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COMMERCIAL PROPERTY ADVICE



Skylark Mitigation Scheme for Land Adjacent to Ilkeston Road

Land Adjacent to Ilkeston Road, Ilkeston

On Behalf Of: Wulff Asset Management

Prepared By:

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EXECUTIVE SUMMARY

Harris Lamb Property Consultancy (HLPC) was commissioned by Wulff Asset Management to undertake an ecological appraisal of land adjacent to Ilkeston Road, Ilkeston, Derbyshire. The findings of the survey were included in the Preliminary Ecological Appraisal Report *Ilkeston Road PEA* (Harris Lamb 2022) which was submitted in support of an outline planning application for the site (ERE/0722/0038).

Skylark *Alauda arvensis* were recorded on site in small numbers with potential to be breeding on site. The wider landscape to the south and east of the site supports a mosaic of arable and grassland habitats which are likely to provide a significant area of optimal habitat to support breeding skylark. The loss of habitat resulting from the development is not considered likely to have any significant impact upon the local skylark population.

As the site was considered to potentially support one / two skylark territories with insufficient room to mitigate for this on site, it was acknowledged that off-site mitigation would be required.

Derbyshire Wildlife Trust (DWT) were consulted by Erewash Borough Council to comment on the planning application and review the Preliminary Ecological Appraisal (Harris lamb 2022) as part of their service level agreement in place between the two parties.

The DWT biodiversity planning officer response letter reference DWTERE493 confirmed the presence of skylark and stated that *offsite provision would be required to compensate for the displacement of this priority species from the site. We advise that further details are required as to where and how this offsite provision will be achieved.*

This report sets out the skylark mitigation strategy for the scheme and provides the details on how the loss of habitat will be compensated.

1.0 INTRODUCTION

1.1 Background

- 1.1.1 Harris Lamb Property Consultancy (HLPC) was commissioned by Wulff Asset Management to undertake a Preliminary Ecological Appraisal (PEA) of land adjacent to Sowbrook Lane and Ilkeston Road, Ilkeston, Derbyshire (national grid reference SK 46426 39330), hereafter termed the 'site' (see Figure 1 below).

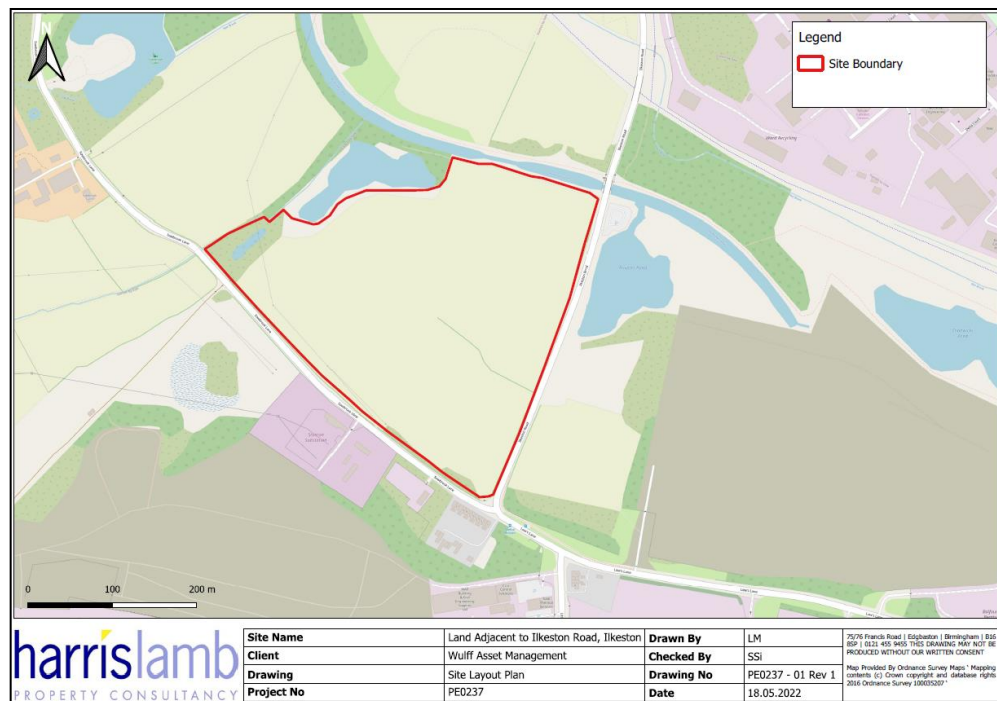


Figure 1: Site location. Not to scale.

1.2 Site location

- 1.2.1 The site is located to the south of Ilkeston, Derbyshire. The majority of the site comprises modified grassland with areas of scrub, native hedgerows and a dry pond situated to the south-west of the site. The site lies adjacent to the Nutbrook Canal located beyond the northern boundary and fishing ponds are present to the north-west and beyond Ilkeston Road to the east. Sowbrook Lane is located beyond the southern boundary.

1.3 Proposed development

1.3.1 It is understood that outline planning permission is being sought for residential dwellings, with accompanying soft landscaping and access roads.

1.4 Purpose of the report

1.4.1 The purpose of this report is to:

- Outline the mitigation strategy for skylark *Alauda arvensis* which were recorded on site and detail how the loss of habitat will be compensated for.
- Identify appropriate post-construction monitoring.

2.0 METHODOLOGY

Habitats

Flora

- 2.1.1 HLPC carried out an Extended Phase 1 Habitat Survey of the site in April 2022. The survey was carried out by an experienced and suitably qualified ecologist. The survey was undertaken in accordance with 'Extended Phase 1' methodology¹.
- 2.1.2 Specific habitat features were mapped using Target Notes (TN) to record ecological features of particular note where necessary.

Breeding Bird Survey

- 2.1.3 Three breeding bird surveys were undertaken by Falco Ecology Ltd in July 2021 and April, May 2022. The territory mapping methodology was based on a reduced survey effort of the Common Bird Census (CBC) as described in both Gilbert *et al.*, 1998² and Bibby *et al.*, 2000³. The surveys were carried out in April, May and July. Details on the survey timings and conditions are provided in Table 1 and 2 below.

Table 1: Breeding bird survey timings.

Visit	Date	Time (h)
1	21.07.2021	06:00 – 07:35
2	29.04.2022	06:30 - 08:00
3	15.05.2022	05:15 – 07:45

Table 2: Breeding bird survey weather conditions.

Visit	Visibility	Wind speed	Rain	Cloud	Air Temperature °C
1	Good	1	Nil	4/8	17-20
2	Good	0-1	Nil	5/8	15-17
3	Good	1-2	Nil	8/8	12-14

- 2.1.4 Birds heard and seen outside the site were recorded to an approximate distance of 100m. Accurate territory counts outside the site were not

¹ Joint Nature Conservation Committee (2010) Handbook for Phase 1 Habitat Survey. A Technique for Environmental Audit.

² Gilbert, G., Gibbons, D.W. & Evans, J. 1998. Bird Monitoring Methods. Royal Society for the Protection of Birds. Pelagic Publishing Limited: Exeter.

³ Bibby, C.J., Burgess, N.D. & Hill, D.A. 2000. Bird Census Techniques. Second edition. London: Academic Press.

obtained; however, the data collected provides an indication of what key species are in the vicinity of the site. The direction of travel of the Breeding Bird Survey (BBS) route was reversed on each visit to prevent temporal bias.

3.0 RESULTS

3.1 Habitats

- 3.1.1 The habitats recorded within the site are summarised to provide site context in relation to assessing the suitability of the site for skylark and are shown on Figure 2. Detailed results are provided in the Preliminary Ecological Appraisal Report *Ilkeston Road PEA* (Harris Lamb 2022).
- 3.1.2 The majority of the site comprises modified semi-improved grassland which appears to be managed and last cut in Autumn 2021. Additional habitats recorded on site included a small areas of scrub is located within the south-eastern corner of the site and in the north-western aspect of the site.
- 3.1.3 Three intact native hedgerows are located along the boundaries of the site with one extending into the centre of the site and turning into a scrub thicket. The hedgerows are dominated by hawthorn and blackthorn with occasional native trees.
- 3.1.4 A single defunct pond was located within the western corner of the site which was dry at the time of the survey and dominated by bull rush *Typha latifolia* with 100% cover. The pond was also recorded as dry during the June 2021 reptile surveys (reported elsewhere) and is unlikely to hold water for the majority of the year.

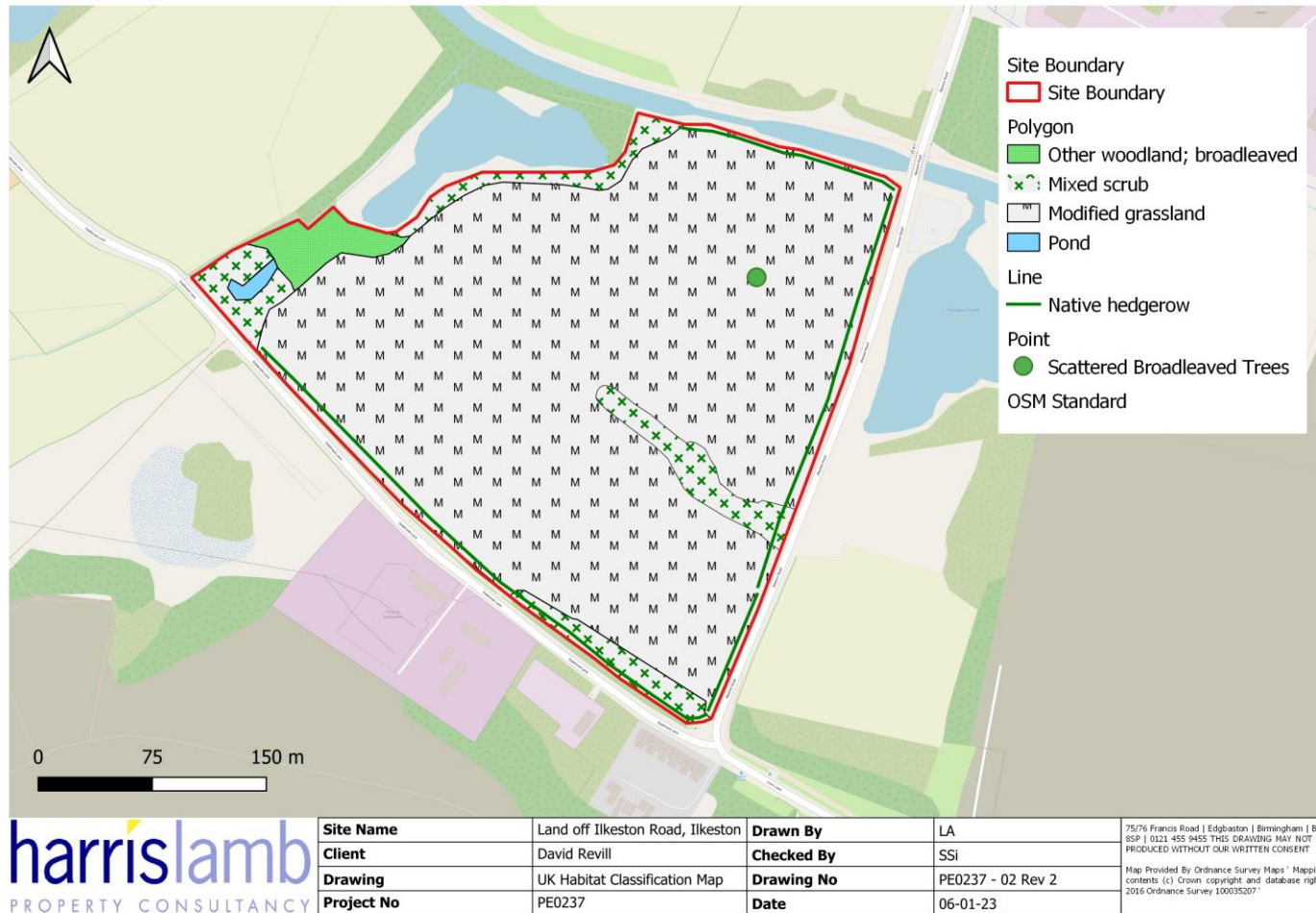


Figure 2: Phase 1 habitat map (Not to scale)

3.2 Species

Birds

- 3.2.1 Records of birds within 2km of the site were provided by NBRC, including red list species such as skylark *Alauda arvensis* (1.6k west of the site), starling *Sturnus vulgaris* and lapwing *Vanellus vanellus*.
- 3.2.2 The habitats on site were considered suitable for nesting and foraging birds associated with the scattered trees, scattered and dense scrub and hedgerows. A total of 36 species were recorded across the 2021 & 2022 Breeding Bird Survey (BBS) including skylark which based upon the numbers and locations the birds were observed were considered to be potentially nesting on site, with one / two territories observed.

4.0 ASSESSMENT OF EFFECTS

4.1 The proposed development

- 4.1.1 Outline planning permission is being sought to provide a residential development with associated road infrastructure and areas of public open space.
- 4.1.2 The following assessment is based on proposed development as shown on Indicative Masterplan (RDC1146/002 dated February 2022).

4.2 Potential impacts

Summary of legislation relating to birds

- 4.2.1 All species of native British birds are protected by the Wildlife and Countryside Act 1981 (as amended) making it an offence to intentionally kill, injure or take any species of wild bird, and to take, damage or destroy their nests or eggs. Several species receive higher levels of protection from disturbance under the Schedule 1 of the Act. Several declining bird species are also Priority Species under the NERC Act 2006.

Identified impacts

- 4.2.2 The proposed development will result in the loss of open grassland areas which have been shown to support foraging and nesting birds, including skylark with one or two pairs recorded on site with potential to be breeding on site (breeding not confirmed).
- 4.2.3 The development will result in the loss of limited areas of scrub and hedgerow habitat, but the majority will be retained within the development and the impacts to hedgerow and woodland birds is considered to be at a site level only.
- 4.2.4 As the wider landscape beyond the site supports large areas of arable, grassland and wetland habitat which provides good skylark breeding and foraging habitat, the loss of grassland habitat resulting from the development (potentially used by 1-2 pairs of skylark), is considered to be minor and unlikely to have a significant impact upon the local skylark population. Skylark were recorded during the on land immediately north of the site and the wider habitats are considered to have potential to absorb any displaced birds based on the optimal surrounding habitat.

5.0 MITIGATION PROPOSAL

5.1 Overview of skylark habitat requirements

- 5.1.1 Skylarks have evolved to rely on secrecy and vigilance to avoid predation and edge habitats are used by predators for hunting and cover⁴ with skylarks occupying open fields to avoid predators. They cannot be conserved by measures taken within 10 metres of the field boundary⁵.
- 5.1.2 The areas of retained grassland on site post development are unlikely to be of sufficient size to provide skylark nesting habitat being and located towards the boundaries of the site. The retained grassland areas may still provide valuable foraging habitat for skylark, helping to maintain the number of territories within the wider landscape.

5.2 Identification of off-setting

- 5.2.1 To off-set the loss of potential breeding habitat, a mitigation site has been identified within the local area which, with appropriate enhancement could be improved to support breeding skylark.
- 5.2.2 The proposed mitigation site is located approximately 1km to the east of the application site and is set within belt of agricultural land which connects the two sites. The agricultural landscape located between the development and the receptor site contains large areas of optimal skylark habitat and is likely to have capacity to support the low numbers of skylark recorded within the application site.
- 5.2.3 The mitigation site is located on land to the west of Sevenoaks Road (NGR: SK 46410 39460 (see Figure 3 below). The site is located approximately 1km to the east of the development site and covers c.2.4 ha of land currently comprising improved grassland that is frequently cut for silage throughout the year. The site is bound by a native hedgerow to the east and adjacent woodland to the south and west. An area of mixed habitat including grassland and scrub borders the site to the north. The site is not currently suitable for breeding skylark being of short sward grassland that is intensively managed and cut for silage throughout the year. The site is also subject to disturbance from the public and from dogs which have been observed to run across the site.

⁴ Donald, P.F. (2004). *The Skylark*. Poyser, London.

⁵ <https://www.bto.org/understanding-birds/species-focus/skylark>

5.2.4 Whilst the site contains native hedgerows and is bordered by trees to the south and west, the central section of grassland is considered to be sufficiently open with good sight lines and has potential to be used by breeding skylark if improved. As skylark cannot typically be conserved by measures taken within 10 metres of the field boundary⁶, a 10 m buffer zone from adjacent trees and hedgerows has been omitted from any calculations when assessing the amount of skylark breeding habitat to be created. Therefore, not including a 10m buffer from adjacent trees and hedgerow, the proposed mitigation site has potential to provide approximately 1.7 ha of open grassland habitat to the centre of the site as shown in Figure 4 Appendix 1.



Figure 3. Proposed mitigation site west of Seven Oaks Road

⁶ <https://www.bto.org/understanding-birds/species-focus/skylark>

5.3 Mitigation site baseline

- 5.3.1 The proposed mitigation site is not considered to be suitable for skylark in its current state being limited by a number of factors which preclude skylark from breeding on site. The site is dominated by improved pasture which is frequently managed and cut for silage throughout the year including the months in which skylark typically breed. The regular cutting also creates a short even sward height. Skylark typically prefer a sward height between 20-60 cm with grassland preferably free from cutting between March and July⁷ to allow time for multiple broods to be raised in the absence of disturbance. The pasture present across the site is considered to have a low suitability for skylark comprising short sward grassland dominated by rye-grass *Lolium perenne* with poor species diversity and habitat structure. Intensively managed pasture typically supports a low abundance of invertebrates which are a critical food source for skylarks when raising chicks.
- 5.3.2 The proposed mitigation field contains a public footpath which runs up the western boundary of the site which is unfenced from the main field. The path is regularly used by dog walkers and unleashed dogs were noted to be running across the site at the time of the ecological baseline survey undertaken at the site in 2022. A combination of poor sward height for breeding, lack of sward diversity and habitat structure to provide invertebrate interest and excessive disturbance throughout the year from grass cutting means the site is unsuitable for breeding skylark in its current form.

5.4 Receptor Proposals

- 5.4.1 It is proposed that the site is enhanced and improved to create suitable breeding habitat for skylark and to improve the sites foraging value by providing habitats that encourage a greater diversity of invertebrates and provide seed plants to improve the winter foraging. The improvements to the foraging habitats will not only benefit birds that choose to breed on site, but will also have capacity to support foraging birds from the wider landscape.

⁷ <https://www.rspb.org.uk/our-work/conservation/conservation-and-sustainability/farming/advice/managing-habitats/skylark-plots/>

- 5.4.2 In addition to the habitat improvements, measures will be implemented to prevent disturbance from dog walkers and the skylark field will be securely fenced with stock netting to prevent unwanted incursion from the public footpath.
- 5.4.3 The field will be further enhanced for skylark breeding by removing the defunct barbed wire fence line with scattered hawthorn trees running across the site from east to west which will improve the openness of the site by removing potential predator perches.
- 5.4.4 The vegetation on site will be improved for skylark by creating a more diverse grassland which will be appropriately managed to provide optimal habitat for skylark comprising a 20-60cm sward height throughout the year. Vegetation composition will be mixed to maximise suitability for both nesting and foraging with a mix of higher quality grassland and areas of arable weeds which can provide suitable foraging.
- 5.4.5 To improve the summer and winter foraging value of the area, seed strips will be sown around the site periphery of the site to ensure there is a good supply of invertebrates in summer and seed cover for adult birds year-round. Skylark chicks are fed exclusively on insects and spiders for the first week of life⁸ and these are also an important part of the diet of adults from April until August. Insects are typically collected from crops, set-aside and rough pasture.

5.5 Management & monitoring

- 5.5.1 A management plan will be produced for the site to ensure it is sensitively managed for skylark with conservation grass cutting timed to avoid the core breeding season. The site will be managed in line with that seen for traditional hay meadows with cutting taking place after the end of the growing season allowing the grassland to set seed prior to cutting. Cutting will be undertaken on a rotational basis to encourage a mosaic of conditions allowing areas of tussocky grassland to form. All arisings will be removed from the skylark field to prevent enrichment and to encourage a greater sward diversity.
- 5.5.2 The site will be monitored closely over the first five years to determine if skylark utilise the site for breeding and or foraging. The effectiveness of management will

⁸ <https://www.bto.org/understanding-birds/species-focus/skylark>

be reviewed as part of the monitoring and management strategy and management will be altered as required to ensure the habitats on site remain optimal for skylark.

6.0 CONCLUSIONS

- 6.1.1 If the mitigation site can be secured and enhanced for skylark in accordance with the recommendations within this report, it is anticipated that impacts to skylark could be successfully mitigated.

7.0 APPENDICES

Appendix 1 – Figure 4 Skylark Mitigation Proposals

