Derbyshire Wildlife Trust

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Derbyshire Wildlife Trust is registered in England and Wales, company number 715675
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Derek Stafford
Assistant Director of Planning & Regeneration
Amber Valley Borough Council
PO Box 18
Town Hall
Ripley, Derbyshire
DE5 3SZ

For the attention of Anne Arkle

Your Ref: AVA/2023/0070
Our ref: DWTAVA1803

12th September 2023

Dear Anne,

Proposal: Creation of additional parking areas including associated fencing and diversion of a footpath (Major development) (Affects a Public Right of Way)
Location: Vaillant Group Nottingham Road Belper Derbyshire DE56 1JT
Application Ref No.: AVA/2023/0070

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

The application is not accompanied by any ecological assessments for habitats or species. A review of the proposals indicates that areas of woodland, trees and possibly other habitat types are likely to be directly impacted by the development resulting in a net loss of biodiversity. In addition, there could be adverse impacts on some protected species[redacted]



Prior to determination of this application, it is recommended that a Preliminary Ecological Appraisal is undertaken in order to establish the habitats that are present and to determine the presence or absence of protected species and make recommendations for any further surveys that may be required. Further species-specific surveys may be needed for bats and badger and possibly other species that might be at risk. Please note that all necessary surveys for protected species should be undertaken prior to the determination of a planning application.

Paragraph 99 of Circular 06/2005 states, "*it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances*".

The field survey work should be undertaken by a suitably qualified and experienced ecologist (See Endnote) and be supported by a desk study, which includes obtaining existing records from the local record centre. The format and content of the ecology report should follow current guidelines (CIEEM, 2019 and British Standard BS:42020: 2013). To be sufficient for planning purposes, the report should provide an assessment of impacts, along with details of agreed mitigation and compensation measures (not recommendations). It should also provide details of enhancement opportunities and explain how the development will result in a measurable net gain for biodiversity, in line with guidance within the NPPF 2021. We would be happy to comment on the ecological survey report once it has been produced.

Biodiversity Net Gain

The application also needs to demonstrate how a net gain for biodiversity can be achieved in accordance with local and national planning policies including the National Planning Policy Framework. The Council is advised to request a completed Biodiversity Metric (Defra version 4.0) for the site that quantifies the losses of habitats and clearly identifies the extent, type, condition and location of habitats to be created or enhanced as part of the development.

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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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.