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Derek Stafford
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For the attention of Alan Redmond

Your Ref: AVA/2021/0611
Our ref: DWTAVA1565e

7th September 2023

Dear Alan,

Proposal: Residential development for 97 dwellings and associated works
Location: Former Exchange Sidings Bridge Street Langley Mill Derbyshire
Application Ref No: AVA/2021/0611

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

Further to our last letter (16th August 2023) I have received a further revised Biodiversity metric for an alternative off-site receptor in relation to the delivery of biodiversity net gain for the above development. The metric is accompanied by a baseline map and a, proposed habitat map together



with a map that indicates the habitats to be retained. The new receptor site is located on the southern edge of Heanor near Kew Crescent. The metric calculates that the site can provide a net gain of 15.71 (69.83%) area (habitat) units and a 6.04 unit gain for hedgerows. Hedgerow loss at the development site is very small and there will be hedgerow creation and enhancement both on and off-site. In light of the changes to the metric and the Mitigation Strategy I have amended the conditions as below.

Conditions

In my previous letter I advised the Council to attach several conditions, and these are reproduced below with minor updates to take account of the new Biodiversity metric proposals and plans and changes to guidelines on lighting.

Breeding birds

No stripping, demolition 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.

Comments: 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.

(Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present).

[redacted]



Construction Environmental Management Plan (CEMP: Biodiversity)

It will be essential to ensure that potential impacts on habitats and species identified in the EcIA (RammSanderson, November 2022) are addressed on-site throughout the construction period. Precautionary methods of working and other measures should be set out in a CEMP. Suggested wording is below: -

No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

a) *Risk assessment of potentially damaging construction activities.*
b) *Identification of "biodiversity protection zones".*
c) *Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on protected species during construction.*
d) *The location and timing of sensitive works to avoid harm to biodiversity features.*
e) *A plan for control of non-native invasive species.*
f) *The times during construction when specialist ecologists need to be present on site to oversee works.*
g) *Responsible persons and lines of communication.*
h) *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
i) *Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Biodiversity Enhancement and Management Plans

It is recommended that the proposed biodiversity enhancements that have been proposed in the EcIA (Ramm Sanderson Ecology, November 2022) and the updated Biodiversity Mitigation Strategy (Heanor offsetting site), and the Biodiversity Metric (5th May 2023) are addressed through two separate plans; one to cover the development site including the southern habitat compensation area and a second one for the off-site area (located to the south of the development site on the edge of Heanor). The plans are designed to ensure that the habitat creation and enhancement works proposed are implemented in accordance with the submitted details, follow best practice, and are monitored to ensure the biodiversity benefits are realised and sustained.

Biodiversity Enhancement and Management Plan (BEMP) – Heanor off-site receptor

A Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the BEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats, in accordance with the proposals set out in the Biodiversity Mitigation Strategy (Heanor off-setting site RammSanderson Ecology Ltd August 2023) and the submitted Biodiversity Metric (RammSanderson Ecology Ltd 5th May 2023) and as shown on the baseline and proposed visualisation maps prepared by RammSanderson Ecology April 2023. The BEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following: -

a) An updated copy of the Biodiversity Metric and the Proposed Habitat Plan to account for any changes as necessary including grassland enhancements.
b) Description and location of features to be retained, created, enhanced, and managed, as per the approved biodiversity metric.
c) Methods to be employed to create and / or enhance habitats.
d) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
e) Appropriate management methods and practices to achieve aims and objectives.
f) Prescriptions for management actions.
g) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
h) Details of the body or organization responsible for implementation of the plan.

i) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 7, 10, 13, 16, 20, 25 and 30 years.
j) The submission of monitoring reports for habitats against the target conditions in the Biodiversity metric to be submitted to the Council at the intervals specified under (i)
k) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
l) Requirement for a statement of compliance upon completion of planting and enhancement works.

The BEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Biodiversity Enhancement and Management Plan (BEMP) – for the development site and the southern habitat compensation area

A Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the BEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats, in accordance with the proposals set out in the submitted Biodiversity Metric (RammSanderson May 2023) and EcIA RammSanderson Ecology November 2022. The BEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following: -

a) Description and location of features to be retained, created, enhanced, and managed, as per the approved biodiversity metric.
b) Methods to be employed to create and / or enhance habitats
c) Universal nest boxes (integrated swift brick) at ratio of 1 per dwelling, in line with British Standard 42021:2022.
d) Integrated and/or external bat boxes x 10
e) Log piles and hibernacula x 3
f) Insect nest boxes x 10
g) Fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
h) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
i) Appropriate management methods and practices to achieve aims and objectives.

j) Prescriptions for management actions.
k) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
l) Details of the body or organization responsible for implementation of the plan.
m) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 7, 10, 13, 16, 20, 25 and 30 years.
n) The submission of monitoring reports for habitats against the target conditions in the Biodiversity metric to be submitted to the Council at the intervals specified under (m).
o) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
p) Detailed specifications for open water habitats to provide biodiversity benefits.
q) Requirement for a statement of compliance upon completion of planting and enhancement works.

The BEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

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 lightspill 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.

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

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