



**Derbyshire**  
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Steve Birkinshaw  
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Erewash Borough Council  
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**For the attention of James Grundy**

Your Ref: ERE/0722/0038

Our ref: DWTERE493b

8<sup>th</sup> August 2023

Dear James

**Proposal: Outline Application for up to 196 dwellings with all matters reserved other than the means of access**

**Location: Land North West Of 1 To 12 Sowbrook Lane Stanton By Dale  
Derbyshire**

**Application Ref No: ERE/0722/0038**

Thank you for consulting the Derbyshire Wildlife Trust with regard to the above planning application. I am responding as the Biodiversity Planning Officer responsible for work relating to the Service Level Agreement, which Erewash Borough 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.



## **Comments**

Further to my earlier comments on the above application (17<sup>th</sup> May 2023 Ref: DWTERE493a) I have received a letter from the applicant addressing the points raised in this response together with an updated Biodiversity Metric.

### Trading rules and strategic significance of habitats

I have reviewed the new metric and the proposals to enhance the grassland within the skylark mitigation area. The grassland here is currently modified grassland and will be enhanced to other neutral grassland in accordance with the metric. This additional enhancement measure now means that the Trading rules within the biodiversity metric are met.

I also acknowledge that our earlier concern regarding differences in the strategic significance of the habitats being lost and habitats being created or enhanced has now been resolved.

The proposals include the removal of hawthorn shrubs that form part of a fenceline and it is now acknowledged that the strategy includes measures to replace this habitat towards the edges of the skylark mitigation field. The metric has been revised accordingly.

All other points set out in our May letter appear to have been accepted, including the proposed conditions.

### Management costs

The costs of management for the on-site and off-site mitigation and enhancement areas needs to be sufficient to cover the costs of habitat creation, enhancement, features such as bird and bat boxes, long-term annual management for both on-site and of-site areas and the costs of monitoring each site to measure the extent to which the plans are achieving their objectives in line with the biodiversity metric. Costs associated with the LPA reviewing and checking the monitoring reports for compliance with the biodiversity metrics also need to be factored in by the LPA over the 30-year period.

## **Recommended conditions**

If the application is approved, I advise that the following conditions should be attached in order to secure biodiversity mitigation and enhancements. Please note that these conditions have been updated and amended from my May 2023 response (amendments are underlined).

### 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 working practices) to avoid or reduce impacts on protected species and habitats during construction (reptiles, breeding birds, amphibians, hedgehog, bats).
- 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 (LBEMP)

A Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the BEMP 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 Biodiversity Net Gain Assessment (Harris Lamb Property Consultancy 24<sup>th</sup> February 2023) and the Revised DEFRA Biodiversity Metric 3.1 (Harris Lamb Property Consultancy, 6th July 2023). The BEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following: -

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.

- b) Details of location of 196 integrated swift bricks in line with British Standard BS 42021:2022.
- c) Details of 8 Schwegler 2F bat boxes (or similar) and 12 external bird nesting boxes and reptile hibernacula.
- d) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
- e) Detailed specifications for open water habitats to provide biodiversity benefits.
- f) Measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (gaps 140 mm x 140 mm and/or railings and/or hedgerows) and submitted to the LPA for approval.
- g) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- h) Appropriate management methods and practices to achieve aims and objectives.
- i) Prescriptions for management actions.
- j) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- k) Details of the body or organization responsible for implementation of the plan.
- l) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 7, 10, 15, 20, 25 and 30 years.
- m) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- n) 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.

#### Skylark and Habitat Management Plan

A Skylark and Habitat Management Plan shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the SHMP is to provide details for the long-term management of the off-site habitat in accordance with the proposals set out in the submitted Skylark Mitigation Scheme for Land Adjacent to Ilkeston Road (Harris Lamb Property Consultancy, January 2023) and the Revised DEFRA Biodiversity Metric 3.1 (Harris Lamb Property Consultancy, 6th July 2023). The SHMP shall be suitable to provide to the management body responsible for the site. It shall include the following: -

- a) Description and location of features to be enhanced and managed.
- b) Aims and objectives of management.
- 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, 4, 5, 7, 10, 15, 20, 25 and 30 years.
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Requirement for a statement of compliance upon completion of planting and enhancement works.

The Skylark and Habitat Management Plan 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.

### 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 GN08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023)<sup>1</sup>. 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,

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<sup>1</sup> New guidance recently published.

Kieron Huston

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