habitat of Principal Importance. Whilst the MG1 community is typically found on mesotrophic soils and does not cause the grassland to qualify as a lowland calcareous Habitat of Principal Importance, this community is found on a range of soil pH's including calcareous soils and therefore this grassland could still be classed as a unimproved calcareous grassland, considering the chalk indicator species and the high species-richness.

5.3. Recommendations

The mitigation hierarchy should be followed during the development process and this hierarchy is firstly to avoid impacts, secondly to minimise impacts and thirdly to compensate for impacts.

Ideally the grassland in Phase 6 would be retained in the site design, however in this case the retention of these areas is not possible due to the site layout. As a measure to minimise impacts on the grassland, turves from the grassland should be translocated to an area in close proximity to its existing location. This receptor site could comprise the nearby Ashdon Road Verges Protected Roadside Verge and LoWS or the receptor site previously by MKA Ecology Ltd used to translocate reptiles to at the north (MKA Ecology Ltd, 2015).

Turves cut from the grassland should be between 200mm to 500mm in depth. Use of an excavator with a large bucket is recommended to dig turves where possible as this maximises the length, width and thickness of turves so that disruption to the vegetation is minimised. For smaller areas a shovel could also be used to dig the turves although this is generally less effective.

Preparation of recipient sites should include removal of a layer of soil equivalent to the depth of the turves to be cut from the donor site. This preparation may not be necessary in all translocation areas and this should be reviewed on a case by case basis by the ecologist.

Grassland is best translocated in the autumn when the soils are warm and moist and new root growth is possible before winter. Translocation in early spring is also an option, however there is a greater risk of failure as the roots may not develop sufficiently before the dry summer season.

Recommendation 1:

Where retention of grassland is not possible, a translocation of turves from the grassland should be completed to an area of grassland in close proximity.

A method statement should be produced outlining the process of translocation to enable it to be completed successfully. This will include information regarding timings, equipment and agreed locations for the translocation. The method statement will also include measures to avoid or mitigate impacts on the retained grassland during construction.

Recommendation 2:

Produce a method statement for the translocation.

Further areas of calcareous grassland should be provided within the wider scheme to offset impacts on existing grassland. Suitable species would be those such as Pyramidal Orchid *Anacamptis pyramidalis*, Quaking Grass *Briza media*, Clustered Bellflower *Campanula glomerata*, Carlina Thistle *Carlina vulgaris*, Great Knapweed *Centaurea scabiosa*, Stemless Thistle *Cirsium acaule*, Woolly Thistle *Cirsium eriophorum*, Basil-Thyme *Clinopodium acinos*, Crosswort *Cruciata laevipes*, Autumn Gentian *Gentianella amarella*, Rock-Rose *Helianthemum nummularium*, Meadow Oat-Grass *Helictotrichon pratense*, Ploughman's Spikenard *Inula conyzae*, Catmint *Nepeta cataria*, Knapweed Broomrape *Orobanche elatior*, Salad Burnet *Sanguisorba minor* ssp. *Minor*, Small Scabious *Scabiosa columbaria*, Wild Thyme *Thymus polytrichus* which are all chalk grassland indicator species in Essex.

Recommendation 3:

Further areas of calcareous grassland should be considered within the designs scheme for the wider site to offset impacts on existing grassland.

This nearby grassland which is to be retained and enhanced should then be managed in the long-term under a habitat management plan. This type of management plan is referred to in the British Standards publication for Biodiversity and the Code of practice for planning and development as a landscape and ecological management plan (British Standards Institution, 2013). In line with the Biodiversity Standards document this habitat management plan will include:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

This habitat management plan document should be combined with the method statement for the translocation, which can be made available to on site contractors.

Recommendation 4:

Manage the retained and enhanced grassland sensitively in the long-term under a habitat management plan.

6. CONCLUSION

After completing a Preliminary Ecological Assessment of Phase 6 at Ridgeons in Saffron Walden, MKA Ecology Ltd were commissioned to undertake a botanical survey due to the presence of potentially high quality calcareous grassland. This botanical survey and report aimed to assess the grassland quality and identify if it was of conservation concern, and also detail any further surveys or mitigation measures, if required.

The botanical survey was completed on 6 July 2017 during the flowering period of the grassland. It identified strong populations of three chalk indicator species and an individual of one unimproved grassland and marsh indicator species. With the three chalk indicator species and the high-species richness, the grassland on site would be eligible to be considered as a Local Wildlife Site designation for lowland chalk grassland in Essex. The grassland did not meet criteria for any Habitat of Principal Importance designations.

As retention of the grassland is not feasible, a translocation of turves should be completed. These species should be moved to an area of grassland of suitable character in close proximity to the existing grassland under a method statement.

The grassland to which the turves are moved should be enhanced by the planting of chalk grassland indicator species, and managed in the long-term under a habitat management plan. It is considered that with this mitigation strategy the development can be completed in a sustainable manner, and the high quality grassland can remain viable and have enhanced diversity in the future as a chalk grassland Local Wildlife Site.

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8. APPENDICES

8.1. Appendix 1: Photographs

Photograph 1: Wild Marjoram in Quadrat 1



Photograph 2: The grassland bank with some Wild Liquorice in the bottom left corner



Photograph 3: Quadrat 4



8.2. Appendix 2: National Planning Policy Framework (NPPF)

Full text is available at: <http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

The NPPF was published in late March 2012 setting out the Government's planning policies for England and the process by which these should be applied. The policies within the NPPF are a material consideration in the planning process. The key principle of the NPPF is a presumption in favour of sustainable development, with sustainable development defined as a balance between economic, social and environmental needs.

Policies 109 to 125 of the NPPF address conserving and enhancing the natural environment, stating that the planning system should:

- Contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes;
- Recognise the wider benefits of ecosystem services; and
- Minimise impacts on biodiversity and provide net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

Furthermore there is a focus on re-use of existing brownfield sites or sites of low environmental value as a priority, and discouraging development in National Parks, Sites of Specific Scientific Interest, the Broads or Areas of Outstanding Natural Beauty other than in exceptional circumstances.

Where possible, planning policies should also "promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan".

8.3. Appendix 3: The quadrat data, MAVIS output and grid references for the grassland

Common Name	Scientific Name	Vegetation cover in Quadrat (Domin Scale):					Frequency
		Q1	Q2	Q3	Q4	Q5	
Yarrow	<i>Achillea millefolium</i>	4		5			II
Alder	<i>Alnus glutinosa</i>	4	1				II
Meadow Foxtail	<i>Alopecurus pratensis</i>		4				I
False Oat-grass	<i>Arrhenatherum elatius</i>		7	7	7	6	IV
Wild Liquorice	<i>Astragalus glycyphyllos</i>		5	7	4	4	IV
Yellow-wort	<i>Blackstonia perfoliata</i>	4	4		4	4	IV
False-brome	<i>Brachypodium sylvaticum</i>	2					I
Common Sedge	<i>Carex nigra</i>	4				4	II
Common Knapweed	<i>Centaurea nigra</i>	5	5	4	5	5	V
Common Centaury	<i>Centaureum erythraea</i>				2	4	II
Creeping Thistle	<i>Cirsium arvense</i>	4	4				II
Traveller's Joy	<i>Clematis vitalba</i>			4			I
Dogwood	<i>Cornus sanguinea</i>			4			I
Rough Hawk's-beard	<i>Crepis biennis</i>		4	4	5	5	IV
Cock's-foot	<i>Dactylis glomerata</i>	5		4			II
Wild Carrot	<i>Daucus carota</i>	4	5	5	4	5	V
Common Feather-moss	<i>Eurhynchium praelongum</i>	7	7	7	5	7	V
Red Fescue	<i>Festuca rubra</i>		4		5	5	III
Wild Strawberry	<i>Fragaria vesca</i>				1		I
Yorkshire-fog	<i>Holcus lanatus</i>	6	6				II
Perforate St. John's-wort	<i>Hypericum perforatum</i>	2	1				II
Meadow Vetchling	<i>Lathyrus pratensis</i>	5					I
Oxeye Daisy	<i>Leucanthemum vulgare</i>	4	7	5	5	4	V
Common Toadflax	<i>Linaria vulgaris</i>	1					I
Fairy Flax	<i>Linum catharticum</i>	1	6	1	4	6	V
Common Bird's-foot-trefoil	<i>Lotus corniculatus</i>	2			4	4	III
Black Medick	<i>Medicago lupulina</i>	4	8	5	7	5	V
Wild Marjoram	<i>Origanum vulgare</i>	7			6	5	III
Ribwort Plantain	<i>Plantago lanceolata</i>	5	5	5			III
Rough Meadow-grass	<i>Poa trivialis</i>	6					I
Creeping Cinquefoil	<i>Potentilla reptans</i>			5			I

Common Name	Scientific Name	Vegetation cover in Quadrat (Domin Scale):					Frequency
		Q1	Q2	Q3	Q4	Q5	
Cowslip	<i>Primula veris</i>				4		I
Selfheal	<i>Prunella vulgaris</i>			4		1	II
Blackthorn	<i>Prunus spinosa</i>	4		2	4		III
Creeping Buttercup	<i>Ranunculus repens</i>	2	2				II
Field Rose	<i>Rosa arvensis</i>		1		4	4	III
Dog Rose	<i>Rosa canina</i>	4					I
Common Ragwort	<i>Senecio jacobaea</i>		5	2			II
Early Goldenrod	<i>Solidago gigantea</i>					2	I
Upright Hedge- parsley	<i>Torilis japonica</i>			4			I
Goat's Beard	<i>Tragopogon pratensis</i>		1				I
Hop Trefoil	<i>Trifolium campestre</i>		5		4	4	III
Red Clover	<i>Trifolium pratense</i>	4	5				II
White Clover	<i>Trifolium repens</i>	4	4				II
Yellow Oat-grass	<i>Trisetum flavescens</i>	5	7	5	5		IV
Colt's-foot	<i>Tussilago farfara</i>	1					I
Hairy Violet	<i>Viola hirta</i>					4	I
Number of species		28	25	20	20	20	
Mean number of species	22.6						

MAVIS Output:

NVC: MG1e 43.26
NVC: MG1a 39.02
NVC: CG3b 37.17
NVC: CG4c 36.92
NVC: MG4a 36.85
NVC: CG3c 36.79
NVC: MG5a 36.27
NVC: MG1d 36.09

MG1e constants

Arrhenatherum elatius (IV)
Dactylis glomerata (II)
Heracleum sphondylium (absent from quadrats)
Centaurea nigra (V)
Holcus lanatus (II)
Plantago lanceolata (III)
Festuca rubra (III)
Lotus corniculatus (III)

MG1e frequents

Achillea millefolium (II)
Galium verum (absent from quadrats)
Trisetum flavescens (IV)
Veronica chamaedrys (absent from quadrats)
Anthoxanthum odoratum (absent from quadrats)
Lathyrus pratensis (I)

MG1a constants

Arrhenatherum elatius (IV)
Dactylis glomerata (II)

MG1a frequents

Heracleum sphondylium (absent from quadrats)
Plantago lanceolata (III)
Festuca rubra (III)
Cirsium arvense (II)

Grid references of quadrats

Q1	Q2	Q3	Q4	Q5
TL 55131 39129	TL 55135 39121	TL 55148 39145	TL 55154 39154	TL 55160 39163

8.4. Appendix 4: Comprehensive botanical records of grassland with indicator species status

Common Name	Scientific Name	Species indicative of chalk grassland in Essex*	Species indicative of unimproved grassland and marsh in Essex*
Sycamore	<i>Acer pseudoplatanus</i>		
Yarrow	<i>Achillea millefolium</i>		
Agrimony	<i>Agrimonia eupatoria</i>		
Alder	<i>Alnus glutinosa</i>		
Meadow Foxtail	<i>Alopecurus pratensis</i>		
False Oat-grass	<i>Arrhenatherum elatius</i>		
Wild Liquorice	<i>Astragalus glycyphyllos</i>	Yes	
Yellow-wort	<i>Blackstonia perfoliata</i>	Yes	
False-brome	<i>Brachypodium sylvaticum</i>		
Common Sedge	<i>Carex nigra</i>		
Spiked Sedge	<i>Carex spicata</i>		
Common Knapweed	<i>Centaurea nigra</i>		
Common Centaury	<i>Centaureum erythraea</i>		
Creeping Thistle	<i>Cirsium arvense</i>		
Traveller's Joy	<i>Clematis vitalba</i>		
Dogwood	<i>Cornus sanguinea</i>		
Cotoneaster sp.	<i>Cotoneaster sp.</i>		
Hawthorn	<i>Crataegus monogyna</i>		
Rough Hawk's-beard	<i>Crepis biennis</i>		
Cock's-foot	<i>Dactylis glomerata</i>		
Wild Carrot	<i>Daucus carota</i>		
Wild Teasel	<i>Dipsacus fullonum</i>		
Common Feather-moss	<i>Eurhynchium praelongum</i>		
Sheep's Fescue	<i>Festuca ovina</i>		
Red Fescue	<i>Festuca rubra</i> agg.		
Wild Strawberry	<i>Fragaria vesca</i>		
Cleavers	<i>Galium aparine</i>		
Cut-leaved Crane's-bill	<i>Geranium dissectum</i>		
Wood Avens	<i>Geum urbanum</i>		
Yorkshire-fog	<i>Holcus lanatus</i>		
Perforate St. John's-wort	<i>Hypericum perforatum</i>		
Meadow Vetchling	<i>Lathyrus pratensis</i>		
Oxeye Daisy	<i>Leucanthemum vulgare</i>		
Common Toadflax	<i>Linaria vulgaris</i>		

Common Name	Scientific Name	Species indicative of chalk grassland in Essex*	Species indicative of unimproved grassland and marsh in Essex*
Fairy Flax	<i>Linum catharticum</i>		
Common Bird's-foot-trefoil	<i>Lotus corniculatus</i>		
Black Medick	<i>Medicago lupulina</i>		
Ribbed Melilot	<i>Melilotus officinalis</i>		
Wild Marjoram	<i>Origanum vulgare</i>	Yes	
Wild Parsnip	<i>Pastinaca sativa</i>		
Bristly Oxtongue	<i>Picris echioides</i>		
Ribwort Plantain	<i>Plantago lanceolata</i>		
Smooth Meadow-grass	<i>Poa pratensis</i>		
Rough Meadow-grass	<i>Poa trivialis</i>		
Creeping Cinquefoil	<i>Potentilla reptans</i>		
Cowslip	<i>Primula veris</i>		Yes
Selfheal	<i>Prunella vulgaris</i>		
Blackthorn	<i>Prunus spinosa</i>		
Creeping Buttercup	<i>Ranunculus repens</i>		
Field Rose	<i>Rosa arvensis</i>		
Dog Rose	<i>Rosa canina</i>		
Bramble sp.	<i>Rubus fruticosus</i> agg.		
Curled Dock	<i>Rumex crispus</i>		
Common Ragwort	<i>Senecio jacobaea</i>		
Early Goldenrod	<i>Solidago gigantea</i>		
Upright Hedge-parsley	<i>Torilis japonica</i>		
Goat's beard	<i>Tragopogon pratensis</i>		
Hop Trefoil	<i>Trifolium campestre</i>		
Red Clover	<i>Trifolium pratense</i>		
White Clover	<i>Trifolium repens</i>		
Yellow Oat-grass	<i>Trisetum flavescens</i>		
Colt's-foot	<i>Tussilago farfara</i>		
Common Nettle	<i>Urtica dioica</i>		
Hairy Violet	<i>Viola hirta</i>		

*As set out in the Local Wildlife Site Selection Criteria (Essex Local Wildlife Sites Partnership, 2010).

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