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6 November 2024

Re: 22/02375/FULM | Demolition of existing cottage. Residential development of 142 new dwellings and creation of new accesses. | Land Adjacent Hayside Cottage Lowfield Lane Balderton

Dear Simon,

You have consulted Nottinghamshire Wildlife Trust on the planning application highlighted above. Our comments below are to be read in conjunction with previous responses to this development proposal.

Since our previous response, additional ecological information has been submitted. We have assessed the document below and our comments follow:

- Weddles response to NSC Biodiversity and Ecology Lead Officer comments (Weddles 19 October 2024)
- NSDC Biodiversity and Ecology Lead Officer Comments, 30 October 2024.

### **Response**

The proposed development is for the construction of 142 new dwellings, formally, 151 new dwellings were proposed. Despite this, it is anticipated that the proposed development will still result in **a loss of 3.8ha (other neutral grassland) 1.5ha (mixed scrub) 0.2ha (woodland)**.

### **Field B**

The reduction in dwellings has allowed Field B to be removed from the development footprint. That is a positive step. The MG4 grassland community within this field is very rare in Nottinghamshire and England, and any MG4 grassland greater than 0.1ha fulfils Criterion 7 of the Local Wildlife Site Criteria guidelines for designating grasslands. This grassland is a Habitat of Principal Importance under the provisions of the NERC Act. We support the intention not to allow people access the field to ensure that the important habitat is conserved. However, it is possible that people will access the site for recreation to the detriment of the meadow. We therefore agree with comments made by N. Law, Lead Ecologist at N&SDC, that the strategy of restricting

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access should be assessed via reviews of the Landscape and Environmental Management Plan (LEMP) or Biodiversity Management Plan (BMP).

### **Field E**

Weddles response to N&SDC Biodiversity and Ecology Lead Officer comments states *'Field E supports an MG9 grassland community which are relatively common on permanently moist, gleyed and periodically inundated neutral soils, which in isolation does not qualify for LWS status, but the presence of 12 indicator species may be considered as such'*. Ten of the twelve indicator species were only rarely present within the field, and the botanical survey had identified a specific National Vegetation Classification (NVC) community (MG9b) that was not a LWS qualifying feature within the selection criteria. Despite this, Field E does appear to meet the LWS selection criteria due to twelve indicator species being present but wasn't assessed as such within the EclA.

The debate whether Field E meets the selection criteria to be a Local Wildlife Site aside, it has been assigned to an MG9b community that is considered by N&SDCs Lead Ecologist to be a type that the Nottinghamshire Local Biodiversity Action Plan (LBAP) Habitat Action Plan for unimproved neutral grassland would target for restoration. NWT would, therefore, prefer that Field E is retained within the development and actively restored through appropriate management. However, if that is not considered possible then due to the NVC community present we would expect to see a detailed mitigation/compensation scheme provided by the applicant. Weddles has stated that the botanically diverse areas of Field E will be used as a donor site for a translocation scheme to an area along the southern boundary of the site. We find this strategy to be acceptable, but the receptor areas are smaller in size than the donor area and so if other locations within the site cannot be found then offsite areas will need to be identified. We would expect to see greater detail submitted on how offsite compensatory habitats would be created, enhanced, managed and monitored to ensure that appropriate habitat creation is delivered.

### **Native Hedgerows**

Fifteen hedgerows were recorded within the site, located along all the site boundaries and internally separating the grassland fields. Each of the hedgerows has not been subjected to ongoing management and in recent years have developed into large, structurally varied habitats. Each hedgerow within the site is a Habitat of Principal Importance and under the provisions of the NERC Act. Each of the hedgerows were subjected to a dedicated Hedgerow Appraisal in June 2022 resulting in a single hedgerow (H7) being assessed as ecologically 'Important' under the Hedgerow Regulations 1997 due to the number of species. The EclA considered that all hedgerows are of **County Level importance**.

We note that the intention by the applicant is to incorporate the hedgerows within the new development wherever possible. However, some loss will occur to allow access routes through the development. The masterplan indicates that

some sections of hedgerow will form the boundaries of gardens. It is proposed that those sections of retained hedgerow will be separated from adjacent gardens by a 2m high wooden close boarded fence. We believe that there is a real risk that fences, and associated sections of hedgerow will be removed to extend garden plots. The EclA states that the ecological condition of all the hedgerows within the application site will be enhanced, and this will be achieved via a sympathetic cutting regime. We do not think that that will be possible for those lengths bordering gardens. In addition, there are sections of retained hedgerow which are proposed to have swales adjacent to them that will make managing the hedgerows difficult. Our concern is that many sections of hedgerow will not be managed properly and that post development further losses are likely.

### **Net Gains for Biodiversity**

The planning application was submitted prior to Biodiversity Net Gain (BNG) becoming mandatory and the requirement for a minimum 10%. However, the National Planning Policy Framework (NPPF) is clear about *securing measurable net gains for biodiversity*.

Section 179 states: *To protect and enhance biodiversity and geodiversity, plans should:*

- a) *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**.*

We consider the best way to achieve “measurable net gains for biodiversity” is to use the Biodiversity Metric so that biodiversity value is measured in standardised biodiversity units.

<https://www.gov.uk/government/collections/biodiversity-net-gain>

Compensatory habitat should be ecologically equivalent in type, amount and condition. It is proposed that created/enhanced habitats will be subject to 20 years of management. We believe that period is insufficient and that an appropriate period of management should be 30 years, in line with BNG guidelines. Compensatory habitats are proposed to be located within the “Newark urban area”. We question that strategy given that the habitats to be lost will impact on species strongly associated with rural habitats such as Linnet, a red-listed bird of conservation concern that is unlikely to occur in urban locations. Net gain should be achieved locally to the development while contributing towards nature conservation priorities at local, regional and national levels. The report states “*It is acknowledged that due to planning consents granted / designated allocations within the immediately surrounding local area, it is not possible to deliver a compensatory package within sites adjacent to the application area.*” We believe that

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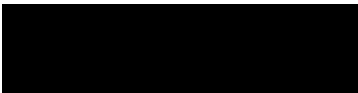
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there are opportunities to achieve a net gain in biodiversity within the local area. NWT is in contact with a LWS owner who would appreciate support to manage three LWS in their ownership and there is a local farmer who may be amenable to habitat creation on land that is too wet for commercial farming.

### ***Concluding Comments***

Field E would seem to meet Local Wildlife Site criteria for the number of indicator species but not necessarily NVC type. We agree with N&SDCs Lead Ecologist that it is a habitat type that the Nottinghamshire Local Biodiversity Action Plan (LBAP) Habitat Action Plan for unimproved neutral grassland would target for restoration. This should be taken into consideration by the LPA. Ideally, Field E would be retained in-situ and restored through appropriate management. However, if that is not considered possible, we accept that translocation of botanically diverse turves would be a satisfactory alternative strategy. We would expect to see greater detail provided by the applicant on the translocation process and how offsite compensatory habitat would be created, enhanced, managed and monitored to ensure that the appropriate type and amount of habitat creation is delivered. Likewise, BNG compensatory habitat should be ecologically equivalent in type, amount and condition and local to the development site. Created/enhanced habitats should be subject to 30 years management, in line with BNG guidelines. Until these details are provided, we are unable to remove our objection.

Yours sincerely,



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