



Derbyshire
Wildlife Trust

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For the attention of Jessica Clarke-Roome

Our ref: DWTSOU1326
24th February 2026

Dear Jessica,

Proposal: Outline application (all matters reserved) for a residential development of up to 91 dwellings, open space, sustainable drainage and associated works on

Location: Land off Peregrine Avenue and Willington Road, Etwall

Application: DMPA/2026/0076

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 South Derbyshire District Council and the Trust have signed. The following comments are aimed at providing accurate and up to date information on nature conservation issues associated with the proposed development.

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Wilder by nature



Response

I have reviewed biodiversity datasets held by DWT and Derbyshire Biological Records Centre together with the reports and plans as below:

- Preliminary Ecological Appraisal Report (Red Kite Network Ltd, February 2025)
- Biodiversity Feasibility Assessment Report (Red Kite Network Ltd, February 2025)
- Statutory Biodiversity Metric (Red Kite Network Ltd, February 2025)
- Illustrative Masterplan

There are no statutory or non-statutory nature conservation designations directly associated with or immediately adjacent to this site. We are also not aware of any habitats or species of conservation concern located within the site other than species rich native hedgerows and trees.

The application is accompanied by a Preliminary Ecological Appraisal. The PEA includes a desktop study and field assessments. The field work was undertaken on 4th December 2024. This is outside of the optimal period for most habitat and vegetation surveys and is a potential constraint to the PEA and the Biodiversity Net Gain Assessment.

However, I do note that the habitats present within the site boundaries are dominated by non-cereal crops with a very small area of modified grassland. The constraint is therefore more specifically in relation to the assessment of hedgerows and protected species.



With regard to hedgerows the PEA does not identify which, if any, of the hedgerows qualifies as an important hedgerow under the Hedgerow Regulations Act 1997. There is a loss of an estimated 50m of hedgerow and the Council should [REDACTED] be made aware of any loss of a hedgerow or part of a hedgerow that is important under the regulations. [REDACTED]

Species surveys, assessment and impacts [REDACTED]

In relation to [REDACTED] protected species and species of conservation concern the PEA is informed by the desktop study. Some information has also been collected during the December walkover, and for some species the information is probably sufficient to be confident about potential risks and impacts to these species. However, in relation to great crested newt, [REDACTED] and possibly bats the lack of survey information is currently a constraint.

In relation to great crested newt impacts on breeding ponds are unlikely, but there is likely to be some loss of terrestrial habitat within 100 to 200m of a potential breeding pond (recent positive records). There is therefore also a risk that newts could be killed or injured. The PEA states that the applicant intends to address potential impacts through Natural England's District Level Licensing Scheme. If this is not the possible then further surveys will be required to ascertain the scale and type of impact on great crested newt.

Although the PEA did not find any evidence of [REDACTED] within or immediately adjacent to the site there are records for [REDACTED] from the wider area and they are mobile species that can cover significant distances in search of new territories or food.

Impacts on bats can probably be avoided through retention of hedgerows and trees and sympathetic landscaping and lighting strategy. The current proposals include the creation of 2.5 ha of other neutral grassland and planting of over 60 native trees. These measures should ensure that food availability is not significantly reduced.

Biodiversity Net Gain

The application is accompanied by a Biodiversity Feasibility Assessment and a baseline biodiversity metric. There are no irreplaceable habitats identified in the metric.

Most of the 5.84 ha site is composed of arable land used for non-cereal crops but there is a small area of modified grassland present together with 1.089km of hedgerow and 438m of ditch. The hedgerows include 0.759km of species rich hedgerow of 'high distinctiveness' and 0.333km of 'medium distinctiveness' hedgerow. Current proposals result in the loss of 50m of 'medium distinctiveness' hedgerow with the two 'high distinctiveness' hedgerows retained with no loss. There is a proposal to create 180m of medium distinctiveness species rich native hedgerow on-site.

The 438m of watercourse is comprised of two ditches and one of these will be lost (198m). Current proposals include the retention of 246m and creation of 214m of ditch. The metric currently indicates that the mandatory 10% net gain will be met on-site for area habitats but will not be achieved on-site for hedgerows or watercourses. The Trading rules for the metric are not satisfied due to the 10% net gain target not being met for hedgerow and watercourse.

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Conclusions and outstanding issues or concerns

The development site is not known to support any nature conservation designations or Habitats of Principal Importance (other than hedgerows). Impacts [REDACTED]ected species are probably low and in most cases can be addressed through appropriate mitigation and [REDACTED]ensation. However, there are several issues / concerns highlighted below.

Species survey and assessment

The PEA has identified that the development could impact great crested newt and states that the applicant intends to apply to join the District Level Licensing Scheme run by Natural England. If this is the case, then **the applicant needs to submit a counter-signed copy of the [REDACTED] Impact Assessment and Conservation Payment Certificate (IACPC) [DLL-ENQ-DERB-00009]**. The IACPC confirms that the proposed development is eligible and suitable for District Level Licensing (DLL) and that the Conservation Payment will suffice to compensate for any impacts of the proposed development on Great Crested Newts.

If DLL is not possible further surveys for great crested newt will be needed this spring and should include the assessment of ponds against the Habitat Suitability Index and eDNA sampling of ponds that have potential to support GCN. This assessment would need to be completed prior to the determination of the application. [REDACTED]

Current proposals retain trees on site but if any trees are subject to pruning or felling further bat assessment will be necessary as per the recommendations in the PEA.

██████████
Hedgerows ██████████

It is not clear from the survey information whether any of the hedgerows that will be impacted by the development are Important Hedgerows under the Hedgerow Regulations Act 1997. Two hedgerows are directly impacted with 20m and 30m lost respectively. In the metric these are described as native hedgerows, and one at least is associated with a ditch. **The LPA is advised to request further information regarding the hedgerows and confirmation of their status in accordance with the Hedgerow Regulations Act 1997.** If there is an impact on an Important Hedgerow under the Regulations the Council will then have an opportunity to consider this in relation to the development proposals and explore ways to avoid or further minimise this impact.

Biodiversity Net Gain

The BNG assessment has concluded that there is a deficit in biodiversity units for hedgerow and watercourse. These units will need to be delivered off-site unless the layout can be re-designed to deliver greater gains. The units required are 0.37 for hedgerow and 0.31 for watercourse. The applicant has two options. Firstly, the layout could be reviewed to try and retain the ditch and / or create additional hedgerow on-site. If further on-site measures are not possible then the units will need to be purchased either locally or further afield and the applicant will need to address this prior to submitting a Biodiversity Gain Plan. The current availability



of these units locally is not known so it is certainly possible that the impacts will have to be addressed outside of the LPA boundary or even outside of the County.

Area habitats - grassland

The BNG assessment and metric calculate a 7.92-unit gain for area-based habitats which represents a 67.72% net gain. This is entirely dependent upon all 2.5 ha of created 'other neutral grassland' achieving moderate condition. The target is a blanket prescription for all areas of grassland on-site post development, and there is a risk the target will not be achieved everywhere due to a range of factors such as proximity to planted trees, amenity / recreational use, management requirements and soil characteristics including high fertility on ex arable land.

These difficulties could result in a lower net gain but probably will not fall short of the required 10%. The biodiversity value of 'other neutral grassland' is very variable and some of these grasslands can be very mediocre. We would therefore wish to see sufficient detail of the grassland creation and management proposals to ensure there is a better outcome for biodiversity. In this respect the applicant should aim to create other neutral grassland with the following characteristics present:

- Create a mosaic, where grassland is interwoven with scrub and perhaps wetland and other habitat types.
- Design with soils and vary the microtopography. In broad terms, flat is dull for wildlife and excessive nutrient topsoil results in a uniform sward dominated by vigorous grasses. Where possible sculpt the land surface. Create a range of aspects, humidity levels, wet sumps and sunny banks.



Leave patches of low nutrient subsoil on the surface or, in places, consider leaving no topsoil at all to promote floral diversity.

- Encourage localised pooling of water – by varying the micro-topography and modifying former land drainage. A rushy mosaic provides small-scale, sward diversity. Bare soil occurs where water lies late in winter, creating niches for ephemeral species, invertebrates, and amphibians.
- Create a patchwork of disturbance – either mechanically using mowers, by using grazing animals or by being clever about how people move about the site and scuff the soil into desire lines. Disturbance prevents tall competitive grasses swamping everything else and ensures the availability of patches of bare earth which creates warm basking places for insects and reptiles.
- Don't banish tall herbs – thistles, meadowweet, tall umbellifers, rosebay willowherb and even ragwort species can offer abundant pollen and nectar throughout the season. Ultimately this draw for insects pays dividends up the food chain.
- Create a sward mosaic – rotational mowing/grazing to create dense, tussocky and short, open swards and everything in between. It is worth remembering that annually cut meadows may be hostile for many wildlife species and thus it is not desirable to cut-and-lift the entire grassland area. Leaving some tall tussocky areas uncut over winter also creates insect hibernation habitat.
- Top-up with green hay – if, after creation, the sward remains resolutely poor in plant species, scarify some of the surface and bring-in some new seed. Preferably using green hay from a nearby priority meadow if it can be obtained or at least seed of local origin.

Conditions and Gain Plan

Notwithstanding the above issues that require further consideration or information if the Council approves the application the following conditions are recommended.

Biodiversity Gain Plan

The statutory framework for biodiversity net gain requires a Biodiversity Gain Plan to be submitted and approved by the planning authority to discharge the mandatory biodiversity gain condition prior to the commencement of development.

Guidance for LPAs regarding Gain Plans can be found here:

<https://www.gov.uk/guidance/biodiversity-net-gain#para25> and the Gain Plan template is

here: <https://www.gov.uk/government/publications/biodiversity-gain-plan>

Habitat Management and Monitoring Plan (HMMP)

A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. If the standard HMMP template is not used, the HMMP checklist shall be consulted to ensure all appropriate information is included. The HMMP shall identify the habitats to be retained, created and / or enhanced on the site over the mandatory 30-year period and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if remedial guidance on producing a HMMP can be found here:



<https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>

Due to the presence of [REDACTED] activity locally and suitable habitat on or immediately adjacent to the site prior to the commencement of development, including preparatory site clearance, a detailed [REDACTED] survey for any recently excavated [REDACTED] setts on the site or within 30 metres of the site boundary shall 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.

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 be produced by an ecologist and 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 species and all retained habitat during construction.
- d) The location and timing of sensitive [REDACTED] 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.

Species Enhancement Plan

Prior to building works commencing at foundation level, a 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:

- x 91 universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022. 50% of the boxes should have larger entrance holes (30mm x 65mm) to accommodate starlings while the remaining 50% should feature smaller holes (28mm x 65mm) designed to favour swifts and smaller species, in line with the British Standard
- integrated bat boxes in 10% of dwellings.
- insect bricks in 30% dwellings
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.
- native tree and shrub planting



- pollinator friendly planting

A statement of good practice including photographs should be submitted to the [REDACTED] planning authority prior to the discharge of this condition, demonstrating that the enhancements have been [REDACTED] and installed in accordance with the above.

Lighting

Prior to the [REDACTED] 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. The Strategy should refer to Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023) and explain how proposals have been designed in compliance with this document. Such approved measures will be implemented in full.

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

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