

From: [Mitchell, Don \(Environmental Services\)](#)
To: [ES Planning Control \(Environmental Services\)](#)
Subject: FW: Town and Country Planning (Environmental Impact Assessment) Regulation 2011: Request for a Scoping Opinion. Proposed: Request for Formal Scoping Opinion, Hill top Farm, Clay Cross
Date: 29 February 2012 17:02:49
Attachments: [PlanCon269 request for scoping opinion Hill Top Farm Clay Cross.doc](#)

From: Trevor Taylor [mailto:TTaylor@derbyshirewt.co.uk]
Sent: 28 February 2012 11:19
To: Mitchell, Don (Environmental Services)
Subject: Town and Country Planning (Environmental Impact Assessment) Regulation 2011: Request for a Scoping Opinion. Proposed: Request for Formal Scoping Opinion, Hill top Farm, Clay Cross

Don,

Town and Country Planning (Environmental Impact Assessment) Regulation 2011: Request for a Scoping Opinion. Proposed: Request for Formal Scoping Opinion, Hill top Farm, Clay Cross

Thank you for consulting the Derbyshire Wildlife Trust with regard to the above scoping opinion request. Please find our comments attached. These have been provided under the terms of the Service Level Agreement between Derbyshire County Council and the Trust.

Kind regards

Trevor

Trevor Taylor
Wildlife Sites Officer (Planning)
Derbyshire Wildlife Trust, East Mill, Bridge Foot, Belper, Derbyshire, DE56 1XH
Direct line: 01773 881191 Switchboard: 01773 881188 www.derbyshirewildlifetrust.org.uk



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Derbyshire Wildlife Trust

East Mill, Bridge Foot, Belper, Derbyshire, DE56 1XH

Tel: 01773 881188 Fax: 01773 821826

E-mail: enquiries@derbyshirewt.co.uk



Ian Stephenson
Director of Environmental Services
Derbyshire County Council
Shand House
Dale Road South
Matlock
Derbyshire
DE4 3RY

For the attention of Don Mitchell

Your ref:4.2482.2
Our ref: PlanCon269

28th February 2012

Dear Don,

**Town and Country Planning (Environmental Impact Assessment)
Regulation 2011: Request for a Scoping Opinion. Proposed: Request
for Formal Scoping Opinion, Hill top Farm, Clay Cross**

Thank you for consulting the Trust with regards to the above scoping opinion request. Please note that this response will only concern the ecological aspects of the proposed Environmental Statement.

With specific regard to the ecological aspect of any Environmental Impact Assessment and Environmental Statement we would strongly advise that the most up to date recommendations for the EIA process should be adopted. Therefore we would refer the applicant, and the Authority, to the publication "*Guidelines for Ecological Impact Assessment in the United Kingdom*"¹ and suggest that this document should be used to guide production of the proposed Environmental Statement.

As this is a somewhat complex document we would suggest for initial guidance that the following items should be addressed as a minimum:

Initially a desktop survey and extended Phase 1 habitat survey should be undertaken to determine and report the broad habitat types and species present.

The Phase I survey should then be used to assess whether additional specific species surveys, or more detailed Phase II vegetation surveys with National Vegetation Classification (NVC) assessment, are required. Survey work should also cover priority Biodiversity Habitats and Species.

¹ Institute of Ecology and Environmental Management (2006) *Guidelines for Ecological Impact Assessment in the United Kingdom* (version 7 July 2006). <http://www.ieem.org.uk/ecia/index.html>

Within PPS9²⁻³ there is a requirement for the determining Authority to be confident that sufficient survey work for protected species has been undertaken, prior to determination. However, PPS9 also acknowledges that an unnecessary burden should not be placed on applicants by requesting surveys for protected species unless there is a reasonable likelihood of the species being present or affected by the development. Information arising from consultation responses (resulting from the desktop survey) and the Phase 1 survey should help to guide this process. We would recommend that Natural England, Mid-Derbyshire Badger Group, Derbyshire Wildlife Trust, Derbyshire Amphibian and Reptile Group and Derbyshire Ornithological Society should be considered as key consultees in this process, but please note that this list is not considered to be exhaustive. Following this initial work further consultation with key stakeholders and the Authority should be undertaken to determine whether additional survey work is required. If this is done at this stage this will help to avoid delays – often an Environmental Statement is submitted only for consultees to request that additional survey work is required, as this survey work is often seasonal this can create very long delays.

It is important that all survey work is undertaken at an appropriate time of the year by suitably competent personnel. The results should be fully reported within the Environmental Statement – this then enables consultees to provide a fully informed response and reduces unnecessary delays in the planning process.

Following this stage the ecological features and resources identified by the survey work should be assigned an ecological value and this should be determined within a defined geographical context, ranging from International through to Parish and 'zone of influence'⁴.

There should then be some assessment of the ecological impact of the proposals on the identified features and resources. During this process it is important that both negative and positive impacts are identified and that both the active and post development phases are considered as well. Factors such as the duration of the proposed operation and the effect of any significant delays should be considered. Consideration of potential impacts should not be restricted to the actual working area and just because a feature of nature conservation interest, for example a designated Local Wildlife Site, is outside of the working area it should not be automatically considered to be unaffected by the development.

Government guidance within PPS9 recommends that determining Authorities should maximise opportunities for “building-in” beneficial biodiversity as part of good development design⁵. This may be achieved using planning obligations where appropriate. We would recommend that irrespective of any mitigation or compensation arising from the EIA process that the

² (2005). *Planning Policy Statement 9: Biodiversity and Geological Conservation*. ODPM: London

³ (2005). *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations And Their Impact Within The Planning System*. ODPM & DEFRA: London

⁴ The zone of influence is the areas/resources that may be affected by the biophysical changes caused by activities associated with the project.

⁵ (2006). *Planning for Biodiversity and Geological Conservation – A Guide to Good Practice*. ODPM: London

Environmental Statement should demonstrate how a net ecological gain would result from the proposals. Any proposed habitat creation should be linked to Local Biodiversity Action Plan targets.

We would advise that particular emphasis should be placed upon determining the breeding bird interest associated with the site, especially the presence of ground-nesting species such as Lapwing.

Should you require any further information or clarification please contact me further.

Yours sincerely,

Reg 12[3] & 13 Personal Data

Trevor Taylor
Local Wildlife Sites Officer (Planning)

ttaylor@derbyshirewt.co.uk