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For the attention of Carol Grant

Your Ref: AVA/2022/1108

Our ref: DWTAVA1748a

19th August 2024

Dear Carol,

Proposal: Change of use of nightclub to wedding venue including alterations and extensions to existing venue, associated reduction in hardstanding and removal of existing structures, erection of external terrace, formation of attenuation ponds, siting of 21No. accommodation units and siting of a refurbished train carriage (this proposal may affect the setting of a listed building)

Location: MFN Shipley Gate Shipley Nottingham NG16 3JE

Application Ref No.: AVA/2022/1108

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 overleaf



We have reviewed the information submitted, inclusive of the Ecological Impact Assessment (Charnia Ecology, July 2024), The Statutory Biodiversity Metric (Charnia Ecology, July 2024) and our Biological Record Centre data (DBRC) and have the following comments and recommendations to make.

Designated Sites

No statutory or non-statutory sites lie within the application site. However, New Eastwood Meadows and Erewash Canal Local Wildlife Sites (LWS) are both located immediately adjacent to the northern boundary. It is considered that a considerable buffer will be implemented with only habitat enhancements being undertaken within close proximity to both LWS, however it is still considered that indirect impacts as a result of the development are likely. It is therefore recommended that a CEMP: Biodiversity will secure pollution measures (dust, run-off etc) during construction works.

The application area also lies within the Impact Risk Zone (IRZ) for Sledder Wood Meadows Site of Special Scientific Interest (SSSI); however, the current proposals do not fall within the identified risk categories to trigger a consultation with Natural England.

Habitats

The application site comprises developed land sealed surface (buildings and hardstanding), modified grassland, ruderal / ephemerals, mixed scrub, other broadleaved woodland, a non-native ornamental hedgerow, native hedgerows and a species-rich native hedgerow. Two ditches also run parallel to the main access road leading up to the main building area. The majority of the habitats are considered to be of 'Site' value. However, the hedgerows, ditches and other broadleaved woodland are considered to be of 'Local' value. The two native hedgerows are classed as UK BAP Priority Habitat.

It is considered that the hedgerows and all areas of woodland will be retained under the current proposals to be secured under a CEMP: Biodiversity and Habitat Management and Monitoring Plan (HMMP). Without further habitat mitigation, the development would result in a net-loss to biodiversity and therefore significant enhancements and habitat creation have been proposed and is discussed below.

It is also noted that an isolated stand of Japanese Knotweed outside of the development area is present. It is therefore recommended that an invasive species protocol is undertaken prior to site

clearance by a specialist to determine the status of the knotweed and provide recommendations to control and eradicate (below).

Biodiversity Net Gain (BNG)

The Biodiversity Net Gain assessment highlights that areas of modified grassland and developed land sealed surface will be cleared to facilitate the development. Habitats to be retained comprise mixed scrub, ruderal / ephemerals, woodland and some areas of developed land sealed surface.

Approximately 0.77ha of modified grassland varying from poor – moderate condition will be enhanced to lowland meadow varying from moderate – good condition via seeding with a native wildflower mix, harvesting and spreading ‘green hay’, collecting seed, sowing of yellow rattle to encourage wildflower growth and a rotational mowing regime to diversify the sward structure.

Habitats to be created pertain to 0.90ha of ‘Poor’ condition modified grassland, 0.62ha of ‘Poor’ condition lowland meadow, 0.36ha of developed land sealed surface, 0.25ha of ‘Poor’ condition ornamental lake / ponds, 0.10ha of artificial unvegetated unsealed surface, 0.08ha of ‘Poor' condition mixed scrub and 0.17ha of ‘Poor’ condition urban trees (44 x small trees total).

All hedgerows are to be retained under the current plans with no enhancements proposed. However, a single ‘Poor’ condition ‘Species-rich native hedgerow - associated with bank or ditch’ will be created between the lowland meadow area and access road with a length of approximately 0.27km.

Both ditches are to be enhanced under the proposals from ‘Poor’ condition to ‘Fairly Poor’ condition via clearing out debris and sensitive reprofiling.

The above implementations result in a +72.33% gain in habitat units, an +80.63% gain in hedgerow units and a +46.56% gain in watercourse units, therefore surpassing the minimum 10% net gain target as stipulated by the Environment Act 2021.

The proposals are considered to be achievable and suitable for the scheme and therefore the production of a HMMP will be required to secure the long-term management and monitoring (below). A Biodiversity Gain Plan (BGP) will be required post-determination to tie together the anticipated gains.

Protected Species

The application site provides suitable habitat for nesting birds, roosting / foraging & commuting bats, Great Crested Newts (GCN), reptiles [redacted] brown hare and hedgehog. It is considered that the identified building will be completely refurbished, and a large area of habitat alteration will take place to facilitate the development, therefore further survey work was undertaken relating to roosing bats and GCN.

Two nocturnal bat emergence surveys were carried out on the identified building and GCN eDNA surveys were carried out on identified suitable waterbodies within 500m of the application site. The results of the surveys concluded that no bats were recorded to emerge from the identified building and the eDNA was 'negative' for GCN. No further survey work or specific mitigation measures are therefore required. However, proposed species enhancements pertaining to bat / bird boxes, deadwood, herptile hibernacula and earth bunds are to be secured via a separate Species Enhancement Plan (below).

Furthermore, it is considered that the above ecological receptors will be protected during construction works via precautionary working measures. Measures pertaining to ecological supervision, timing of works, sensitive lighting scheme and reasonable avoidance / safeguarding measures outlined within the Ecological Impact Assessment will be secured under a CEMP: Biodiversity.

Comments:

It should be noted that if plans change to include the removal of trees, the trees should be assessed prior to clearance to assess the suitability of roosting bats by a licensed ecologist. Depending on the results, further survey works may be required.

It should also be noted that if the development works encroach within 10m of Erewash Canal, then further survey works pertaining to otter and water vole may be required.

Conditions

Construction Environmental Management Plan (CEMP: Biodiversity)

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 during construction.
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) 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.

Japanese Knotweed

Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Comments: It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

The submission of a method statement, to be agreed in writing with the local planning authority by condition, is to ensure that an adequate means of eradicating or containing the spread of the plant is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

Biodiversity Gain Plan

A Gain Plan will be required post-determination. Guidance for LPAs regarding Gain Plans can be found here: https://www.gov.uk/guidance/biodiversity-net-gain#para25 and the Gain Plan template is here: https://www.gov.uk/government/publications/biodiversity-gain-plan

Habitat Management and Monitoring Plan

A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. This shall identify the habitats to be retained, created and / or enhanced on the site and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not. Guidance on producing a HMMP can be found here:
https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain

Species Enhancement Plan

Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority based on the enhancements highlighted within the Landscape & Biodiversity Enhancement Plan (Ecological Impact Assessment, Charnia Ecology, July 2024). Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

• 18 x Bird Boxes (5 x Integrated boxes erected onto the wedding venue building) avoiding southern elevations
• 10 x Bat Boxes (2 x Integrated boxes erected onto the wedding venue building) favouring southern elevations
• Deadwood / log piles
• Reptile and Amphibian Hibernacula
• Earth Bunds

A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above. The enhancements should be implemented in accordance with the approved details and all features retained in that manner thereafter.

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,

Holly Fowler

Holly Fowler BSc (Hons)
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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.