



Derbyshire
Wildlife Trust

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 Derbyshire Wildlife Trust

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Tony Sylvester
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For the attention of Chris Nash,

Your Ref: DMPA/2019/0931

Our ref: DWTSOU655

31st October 2019

Dear Chris,

Proposal: Outline application with all matters reserved, except for part access into the site from Moira Road, for the residential development of up to 300 dwellings, a local centre comprising a 1,600sqm food store (Class A1 Use), 700sqm restaurant/fast food (Class A3 Use) and 550sqm pub (Class A4 Use), together with employment land consisting of 2,000sqm Class B1 offices, 4,000sqm Class B2 general industrial uses and 8,000sqm Class B8 storage and distribution uses, together with access from the Woodville Regeneration Route (to be delivered by others), and public open space, landscaping and associated drainage infrastructure

Location: Land north of Occupation Lane, Swadlincote

Application Ref No: DMPA/2019/0931

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

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to the Service Level Agreement, which South Derbyshire District 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.

The application seeking outline planning permission for mixed-use development is accompanied by the following ecological reports:

- Ecological Appraisal prepared by FPCR dated July 2019
- Bird Report prepared by FPCR dated July 2019

The ecological appraisal is based upon surveys conducted during May, June and July 2019 and also reviews earlier reports prepared as part of previous planning applications, including the creation of the Woodville Link Road. It is noted that areas of grassland with higher species diversity are largely restricted to site boundaries and the Derbyshire Red Data Book plant Grass Vetchling was recorded on the site, although the origin of the species is unclear. It should not however be assumed to be the result of deliberate introduction. It is understood that the loss of grassland will be compensated for with the retention and creation of grasslands throughout the site which will be managed for their biodiversity value under a Landscape and Ecological Management Plan (LEMP). Particular attention will be required in respect of the maintenance of the presence of Grass Vetchling at the site. We would advise that a Biodiversity Impact Calculator should be used to demonstrate that the loss of the majority of the grassland compared with the retention and creation of more species diverse areas of grassland does not result in a net loss of biodiversity contrary to the environmental dimension of sustainable development as set out in the National Planning Policy Framework.

The existing pond P1 on the site is considered to be a Habitat of Principal Importance given that it is a breeding pond for Common Toad, a Species of Principal Importance. It also supports a population of the Derbyshire Red Data Book aquatic plant, Horned Pondweed, *Zannichellia palustris*, and, as such, qualifies for selection as a Local Wildlife Site. While it is understood that the pond is to be retained, the report suggests that some work will be carried out to increase its capacity. It is important that a method statement/strategy is agreed to avoid impacts on the ecological features of interest associated with the pond. This could be included within a Construction Environmental Management Plan (CEMP: Biodiversity) which would normally be expected to be provided as a condition of any permission.

We would also expect the submission, approval and implementation of a Landscape and Ecological Management Plan (LEMP) covering all retained and created habitats as a condition

of any permission. Such a Plan should be provided as part of the reserved matters submission.

The Bird Report provides details of breeding bird and wintering bird surveys.

From our previous involvement and knowledge of the site through consultation on the Woodville Link Road application we are of the view that, although there is loss of grassland habitat with some areas of higher interest, the main ecology impacts associated with the scheme are in respect of common toad and a number of farmland priority bird species, particularly skylark.

Common toad, skylark, meadow pipit, linnet and reed bunting are all Species of Principal Importance (priority species). The loss of the majority of grassland habitat on the site to development will lead to the loss of these priority bird species from the site. While some grassland retention and creation is proposed, these areas will be unlikely to continue to support these species which rely on open grassland habitat.

Although the appraisal report recommends mitigation measures to minimise disturbance impacts to birds during any clearance during the bird nesting season, no details of compensatory habitat provision has been provided in respect of these farmland priority species. Such details are lacking and needs to be provided in order to comply with Policy BNE3 Biodiversity of the South Derbyshire Local Plan Part 1 (adopted June 2016).

The Trust have previously provided comments and attended meetings in respect of the formation of the link road to facilitate this development. As part of this previous involvement we have always advised that the provision of off-site compensation for ground nesting priority bird species including skylark together with appropriate mitigation for Common Toad would be required.

A condition was attached to the permission for the link road requiring the implementation of an agreed Common Toad mitigation strategy as referred to in paragraph 5.30 of the appraisal report. It is important that a green corridor is provided as part of this strategy to allow unimpeded movement of common toads across the site from the scrub/woodland areas alongside the public footpath on the eastern boundary of the site to the existing breeding pond. From recent discussion with AECOM, who are preparing the Common Toad Strategy, it is also understood that a new pond designed specifically for Common toad is to be provided within the development to the east of the link road as part of this strategy. From consideration of the

submitted Illustrative Masterplan such measures do not appear to have been incorporated into the design. It is essential that the common toad strategy and the development layout align. To this end we would advise that the ecologists from both AECOM and FPCR work together with the design team to ensure an acceptable outcome.

In summary, the proposed development will adversely impact upon priority species, namely Common Toad, Skylark, Meadow Pipit, Linnet and Reed Bunting. To accord with Policy BNE3 Biodiversity of the South Derbyshire Local Plan Part 1 (adopted June 2016) it is important that sufficient mitigation or compensation is provided to offset the harm to these species. A suitable offsite compensatory habitat scheme for ground nesting priority bird species, including skylark needs to be provided in order for the proposal to comply with the requirement of policy BNE3 Biodiversity.

We welcome and support the provision of hedgehog highways within the residential element of the scheme together with the incorporation of in-built bat and swift bricks within the new buildings. Such enhancement measures accord with Planning Practice Guidance: Natural Environment 2019, details of which should be provided in a Biodiversity Enhancement Strategy required by a planning condition.

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,

Trevor Taylor

Trevor Taylor

Biodiversity Planning Officer

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