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**To:** [Phillips, Moya](#)  
**Cc:** [Planning \(HPBC\)](#)  
**Subject:** HPK/2016/0589  
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Morning Moya,

Further to my recent email, Gary Bevan (applicant) has been in contact to discuss this application, which I understand is due for determination shortly. I presume that the contact from the applicant's team was initiated via the planning authority and Derbyshire Wildlife Trust's consultation response dated 21<sup>st</sup> December 2016.

DWT letter which was presented under the terms of the SLA we have with the authority clearly indicated that there were a number of inadequacies with the ecological assessment and the fact that no additional survey had been undertaken. The LPA should have sufficient detail to understand the impacts that the proposal would have on biodiversity and make an informed decision on the current application. In order to provide our comments and facilitate the progression of the application and after a discussion with the applicant, I felt the most pragmatic approach would be to visit the site and inspect the application site. Derbyshire Wildlife Trust would not have the resources and/or capacity to undertake such site visits on each of the 1000 applications per annum we receive from our client planning departments. However, this decision was taken in order to take realistic approach as advised by government guidance, which might avoid the costly and time consuming consequences of the application being presented for determination with insufficient information, as these matters may have been simply been resolved by the submission of an adequate habitat assessment, which would have enabled the Wildlife Trust to advise the planning authority fully in the first instance.

DWT visited the site on 11<sup>th</sup> January 2017 accompanied by the applicant (Gary Bevan) and have the following comments and conditions for the application:

Reptiles and Great Crested Newts:

Known records of grass snake and great crested newts are present in close proximity to the application. As previously discussed *"The ecology report contradicts itself throughout the report with specific regards to great crested newts (GCN). GCN are known to be in the area, the ecology report informs the site is suitable however then states it is not."* There are suitable habitats on site however, two sides are bound by roads (not a significant barrier to dispersal), one side by a brick wall and fence and the other a steep embankment of scrub. Furthermore, due to the small scale size of the plot, the suitable habitat in close proximity to the GCN ponds and records for reptiles, the site is considered to provide a low likelihood to be present. Therefore, it is highly recommended that a precautionary approach is adopted. Where the Local Planning Authority considers it appropriate developers must adhere to the following requirements:

In general:

- I. Work will not be permitted to start on the clearance of the area until temperatures are above 10 degrees C (ideally works to start in May);
- II. The site owner/site manager will ensure that anyone undertaking construction works on the site (including sub-contractors) is made aware of the potential for the site to support reptiles and GCN, where to expect them, their protected status and the procedure (see iii below) to follow in the unlikely event that reptiles and GCN are discovered during works. Where applicable this advice will be given through site inductions, tool box talks or similar. A copy of the Precautionary Method of Working will be kept on site and available for inspection at all times.
- III. Should reptiles and/or GCN be discovered during construction, which are likely to be effected

by the development, works will cease immediately. The owner/ site manager will then seek the advice of a suitably qualified and experienced ecologist and works will only proceed in accordance with the advice they provide.

- o Any reptiles found during the hand searching exercise will either be left to move away of their own accord. The contractors should not pick up reptiles - please note slow worms and common lizards must not be held as their tail may shed in order to escape;

Within the development's construction zone the following methods of working will be adopted:

- IV. All clearance works will be undertaken when reptiles and GCN are likely to be fully active i.e. during the April to September period.
- V. Clearance of stones, rocks or piles of similar debris will be undertaken carefully and by hand.
- VI. Clearance of tall vegetation should be undertaken using a strimmer or brush cutter with all cuttings raked and removed the same day. Cutting will only be undertaken in a phased way which may either include:
  - o Cutting vegetation to a height of no less than 30mm, clearing no more than one third of the site in anyone day or;
  - o Cutting vegetation over three consecutive days to a height of no less than 150mm at the first cut, 75mm at the second cut and 30mm at the third cut;
- VII. Following removal of tall vegetation using the methods outlined in vi) remaining vegetation will be maintained at a height of 30mm through regular mowing or strimming to discourage reptiles and GCN from returning.
- VIII. Ground clearance of any remaining low vegetation (if required) and any ground works will only be undertaken following the works in vi) above.
- IX. Any trenches left overnight will be covered or provided with ramps to prevent reptiles, GCN and mammals from becoming trapped.
- X. Any building materials such as bricks, stone etc. will be stored on pallets to discourage reptiles and GCN from using them as shelter. Materials will be stored in skips or similar containers rather than in piles on ground.
- XI. Vegetation cutting starts from the south to north, starting centrally will push reptiles onto the road.
- XII. Further information about reptiles and GCN and development including their ecological requirements, protection and the planning development system can be found at [www.naturalengland.org.uk](http://www.naturalengland.org.uk).

It is understood that the stone present within the site, will be removed and used to restore the southern boundary wall, which is welcomed.

It is possible that hedgehogs could use the scattered and dense scrub areas as well as piles of debris to shelter and hibernate. Any hedgehogs encountered during the search for reptiles and GCN would be protected from harm. When scrub and debris clearance is undertaken as detailed above, so any hedgehogs encountered would be protected.

**A condition to this effect should be applied to any approval if granted.**

#### Birds

Due to the reptile and GCN precautionary method of works (as above) clashes with the breeding bird season; it is recommended that the Ecology Clerk of Works or Biodiversity Champion (Site Manager) is to check all bird nesting habitats and verify that no nests are present. If a bird nest is identified, a buffer zone will be established around the nest (buffer distance to be determined based on site conditions). No works will be permitted within this buffer zone until all young have fledged.

## Bats

The proposed plan illustrate trees present on site, however, from DWT site visit, the 'trees' are elder shrubs and do not offer any suitability for roosting bats. Due to the potential of the sites suitability for bats, sensitive lighting across the site will be required. We would therefore recommend that a **condition** to secure the following is attached to any consent: *"No development shall commence until a detailed lighting strategy has been submitted to and approved in writing by the LPA. Such approved measures will be implanted in full"*.

## Habitats

The site was previously buildings and hardstanding and opportunistic grasses, tall ruderal vegetation and scattered scrub have dominated the site. all plant species surveyed were considered to be common and present in the wider area. No further consideration to the grassland and further assessment are required.

The proposed plan illustrates seven trees proposed, the landscape planting should include commonly occurring locally species such as hornbeam, as well as horse chestnut and oak could be used. Other species such as silver birch, rowan and whitebeam would make attractive additions to the site. In particular rowan will provide a valuable source of berries late into the winter months and provide an important food source for native and migratory bird species. Ash and elm should currently be avoided due to the prevalence of 'Ash die-back' and 'Dutch elm disease', as stocks of these species cannot be guaranteed to be free from these afflictions.

It is recommended that the application can proceed without the requirement of further surveys as long as the above precautionary approaches and conditions discussed above are implemented, if planning permission is granted.

Kind Regards

**Ceridwyn Adkins**

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