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Derek Stafford
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Amber Valley Borough Council
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Ripley, Derbyshire
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For the attention of Alan Redmond

Your Ref: AVA/2022/1072
Our ref: DWTAVA1734b

06/09/2023

Dear Alan,

Proposal: Demolition of existing house to create a new 6-bedroom home with ensuite, lounges, kitchen, dining area, play and music rooms, central entrance voids, office space, games and cinema rooms, within the basement, and external terrace areas
Location: Quarry View Farnah Green Belper Derbyshire DE56 2UP
Application Ref No.: AVA/2022/1072

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

We have reviewed the further information submitted in the form of the Updated Bat Activity Survey Report (ML-Ecology, July 2023) and agree with the conclusions of the report with regards to the presence and status of the bat roost on site.



Bat Roost Confirmed on Site

The proposed works shall not take place until a European Protected Species licence has been obtained from Natural England or the site has been registered under a bat mitigation class licence (low impact). Upon receipt of a licence from Natural England or site registration, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the Updated Bat Activity Report (ML-Ecology, July 2023) and amended as necessary based on any subsequent information and correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence or confirmation of registration will be submitted to the LPA once granted. A copy of the results of any monitoring works will be submitted to the LPA.

In reaching a decision, it is important that the local planning authority demonstrates how they have fully considered the three tests set out at Regulation 55 of the Conservation of Habitats and Species Regulations 2019 (Amendment) (EU Exit) and state the evidence for conclusions drawn on each test as to whether the test can be met. The three tests set out within Regulation 55 are as follows:

(i) The action will be undertaken for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Regulation 55(2)(e))

(ii) That there is no satisfactory alternative (Regulation 55(9)(a)); and

(iii) That the action will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range (Regulation 55(9)) (b))

In relation to test (iii) we advise that the proposed mitigation measures are suitable to maintain the favourable conservation status of the local bat population.

Lighting

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological

zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

Breeding birds

No building works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Biodiversity Enhancement Plan

Bat boxes should be provided on the building as per the Biodiversity Enhancement Plan included as Appendix 1 in the Updated Bat Activity Report (ML-Ecology, July 2023) to achieve a net biodiversity gain, in accordance with the NPPF (2021). Boxes shall be attached at eaves level and photographs of the boxes in situ shall be submitted to fully discharge the condition.

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,



Jenny Wheeldon BSc MSc MCIEEM
Biodiversity Planning Support Officer
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