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**17/06/2020**

**Laura Gardner**  
**Technical Support Business Unit**  
**Castle House**  
**Great North Road**  
**Newark Nottinghamshire**  
**NG24 1BY**

**Application Reference:** 20/00873/FULM

**Site Address:** Field Reference Number 7108 Eakring Road Bilsthorpe Nottinghamshire

**Proposal:** Residential development of 103 dwellings and associated access and infrastructure

**Dear Laura,**

Thank you for consulting the Wildlife Trust on the above application. We have reviewed all the necessary documents, including but not limited to the Ecology Appraisal by FPCR (May 2020).

## **Response**

### **Bats**

The ecology report was undertaken by FPCR in October 2019 which as it states in the report, is outside the optimal survey period (April-September). Notwithstanding, a suite of bat surveys including a Ground-Based Tree Assessment, a Transect survey and a Static (Passive) Monitoring survey were undertaken to assess the importance of the site to bats. The ecologist found that the site was utilized by a wide number of foraging and commuting bats from recordings made in the static bat detector survey, especially along the eastern boundary bordering Bilsthorpe Colliery Local Wildlife Site (LWS).

However the survey mentions that the high level of registrations from the static bat detector surveys 'does not necessarily correspond to the number of bats, and could be accounted for by a smaller number of bats using the area for a sustained period instead'. Regardless of whether there was a high number of bats or a smaller number of bats using the area for a sustained period, the area is evidently of high value to the local bat community and acts as a wildlife corridor connecting the site to Bilsthorpe Colliery LWS (as demonstrated in the bat flight paths, figure 4 of the ecology report). It can also be assumed that were the surveys undertaken in the optimal period, bats recordings would likely have been substantially higher.

It is worth reminding the client that the National Planning Policy Framework (NPPF, 2019) paragraph 174 states that plans should:

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- A) 'Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- B) 'Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.'

Unfortunately, the conclusions made in the report 'considered that the loss of predominantly sub-optimal foraging habitat resulting from the proposals will have a negligible impact upon foraging and commuting bats and their loss is not considered to be significant'. This is in contrast to the bat survey findings by AES Limited in 2017, which was undertaken in the optimal survey season period. AES Limited identified that the residential properties in close proximity to the woodland edge could have an impact on foraging and commuting bats. They concluded that the woodland edge has the potential to provide foraging habitat and flyways for local bats and any additional lighting of the woodland edges and hedgerows could impact on foraging patterns or commuting routes of local bats.

Therefore, the trust disagrees with the findings from FPCR as it is evident that the site does in fact support suitable and furthermore *important* habitats for foraging and commuting bats. We therefore would like to ensure the eastern boundary of the site should be protected from the impacts of the development to ensure valuable ecological networks are maintained. We would also like to reemphasize the recommendations made by the ecologist in **paragraph 4.26-4.30** (page 18), in particular the good practice measures with regards to lighting.

Prior to commencement of development, a detailed scheme for these recommendations should be submitted to and approved in writing by the local planning authority.

## **Birds**

A number of birds were recorded using the site during the survey and the habitats within the site and immediately adjacent provide suitable breeding bird habitat for a range of 'common and widespread urban and suburban bird species (page 18).' We have concerns regarding this statement as the survey was undertaken outside of the optimal survey season and therefore the findings of 'common and urban' birds may not be representative of the site's potential importance to breeding birds.

Suitable habitat such as hedgerow, trees, and scrub was identified to provide nesting opportunities however the ecologist concludes that 'any breeding bird assemblage present on-site would be considered to be of low importance in the context of the wider environment'. We strongly disagree with this statement and we would like to draw attention to the fact that in the context of the Public

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Inquiry into Veolia's application for planning permission for an Energy Recovery Facility at Rufford, an issue has arisen as to whether the substantial population of **nightjar** and **woodlark in the Sherwood Forest area** justify its classification as a Special Protection Area ("SPA") under the EU Birds Directive, or at least its identification as a potential SPA ("pSPA"). If Sherwood is to be treated as a pSPA, then it is Government policy (in PPS9 paragraph 6) that the potential site should be treated as if it had already been classified. This would have the result, in the case of applications in the vicinity of the pSPA, that the provisions of the Conservation of Habitats and Species Regulations 2010 (formerly the Conservation (Natural Habitats etc) Regulations 1994) would have to be applied. Therefore there is a **5km buffer zone** around the combined Indicative Core Area and proposed International Bird Area, as agreed by Natural England, within which we believe the possible adverse effects of any development should be properly considered. The application that is the subject of this consultation response falls within that area.

Taking the above pSPA into consideration and as the development will result in a loss of grassland, scrub and tall ruderal habitat (potential breeding bird habitat), we recommend that a breeding bird survey, specifically including nightjar and woodlark, is undertaken in the optimal breeding bird season/s. In this survey, bird species and their behaviour are mapped and an assessment is made of the significance of the species present and an estimate of the number of breeding territories. This information can be used to design works to avoid or reduce adverse impacts on breeding birds and to mitigate for any loss of habitat.

### **Hedgehogs**

Hedgehogs are protected by law under Schedule 6 of the Wildlife and Countryside Act 1981, making it illegal to kill or capture them and they're listed as a Species of Principle Importance in England under the Natural Environment and Rural Communities (NERC) Act 2006 Section 41. They have seen repaid declines recently which is mainly due to habitat loss. Therefore, we fully support the recommendations made by the ecologist on page 14 (paragraph 4.35-4.38), and would like to reiterate that:

- Holes (13cm by 13cm) should be made in garden fences to allow for hedgehog passage
- Using hedgerows for plot boundaries to allow for hedgehog passage.

### **Habitats**

Hedgerow (H1) is identified as being "Important" under the hedgerow regulations (1997), we are therefore concerned about the proposed loss of hedgerow to create an access point. It is stated that this is to be mitigated by filling in existing gaps with native species, however, we would suggest that in addition, any loss of hedgerow is compensated for in an additional hedgerow, which should be created within the site consisting of native species and ideally of local provenance.

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Due to the close proximity to Bilsthorpe Colliery Local Wildlife Site, the likelihood of individual small mammals present on site (such as hedgehogs or badgers) is high and should be safeguarded. Furthermore, as site clearance has the potential to impact on hedgerows, scrub or woodland edges which are to be retained, the Trust would like to advise the following precautionary working practices should be in place during construction. The following recommendations should be included in a Construction Environmental Management Plan (CEMP).

1. Any pipes over 200mm in diameter should be capped off at night to prevent animals such as badgers entering.
2. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals, such as badgers.
3. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal.
4. During building work, root protection zones should be established around retained trees/hedgerows (as suggested by the ecologist) so that storage and movement of materials and vehicles are not carried out within these zones.

### **Biodiversity Net Gain (BNG)**

Paragraph 175 of the National Planning Policy Framework (NPPF, 2019) states that when determining planning applications, local planning authorities should apply the following principles:

1. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
2. Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

With this in mind, we would expect a demonstrated BNG, which should also be achieved in the development as a whole. Please follow the advice at <http://cieem.net/resource/biodiversity-net-gain-good-practice-principles-for-development/> for further information.

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We advise that, prior to commencement of development, a detailed scheme for all the above-mentioned ecological mitigations, compensations and enhancements based upon the FPCR survey May 2020 shall be submitted to and approved in writing by the local planning authority.

As it stands, given the concerns raised and without further information provided, we cannot support this planning application. It does not demonstrate a BNG and could severely impact upon protected wildlife species and priority habitats on or surrounding the site.

We look forward to reviewing further information please do not hesitate to contact me if you require further information.

Kind regards,

Lizzie

Elizabeth Cope BSc (Hons) GradCIEEM

Conservation Assistant

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***President***

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