



Charnwood Borough Council

Town and Country Planning Act 1990

Statement of proof By

Mr Rupert Simms

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Principal Ecologist

**Raising of ground levels within the
floodplain.**

at

**Land adj Moor Lane, Loughborough,
Leicestershire**

**Local Planning Authority Ref No. E/18/0476
Planning Inspectorate Ref No. APP/X2410/C/24/3347294 &
APP/X2410/C/24/3347295**

This statement and associated documents can be viewed on the Planning Enforcement page of the Council's website https://www.charnwood.gov.uk/pages/planning_enforcement or in reception at the Council Offices but this is via appointment only by calling 01509 634570

1.0 Introduction

- 1.1 My name is Rupert Simms, and I am employed by Charnwood Borough Council as Principal Ecologist as part of the Natural and Built Heritage Team, within Planning and Growth. I am an associate member of the Chartered Institute of Ecologists and Environmental Managers Institute and have a Masters in Natural Resource Management. I have over 20 years' experience as an ecologist and have been working in my current role for over seven years.
- 1.2 This appeal relates to the raising of ground levels within the floodplain on land adjacent to Moor Lane, Loughborough.
- 1.3 This proof of evidence is written in respect of the ecological characteristics of the site and should be read in conjunction with the proof of evidence from Sarah Hallam, Paul Goldsmith Environment Agency Specialist Planner and Sarah Street Environment Agency Flood Risk Advisor, and James Anthony McCloy, Civil Engineer from McCloy Consulting.
- 1.4 The evidence which I have prepared and provide for this appeal reference APP/X2410/C/24/3347294 and APP/X2410/C/24/3347295 in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution, CIEEM. I confirm that the opinions expressed are my true and professional opinions.

2.0 Approach to Assessment

- 2.1 This proof of evidence compares the ecological condition of the appeal Site prior to the commencement of development (raising of the ground levels) with that at the time the enforcement notice was served.
- 2.2 The approach taken has been to identify the habitat types present at both these points in time using previous survey data, my own site visits and aerial images. I have adopted JNCC Phase 1 Habitat types to classify habitats because this was the most widely system at the time that development was commenced and

is also the closest to the approach taken by the ecological appraisals submitted in support of planning applications; P/12/2130/2 and P/21/0476/2. **(CD 5.7.1 and CD5.7.2)**

3.0 The condition of the land prior to the commencement of development

- 3.1 Historically the site has been used as a scrapyard, and whilst the extent of this use fluctuated over time much of the site outside the scrapyard area appears to have had a semi-natural character. Aerial images indicate significant quantities of material were stockpiled on site no later than 2015. This is taken to be the commencement of operations and therefore an appropriate point from which to establish an appropriate baseline.
- 3.2 In 2015, the site was fringed with trees along all 4 boundaries, **(CD 5.7.3)** The 2012 ecological appraisal reports these to have been mostly in good health and including crack willow, wych elm and elder. Scattered trees across the site included elder and oak.
- 3.3 Outside the scrapyard area the site appears to have comprised grassland and a woodland block with an area of approximately 4,500m². The 2012 ecological appraisal also notes a concentration of scrub around the site's margins. This is also consistent with aerial images from 2015.
- 3.4 The 2012 ecological appraisal also records a pond (standing water) along the eastern boundary and bare ground with spoil mounds in the southeastern corner.
- 3.5 The grassland is described as including areas of bare ground with tall ruderal and ephemeral vegetation concentrated around the margins of scrub and spoil mounds. The northern part of the site is described as containing semi-improved grassland but with species present consistent either with its position in the floodplain and/or including species used in Local Wildlife Site selection in Leicestershire, such as hairy sedge, gypsywort, tufted hairgrass, meadowsweet, greater birdsfoot trefoil and goatsbeard.

3.6 Semi-improved neutral grassland is an appropriate habitat types for the northern part of the site, whilst tall ruderal vegetation provides a reasonable habitat type for the remainder of the grassland area.

3.7 The “northern part” of the site is not defined in the ecological appraisal. However, aerial images indicate that it was the area to the north of a low embankment running east- west across the site and approximately 85m north of the southern boundary. This indicates the total area of semi-improved grassland at the time to have been approximately 4000m².

4.0 The condition of the Site at the time the Enforcement Notice Was Served

4.1 The condition of the site at the time the enforcement notice was served can be understood from contemporary aerial images, my own site visit in May 2021 and the Ecological Appraisal submitted for the planning application P/21/0476/22 and based on a site survey carried out in November 2020. The main differences in the distribution of habitats between this time and prior to the commencement of development are described below.

- Most of the trees had been removed from along the southern boundary and the southern part of the eastern boundary.
- The pond was no longer present.
- The woodland area had been reduced from 4,500m² to approximately 3,500m²
- The area of semi-improved grassland had been significantly reduced to an area of approximately 1000m² It also included an area dominated by rushes, consistent with increased waterlogging.

4.2 The extent of early successional vegetation (labelled as ephemeral/tall ruderal vegetation in the ecological appraisal significantly) had significantly increased, being dominant across the top of the raised platform and having a short even sward characteristic of recent disturbance. The distribution of vegetation

characteristic of disturbed ground mapped in the 2020 ecological appraisal is broadly consistent with aerial images from September 2019.

- 4.3 Wet woodland is a NERC S41 Habitat of Principal Importance and also a priority habitat in Leicestershire. The semi-improved grassland also shared characteristics with both wet grassland and neutral grassland, which are also priority habitats in Leicestershire. The loss of these habitats in favour of tall ruderal and ephemeral vegetation represent ecological degradation of the Site.

5.0 Conclusion and summary

- 5.1 Changes in habitat distribution over time have been evaluated using multiple sources including aerial images, ecological appraisals and site visits.
- 5.2 The range of broad habitat types present on the site has remained largely consistent throughout the period of the ground raising operation but there have been significant changes in their distribution.
- 5.3 These significant changes are attributable to deliberate intervention rather than natural change and represent ecological degradation of the Site.

Appendices

- CD 5.7.1** Windmill Lane Loughborough Ecological Appraisal, September 2012. Submitted with planning application P/12/2130/2
- CD 5.7.2** Moor Lane Loughborough Ecological Appraisal December 2020. Submitted with planning application P/21/0476/2
- CD 5.7.3** Appendix 3. 2015 Aerial image of the Site.