Derbyshire
Wildlife Trust

Sandy Hill, Main Street,
Middleton, Derbyshire, DE4 4LR
T 01773 881188
E enquiries@derbyshirewt.co.uk

www.derbyshirewildlifetrust.org.uk

Derbyshire Wildlife Trust is registered in England and Wales, company number 715675
Charity number 222212
VAT number 509 4825 32

Derek Stafford

Assistant Director of Planning & Regeneration

Amber Valley Borough Council

PO Box 18

Town Hall

Ripley, Derbyshire

DE5 3SZ

For the attention of Mark Penford

Your Ref: AVA/2022/0194

Our ref: DWTAVA1647

31st May 2022

Dear Mark

Proposal: Proposed dog day care centre including new buildings, solar panels and parking - this is a departure to the adopted local plan.

Location: Land Off Flagshaw Lane Flagshaw Lane Kirk Langley Ashbourne Derbyshire

Application Ref No: AVA/2022/0194

With reference to the above application, I am responding as the Biodiversity Planning Officer responsible for work relating to the Service Level Agreement, which the Amber Valley Borough Council and the Trust have signed. The following comments are aimed at providing accurate and up to date information on the nature conservation issues associated with the proposed development.

Response

I have reviewed the Ecological Survey Report prepared by Turnstone Ecology March 2022 together with other relevant documents submitted with the application. I have also reviewed our



Biodiversity datasets for this area. The ecological survey was undertaken in September after the grass had recently been cut and is to some extent constrained by that. It has been characterised as semi-improved grassland and a list of species is provided in the report (section 3.3.1). The report has concluded that the grassland is of conservation importance to the local BAP, but that the loss of the grassland 'at this scale' is not significant. The report has also identified the presence of a native hedgerow adjacent to the site. There will be a small loss of hedgerow (reported as 4.5m in the ecological report) to create access to the proposed development.

Species

The report includes an assessment of possible impacts on bats, birds, reptiles, great crested newt [redacted] Impacts on reptiles and great crested newt are considered unlikely and impacts on bats limited to the loss of hedgerow foraging habitat. The loss of the hedgerow is not considered likely to affect commuting by bats and therefore should not result in fragmentation of foraging habitat. Some external lighting is likely to be installed and this could have an effect on bats and other nocturnal wildlife. There could be impacts on breeding birds due to the loss of the hedgerow and disturbance during the construction.

Habitat and hedgerow impacts

The proposed development will result in the permanent loss of an area of semi-improved grassland and a likely reduction in the wildlife value of a further area of semi-improved grassland due to the change to more intensive mowing regime (the grassland will be maintained as a short sward according to the ecological report section 4.1). However, the report has not included any measurements of the footprint of the development and / or quantified the grassland areas likely to be affected.

There is a permanent loss of 4.5m of native hedgerow. There could be indirect impacts on the hedgerow adjacent to the development site e.g., in relation to future management regimes, ground compaction near the hedge or increased risk of pollution from vehicles. The hedgerow issues can probably be addressed through agreed mitigation and future management.

Proposed mitigation / compensation measures

The ecological report has included details of mitigation and compensation proposals which include the following:

- wildflower strips to be created between the internal fencing
- 400m of new hedgerow planting
- Three multi-purpose bat boxes
- A barn owl box
- Unspecified number of bird nest boxes
- Three bug hotels

These measures need to be re-visited in relation to grassland impacts (see below), but are otherwise considered to be broadly acceptable.

Conclusion

The site does not have any nature conservation designations associated with it and, other than the native hedgerow, there are no Habitats of Principal Importance (UK BAP priority habitat types) present. There may be some foraging activity by bats and birds, and birds may possibly nest in the hedgerow. The grassland habitat supports a range of common plant species and is likely to support a range of invertebrate species. However, there is no indication that any insect species of conservation concern are present (i.e., Species of Principal Importance).

The ecological assessment has not identified the presence of two non-statutory Local Wildlife Sites within 200m of the development site (Flagshaw Brook Swamp to the south and Lodge Farm Woods to the north and east). Whilst these sites may not be directly affected there could be indirect impacts from increased noise (people, cars, dog barking etc).

Arrangements for drainage are also not clear and any surface drainage is likely to fall towards the Flagshaw Brook. There will need to be measures in place to intercept any oil or petrol from vehicles and any other risks to the Local Wildlife Sites need to be taken into consideration.

Habitats - grassland

In relation to the impacts on the grassland habitat it is likely that there is currently a net loss of biodiversity and the landscaping and mitigation proposals do not fully address this. It is not clear

whether the grassland should be defined as 'other neutral grassland' or 'modified grassland' in the UK Habitat Classification system. The condition of the grassland vegetation has also not been assessed. These details are important in order to quantify and evaluate impacts on the grassland either through direct loss or changes in management and hence condition.

Whilst the proposed wildflower strips may provide some mitigation, they appear to be only 1m wide and will at least in some cases be very close to new hedgerows. It seems very likely that further compensation measures will be needed in order to be confident that the development will not result in a net loss of grassland habitat.

Hedgerow

The proposed measures to address the loss of hedgerow at the site would fully address the loss and provide a net gain in the extent of hedgerow overall. However, there will also need to be a sympathetic management regime in place for the retained native hedgerow.

Recommendations

The Council is recommended to request a completed Biodiversity Metric 3.1 so that the baseline for habitats and hedgerows can be quantified and any losses calculated. All measures to create or enhance habitats and hedgerows should also be included in the metric. Use of a metric will help to provide transparency around the predicted impacts and clearly demonstrate how a net gain can be achieved in relation to grassland impacts as well as the hedgerow impacts. .

Additional details for the following are also recommended:

a) Action to screen the site from the Lodge Farm Woodland to reduce indirect impacts such as noise, movement of people and dogs.

b) Details of surface water and foul drainage

If the Council is minded to approve the application, please contact me for recommendations regarding conditions. Otherwise, I will wait to see the additional details, as above, before commenting further.

It is hoped that the information provided is helpful to the Council. If you require any further information or wish to discuss any of the comments made, please do not hesitate to contact me.

Yours sincerely,

Kieron Huston

Kieron Huston BSc MSc MCIEEM
Biodiversity Planning and Policy Manager
planning@derbyshirewt.co.uk

Endnote:

Please see our planning pages https://www.derbyshirewildlifetrust.org.uk/planning for ecological advice on submitting a planning application, finding an ecological consultant and information on mitigation and enhancement.