

Davidsons Developments Ltd
Willson House
Leicester Road
Leicester
LE67 6HP

Our ref: BG22.140
Date: 3rd September 2024

Re: Ecological Constraints and opportunities plan to Discharge of Condition 5 of Outline planning application (Ref: 22/01227/OUT), allowed under appeal (APP/K2420/W/23/3320601), for residential dwellings of up to 120 dwellings, all matters reserved, except for access at the site known as Land at Ashfield Farm, Kirkby Road, Desford LE9 9JF

Brindle and Green were commissioned by Davidsons Developments Ltd to prepare an Ecological Constraints and Opportunities Plan (ECOP) for the approved planning application 22/01227/OUT). The Ecological Constraints and Opportunities Plan (ECOP) is required to discharge Condition 5 of the approved planning application which states:

With or before the submission of Reserved Matters an Ecological Constraints and Opportunities Plan (ECOP) shall be submitted to and approved in writing by the local planning authority. The ECOP should identify the following, in accordance with BS 42020:2013 Clause 5.4:

- *Areas and features including appropriate buffer areas that, by virtue of their importance, should be retained and avoided by both construction activities and the overall footprint of the development.*
- *Areas and features where opportunities exist to undertake necessary mitigation and compensation.*
- *Areas and features with potential for biodiversity enhancement, in line with the submitted Defra metric.*
- *Areas where ongoing ecological management is required to prevent deterioration in condition during construction/implementation.*
- *Areas needing protection on site and/or in adjacent areas (e.g. from physical damage on site or pollution downstream) during the construction process.*
- *Areas where biosecurity measures are necessary to manage the risk of spreading pathogens or non-native invasive species. The development hereby permitted shall be carried out in accordance with the approved details and in accordance with any approved timeframes.*

Ecological Constraints to the proposed development

Habitats

The application site is dominated by low value arable land, with five species poor native hedgerow within and along the site boundaries, and a wildlife pond within the northeast corner. The hedgerows and wildlife pond are of higher ecological value and will be retained and enhanced as part of the scheme as indicated in the ECOP (Appendix 1). Hedgerow 1 is indicated for removal as part of the proposed works therefore works will need to be timed to avoid the nesting bird season, and appropriate compensation proposed to offset the loss of hedgerow units.

Protected species

The Ecological Impact Assessment (Brindle and Green, November 2022) highlights the following potential constraints to the working schedule and the proposed layout. It is recommended that to safeguard protected species a series of Precautionary working Methods are adhered to as outlined within Chapter 7 of the report, and reiterated below

- Small population of grass snake recorded to the northwest corner of the redline boundary. Boundary habitat retention and enhancement has been proposed to safeguard herptiles within the immediate area.
- Due to the arable nature of the site breeding birds have been flagged as potential constraints to the work program, however habitats will be provided to compensate loss as part of the proposed scheme.

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- Although no Badger setts were found within the red line boundary and the 30metre zone of influence, it was concluded that Badger are active in the area and would be foraging and commuting within and around the site and could potentially start sett building activities within the red line boundary.

Mitigation and Compensation

The following mitigation and compensation measures will be implemented during site clearance and construction within the area of impact (core developable area). Where buffer zones and areas of habitat are set for retention and enhancement, or as receptor areas these will be appropriately fenced and sign posted as indicated with in the ECOP (Appendix 1)

The following precautionary working methods will be followed when working within the application site (ECIA, Brindle and Green, November 2022):

Mammals (Badger, Brown Hare, and Hedgehogs):

- A Pre-works walkover will be undertaken prior to site clearance to ensure that badgers have not created active setts within the zone of influence.
- Any artificial refugia that could be used by small mammals will be dismantled by hand prior to site clearance.
- During works, any open excavations within the site will be covered overnight to prevent animals from falling in. However, if left open overnight, ramps or wooden planks will be installed at a degree no steeper than 45 degrees, to prevent animals becoming trapped. All excavations left overnight will be inspected each morning to ensure no Badger or other small mammals have become trapped overnight. Should a Badger become trapped in a trench it will likely attempt to dig itself into the side of the trench, forming a temporary sett. Should a trapped Badger be encountered, works should cease, and a suitably qualified ecologist should be contacted for further advice.
- Temporarily exposed open pipes (>150mm outside diameter) will be blanked off at the end of each working day so as to prevent Badger and other small mammals from entering.
- If the storage of any chemicals is required, they should be contained in such a way that they cannot be accessed or knocked over by any foraging and/or commuting Badger.
- Night-time work will be avoided, where possible, to avoid the impacts of noise and lighting during the periods that mammals are active.
- If any potential Badger setts are found within the immediate area of the proposals by the site staff, works will cease, and the project ecologist should be contacted for further advice.

Herptiles:

- An artificial refugia such as a hibernaculum will be constructed within the northwest corner of the site. The boundary habitat within this area and the existing pond will provide a receptor area for herptiles uncovered during site clearance.
- Any artificial or natural refugia that could be used by herptiles will be dismantled by hand prior to site clearance. Any herptiles found during the dismantling should be removed by hand from the site, or allowed to disperse of their own accord, to a safe area outside of the working area.
- Clearance of vegetation, within the site will be completed in stages, using directional cutting / strimming techniques whereby the vegetation is cut moving in a set direction (East to west) allowing individuals to disperse naturally to the boundary and wider landscape or receptor areas. The vegetation clearance will be undertaken in two stages with the first stage cut down to 150mm. The vegetation will then be inspected by an ecologist then cut down to ground level and stripped.
- Cleared vegetation should be removed from site by the end of the working day or stored off the ground within a skip for example. Similarly, materials that could provide suitable refugia such as wood, bricks, or stones,

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should be stored above ground on pallets or on hard standing during the construction works phase of the development.

- If existing short vegetation remains on site and is not stripped, it should be frequently mown prior to and during the period of construction to prevent cover from developing, which could become suitable for reptiles.
- If herptiles are encountered during the pre-commencement checks and site clearance, they should be moved by a suitably trained ecologist into the receptor area away from danger or allowed to disperse of their own accord.

Nesting birds

Where possible vegetation clearance will be undertaken outside of the active breeding season for birds (September/October – February inclusive). If vegetation clearance is to be undertaken during the active season (March to September inclusive) a visual inspection for nesting birds will be conducted by a suitably qualified ecologist prior to the removals of any trees, hedgerow sections, arable habitat and scrub, if vegetation clearance works are carried out during the main nesting season (generally March to August inclusive). If nesting birds are noted during these inspections, then recommendations for further actions and a suitable buffer will be provided by the ecologist to safeguard individuals and allow them to fledge prior to habitat removal.

Habitats

The provision of a 20-metre undeveloped buffer zone along the western boundary provides an environmental protection zone preventing soil run off and leaching during and post construction. In addition, the proposed buffer zone provides an area for post construction enhancements to improve the retained habitat onsite for protected species and offers adequate protection from soil run off and leaching during and post construction.

The Scheme seeks to retain and protect the majority of hedgerows, trees and the pond which provides opportunities for enhancement noted below. The arable habitat and hedgerow 1 will be lost to facilitate the development, however with a substantial area of grassland created in the 20-metre buffer to the west of the site and proposed enhancements to retained hedgerows the scheme achieves a netgain of 25.82% habitat units and 22.12% hedgerow units as a result of the scheme (Appendix 2). The entire excel Biodiversity Metric 3.1 has been submitted in support of this document (BG22.140.2 Kirkby Road, Desford Biodiversity Metric 3.1 – FINAL).

Ecological Opportunities and Enhancements

Habitats

Hedgerows (H2, H3, H4, and H5) along the site boundary will be retained by the proposals and will undergo continued management to maintain their condition. Hedgerows 3 and 4 present opportunities for enhancement from moderate to good condition through creation of species rich grassland within the ecological buffer areas which will improve the understorey, to pass condition criteria C1 and C2.

The creation of Other Neutral Grassland onsite will result in a suitable buffer from the footprint of the development (Appendix 1). The establishment of this buffer will provide continued ecological connectivity to the periphery of the site for protected species. To prevent degradation of this habitat it will be appropriately fenced from public access and appropriate signage put in place. Areas of lower value grassland will remain accessible to the public to encourage them into these areas rather than the meadow grassland areas.

Proposed tree planting should be of native fruit, flower and nut bearing species where possible within the open space associated with the scheme to provide ecological benefit for protected species through provision of nesting habitat for birds as well as foraging resources for birds, bats, invertebrates and mammal species of principal importance.

The retained pond was assessed to hold 'moderate' condition. It was noted to be dry towards the end of the amphibian breeding season, and did not hold a suitable assemblage of aquatic vegetation and was partially shaded. It is proposed the pond is managed to hold water, and aquatic vegetation with bankside management to improve the wildlife feature on site.

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Protected Species*Herptiles*

A hibernaculum measuring 2m x 2m x 1m will be constructed to support herptiles within the northwest corner of the site. The hibernacula consists of an excavated hollow infilled with materials differing sized logs, and brash to provide cover for overwintering herptiles. Small drainage pipes can be placed around the edges of the hollow that lead from the surface into voids and spaces, however these can also be naturally created. The hollow is then covered over with loose turfs of soil and allowed either seeded or turfed to creating a vegetated mound.

Bats and Birds

It is recommended that habitat 001 (or similar approved) integrated bat boxes will be integrated into the external walls of 10% of the proposed dwellings, on a south/south-western elevation at a height of at least 5m close to the eaves of the property avoiding artificial light sources.

During the construction phase five 1SP Schwegler Sparrow Terraces, five Vivara Pro Woodstone Starling nest boxes and five No. 17A Triple Cavity swift boxes (or similar approved) will be integrated into north or north-easterly elevations of the new residential units across the site. Four x 1B Schwegler bird boxes in the following sizes: 2 x 26mm Hole, 2 x 32mm Hole, will also be positioned on suitable trees along the western boundary with entrance holes directed towards the north and east to avoid strong sunlight and driving rain.

The Bird boxes should be positioned at a height of between 3 and 5 metres with an unobstructed flight line to and from the boxes during the Autumn (Please note swift boxes need to be installed as close to the eaves and as high as possible on the building for best chances of uptake). Integrated bat and bird boxes will be blocked until construction is finished and then opened following completion to prevent disturbance during the breeding season.

Small mammals (Hedgehogs)

Provision will be made to enable the continued movement of hedgehogs and other small mammals across the site through the inclusion of "Hedgehog highways". Garden fences will feature small 15cm by 15cm gaps at the base of fence panels / gravel boards to allow for natural dispersal through the built landscape.

Biosecurity

The buffer zones to protect retained habitats will be fenced with appropriate signage to prevent access and storage of materials and machinery to prevent contamination within nearby watercourses and adjacent habitats.

There were no nonnative invasive species recorded on site, therefore no measures are outlined for prevention of spread of these species.

The following control measures to be implemented throughout the construction phase for relevant activities where dust or silt could impact adjacent habitats.

All aspects of works will be conducted in such a manner to minimise the generation and spread of dust and silt into the surrounding area, including the following:

- Stockpiles of materials will be kept away from the site entrance, buffer zones and boundaries
- Airborne dust will be kept to a minimum by the regular use of water spray systems in prolonged periods of dry weather, and when processes will create dust
- All loads entering and leaving site, as well as skips stored on site, will be securely covered
- Delivery of materials to site will be programmed to minimise the time stockpiles are kept on site,
- Plant and wheel washing will only be carried out in a designated area at least 15 metres from any watercourse, surface drain or potential pollution pathway. This will be constructed on an impermeable base with a collecting sump to prevent spreading of dust and spoil onto the surrounding roads,
- The wheels of all vehicles will be checked on leaving the site, and if necessary will be cleaned by jet wash within the

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designated washing area,

- Silt fencing or temporary drainage channels will be used to block or divert runoff from stockpiles of materials, and
- Notices will be erected to stipulate that the above measures are adhered to

Any potential contaminants (fuel, oils and chemicals) used during construction will be stored in designated compounds on an impermeable surface, at least 15m from any watercourse, pond or drainage feature. These will be securely locked away when not in use. Appropriate measures to prevent the spillage of chemicals onto ground, and into nearby watercourses will be implemented, including;

- The storage of several spill kits and, potentially, the usage of earth bunds surrounding the designated refuelling/chemical handling site. A detailed pollution/spill response plan will be kept within the site office. Spill kit must be kept with sand, earth or commercial products for the containment of fuel and other material spillages on site. All staff will receive appropriate training in the use of these kits and are to be made aware of where the kit is stored.
- In the event of a spillage of oils or chemicals resulting in contamination of water courses or damage to habitats, the following procedure will be adopted:

I trust the above details and attached plan are sufficient to discharge Condition 5 in relation to this development.

Should you require any further information, please feel free to contact Brindle and Green Ltd. using the contact details at the top of this letter.

Yours sincerely,



Kerry Baker
Senior Ecologist
For and on Behalf of Brindle & Green Limited

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Appendix 1 – Constraints and Opportunities Plan



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