

Chris Whitmore
Planning Manager (Development Control)
Bolsover District Council
The Arc
High Street
Clowne
Derbyshire
S43 4JY

For the attention of James Stannard

Your Ref: HPK/2025/0123

Our ref: DWTHPK787

30th May 2025

Dear James,

Proposal: Redevelopment of site to create 4 new dwellings, provision of new garage for existing bungalow, relocation of highway access and realignment of internal access road, together with associated works.

Location: Rookery Farm Chapel Road, Whaley Bridge

Application Ref No.: HPK/2025/0123

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 Bolsover 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.

Response



I have checked the biodiversity datasets held by DWT and reviewed the following documents:

- Ecological Appraisal (Baker Consultants, November 2024)
- Biodiversity Metric (Baker Consultants, December 2024)

The application is accompanied by up-to-date ecological assessments undertaken in accordance with best practice. Both habitat and species assessments are presented in the EA. The site does not have any statutory or non-statutory nature conservation designations. EA has identified that the site supports a range of habitats of low to medium distinctiveness. The most significant habitats from a wildlife perspective are trees, native hedgerow and other neutral grassland and to a lesser extent the tall herb and bramble scrub.

Biodiversity Metric assessment

The biodiversity metric calculation has recorded a baseline of 3.34 habitats units, 0.79 hedgerows units and 0.18 watercourse units. There are no irreplaceable habitats and no habitats of high or very high distinctiveness present. The trading rules are not satisfied due to a net loss of biodiversity including medium distinctiveness habitats. Current proposals for the retention, creation and enhancement of habitats and watercourse on site post development are insufficient to provide a 10% net gain. There is a 10% net gain in hedgerow units.

There is currently a requirement for an additional 1.33 habitat units which should include 1.2 medium distinctiveness units and 0.08 watercourse units. The EA does not provide any further details about the strategy or approach to addressing the net loss in biodiversity.

Species

Bats

An assessment of the trees and buildings and two emergence surveys for bats were completed as part of the EA. No bat roosts have been identified on-site, but bats are foraging within and adjacent to the site.

Swallow

It is important that mitigation is provided for swallows, which were nesting in the outbuildings (TN10). These birds are migratory and will return to the same nest site each summer from sub-Saharan Africa. A concerted effort should be made to provide alternative opportunities on site, and this should be considered at an early stage as these birds require nesting opportunity within open-

fronted structures. Consideration should be given to whether a log store, lean-to or similar could be added to the existing bungalow or its garage to provide a suitable structure for this species.

Other species

There is a minor risk to hedgehog and reptiles due to their presence in the wider countryside. Precautionary methods of working are advisable and can be secured as part of a CEMP should the application be approved.

Impacts on invertebrates are likely due to the range of habitats on-site, however, given the type of habitat and the size of the site these impacts are probably local only and there are no records of any rare or protected invertebrates within or immediately adjacent to the site. A full invertebrate survey would be disproportionate for a site like this and is therefore not considered necessary. .

None of the plants recorded during the EA have any conservation status.

Outstanding matters

The development results in a net loss of biodiversity and will require one of the following:

- Additional retention of on-site habitats
- Additional habitat creation or enhancement on-site
- Off-site habitat creation and / or enhancement – either on land owned by the applicant or a third party. It is likely that the required habitat and watercourse units will need to be purchased from a local or national habitat bank provider. The ‘other neutral grassland’ habitat units should be relatively easy to purchase, but watercourse units are more difficult to find locally.

It would be advisable for the Council to request further details of the approach the applicant intends to pursue and whether they have investigated the availability of biodiversity units locally.

Appropriate assessment

The EA has highlighted that the site lies approximately 3.1km from Peak District Moors (South Pennine Moors Phase 1) SPA/SAC. The EA states under section 5.5.6 that the LPA *need to consider the need for Appropriate Assessment as part of the planning process. This is an impact assessment procedure carried out specifically for these internationally designated sites. As the first*

stage in this process, the local planning authority will need to determine whether there will be a 'Likely Significant Effect' on the SAC and SPA.

The Council should consider whether the development requires an appropriate assessment. Clearly other developments have been granted permission in this area in recent years, so the Council probably has a position on this issue already. A significant effect is defined as one that could undermine the conservation objectives of a European site. This means a project could negatively impact the site's ecological functioning either individually or cumulatively with other developments in the area.

On balance this is a relatively small development of just 4 dwellings, and it is 3 km from the edge of the SAC/SPA, so any significant effect is only likely if there is a cumulative impact from this development and others in the area.

Conclusions

The proposed development impacts on habitats of value locally including a native hedgerow (Habitat of Principal Importance) and areas of species rich grassland classified as other neutral grassland. The loss of hedgerow is addressed within the proposed habitat creation measures on-site and should in time result in a gain in terms of the length of hedgerow present. This proposal is an acceptable way to address the hedgerow loss.

The development will also impact on moderately species rich grassland (other neutral grassland), bramble scrub and trees and the proposed on-site measures are insufficient to fully address these losses. Consequently, there will need to be off-site compensation to fully address this loss. It is unclear how the applicant intends to meet the off-site requirement and, in most cases, a S106 or other legal agreement will be required to secure this. There may also be scope for units to be purchased from a registered habitat bank somewhere nearby.

The Council is advised to request further details of how the applicant intends to deliver a 10% net gain with supporting details for purchase of habitat and watercourse units. Once there is clarification around the likely approach the need for a legal agreement to secure this can be determined.

The Council should also take note of the comments in the EA requiring the possible need for an appropriate assessment in relation to the nearby Special Area of Conservation/Special Protection Area.

If the above issues can be resolved and the application is subsequently approved a Biodiversity Gain Plan will be required together with conditions including a Construction Environmental Management Plan, Ecological Management Plan, Species Enhancement including compensatory nest site for swallows and a wildlife friendly lighting strategy. We can provide full details in due course.

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 MCIEEM
Head of Biodiversity Planning