

Paul Clarke (Head of Development Management)  
Derby City Council,  
Council House  
Corporation Street  
DERBY  
DE1 2FS

**For the attention of Sara Hodgkinson**

Your ref: 23/01631/OUT

Our ref: DWTCIT1371

22<sup>nd</sup> February 2024

Dear Sara

**Proposal: Outline application for residential development including access arrangements  
- up to 90 dwellings**

**Location: Land To The West Of Royal Hill Road Derby**

**Application No.: 23/01631/OUT**

With reference to the above application, I am responding as the Biodiversity Planning Officer responsible for work relating to the Service Level Agreement, which the Council and the Trust have signed. The following comments are aimed at providing accurate and up to date information on the nature conservation issues associated with the proposed development.

## Response

I have reviewed the following documents:



- Ecological Appraisal prepared by Tetra Tech Ltd August 2023
- Biodiversity Net Gain Assessment Tetra Tech Ltd August 2023
- Biodiversity Metric 4.0 Tetra Tech Ltd
- Landscape Masterplan

The application is accompanied by sufficient information to allow the Council to assess the potential impacts of the development on biodiversity including protected species, species of nature conservation concern, habitats of recognised importance and designated sites (including both statutory and non-statutory sites). The EA has included a full desktop study and habitat survey work undertaken at the optimal time of year. Bat surveys have included emergence surveys of several buildings and tree inspection where needed.

## **Impacts and Biodiversity Net Gain**

### Royal Hill Hedge Local Wildlife Site (DE096)

The EA has correctly identified the presence of a Local Wildlife Site (Royal Hill Road Hedge DE096) to the south of the development site. The hedgerow should be unaffected by the development as both the Illustrative masterplan and Landscape masterplan indicate a buffer of green space and / or SUDS between the development and the hedge. In addition, the EA has also referenced the retention and protection of the LWS.

### Habitats

The site is composed of a series of small fields divided by hedges and tree lines. The grassland vegetation has been assessed as species poor 'modified' grassland. The hedgerows all qualify as Habitats of Principal Importance and vary from Low to High value in terms of the Hedgerow Grading and Evaluation System (HEGS). However, none are sufficiently diverse to qualify as Important Hedgerows under the criteria set out in the Hedgerow Regulation Act 1997. There are also small areas of scrub and scattered trees.

All the habitats have also been assessed within Defra's Biodiversity Metric 4.0. The type and extent of each habitat together with the condition assigned to each of the habitats is acceptable. A baseline value has been calculated and this is considered an accurate reflection of the habitats

on site. The development will result in the loss of all the modified grassland and hawthorn scrub as well as the loss of 300m of hedgerow. In total five hedgerows are impacted with the complete loss of hedgerow 2 which is 210m.

#### Mitigation and Compensation Proposals

The ecological assessments and metric set out the proposed mitigation and compensation for the loss of habitats and hedgerows on site. This includes an area of more species rich grassland in the north (other neutral grassland), areas of modified grassland, a sustainable drainage system, trees and an orchard. Regarding the loss of hedgerows, the proposals include planting 570m of new hedgerow and the enhancement of 480m of retained hedgerow.

With regard to the creation of species rich grassland the meadow mix **N5 Long season meadow mix** is referenced in the documents. This mix includes some plant species that are better suited to calcareous soils. There may be other seed mixes available better suited to the soil conditions and this should be considered when drawing up the full details for enhancement.

#### Metric Net Gain summary

Biodiversity Metric 4.0 calculates a net gain of over 10% for both habitats and hedgerows on-site. The Trading Rules within the metric calculation have been satisfied and there are no errors showing in the submitted metric.

#### Outstanding and / or other issues

There are no significant gaps in the ecological assessment that require further survey work at this stage. Where issues have been identified these will need to be addressed via suitable conditions for mitigation and compensation. Conditions are recommended below.

Trees T1 and T2 will need to be felled under supervision of a licensed bat ecologist. Details should be included as part of the CEMP.

A pre-commencement badger survey is required (see condition).

A pre-commencement barn owl survey is required (see condition).

### Swifts – Integrated Nest Boxes Information/Advice

The newly published British Standard (BS 42021:2022 Integral nest boxes – Selection and installation for new developments) provides specifications on the number and type of integral boxes that should be sought within new developments. For example: 1. To provide new and enhanced opportunities for nesting, the number of integral nest boxes on new residential developments shall at least equal the number of dwellings, i.e. the ratio of integral nest boxes to dwellings is 1:1. 2. External nest boxes are additional to the installation of integral nest boxes on new developments and should not be included as part of the 1:1 ratio. This is also supported by the National House Building Council Foundation, the standard-setting body for new homes: “Section 8.1 Nest sites for birds (page 42): “Provision of integral nest sites for swifts is through hollow chambers fitted into the fabric of a building while in construction. Although targeting swifts they will also be used by house sparrows, tits and starlings so are considered a ‘universal brick”

Additionally, section 174(b) of the revised National Planning Policy Framework (NPPF, 2019), states: “To promote and enhance biodiversity and geodiversity, plans should: ...identify and pursue opportunities for securing measurable net gains for biodiversity...” and is explained further by the accompanying guidance notes (NPPF, Natural Environment Guidance, paragraph 023): “...relatively small features can often achieve important benefits for wildlife, such as incorporating ‘swift bricks’ and bat boxes in developments...”

**We would therefore recommend the inclusion of integrated swift bricks into the development on the ratio of 1 per dwelling which in this case would be 90 integrated swift bricks.**

### **Conclusions and recommendations**

The development does not impact on any designated nature conservation sites or irreplaceable habitats and no bespoke compensation needs to be agreed in relation to the loss of habitats of very high distinctiveness (as defined by Defra in the metric). The proposals set out to address the loss of habitat and hedgerow on the site have been demonstrated via the BNG Assessment, EA and metric to provide a > 10% net gain for habitats, hedgerows and watercourses in line with the NPPF. These proposals also meet the mandatory 10% net gain requirement that came into effect on 12<sup>th</sup> February. However, it is noted that this application was submitted prior to that date and therefore does not necessarily have to demonstrate a > 10% net gain. The fact that the

development has chosen to provide the mandatory gain should ensure a better outcome for biodiversity and reduces the risk that some of the compensation measures fail to achieve their targets.

Impacts on protected species are assessed to be relatively low, but some pre-commencement survey work is advisable as well as avoidance and mitigation measures and targeted enhancements.

If the Council is minded to approve the application the following conditions are recommended:

#### Badger Evidence locally

Due to the presence of badger activity locally and suitable habitat on site, prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken. The results and any appropriate mitigation/licensing requirements shall be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.

#### Barn owl

Due to the presence of barn owl in the wider locality and suitable habitat on site, prior to the commencement of development, including preparatory site clearance, a detailed barn owl survey should be undertaken of the site to include hedgerow 7. The survey should be undertaken 6 months prior to works commencing. The survey should be undertaken outside of barn owl nesting season (normally 1<sup>st</sup> March – 31<sup>st</sup> August inc.) The results and any appropriate mitigation requirements shall be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.

#### Construction Environmental Management Plan (CEMP: Biodiversity)

No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive or precautionary working practices) to avoid or reduce impacts on species and habitats during construction, tree felling or vegetation clearance including badger, great crested newt, reptile, bat, breeding birds, hedgehog and other as required.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

#### Biodiversity Enhancement and Management Plan (BEMP)

A Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the submitted Biodiversity Net Gain Assessment, Ecological Appraisal and Biodiversity Metric 4.0 (Tetra Tech August 2023). The LBEMP shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric or revised as agreed.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.

- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 15, 20 and 30 years.
- h) Monitoring reports to be sent to the Council at each of the intervals above.
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

#### Biodiversity Species Enhancement Plan

Prior to building works commencing above foundation level, a Biodiversity Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- 90 universal nest boxes (ratio of 1 per dwelling, in line with British Standard 42021:2022).
- 5 x integrated and / or external bat boxes.
- Log piles x 2
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs

N.B The above plan is considered necessary to secure the required species-specific enhancements on-site that fall outside of the agreed habitat mitigation and compensation identified in the Biodiversity Net Gain Assessment and metric.

#### Lighting

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological

zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

It is hoped that the information provided is helpful to the Council. If you require any further information or wish to discuss any of the comments made, please do not hesitate to contact me.

Yours sincerely,

*Kieron Huston*

Kieron Huston MCIEEM

Biodiversity Planning and Policy Manager

[planning@derbyshirewt.co.uk](mailto:planning@derbyshirewt.co.uk)