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For the attention of Alan Redmond

Your Ref: AVA/2024/0368

Our ref: DWTAVA1921a

7th October 2024

Dear Alan,

Proposal: Application for additional car park spaces to existing temporary community car park on Land at 76-80 Derby Road, Swanwick, Derbyshire. Temporary permission under AVA/2022/0783.

Location: Land At 76-80 Derby Road Derby Road Swanwick Alfreton Derbyshire

Application Ref No.: AVA/2024/0368

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 Biodiversity Net Gain Assessment (Morph Ecological Consultants, August 2024), The Statutory Biodiversity Metric (Morph Ecological Consultants, August 2024) and our Biological Record Centre Database (DBRC) and have the following recommendations and comments to make.

Habitats

The application site comprises unmanaged other neutral grassland and an area of mixed scrub considered to be of 'site' value. None of the habitats are considered to be of importance or are classed as UK BAP Priority habitats. However, without mitigation, there will be a loss of biodiversity and therefore off-site land will be used to provide gains to biodiversity via grassland enhancement and scrub and tree planting (below).

Biodiversity Net Gain (BNG)

The submitted BNG assessment and associated metric highlights that the scheme will result in a +11.15% net gain with trading rules satisfied.

The scheme will result in the loss of all baseline habitats (other neutral grassland and mixed scrub) to facilitate the development of the car park (developed land sealed surface). Off-site land located approximately 160m north-east from site, owned by Swanick Parish Council has therefore been chosen to provide offsetting for the scheme.

The off-site land comprises of a small portion of 'Poor' condition 'modified grassland' which will partially be enhanced to 'Moderate' condition 'other neutral grassland'. The remainder of the grassland will be lost to create an area of 'Moderate' condition 'mixed scrub'. Two small fruit trees will be planted within the enhanced grassland area.

The proposed habitat enhancement of 'Moderate' condition 'other neutral grassland' is not unachievable for the scheme but the likelihood of achieving the criteria to meet 'other neutral grassland' should be carefully considered given the anticipated public interference etc. It should be understood by the applicant that the grassland will have to meet the UKHabs criteria for 'other neutral grassland' in the target condition during monitoring visits, otherwise remedial measures will be required which would incur additional costs for the scheme due to the specific management to achieve the UKHabs Criteria.

Overall, we consider the proposals to be acceptable and should be secured via a Habitat Management and Monitoring Plan (HMMP) condition. The production of a Gain Plan will also be required post-determination draw together the proposals. Furthermore, the gains provided by off-site land will need to be secured via a legal agreement with the LPA, such as a Section 106.

Protected Species

The application site provides suitability for nesting birds and foraging and commuting common herptiles, [redacted] and hedgehog via the mixed scrub and other neutral grassland. It is considered that all baseline habitats will be cleared to facilitate the development, however, given the small scale of the proposals, further protected species surveys are not considered to be appropriate.

The development should adhere to appropriate precautionary working practices to safeguard the above ecological receptors during site clearance and construction works (below).

The scheme should aim to provide positive gains to biodiversity as stipulated by the NPPF 2023 via species enhancements such as bird and bat boxes (below).

Conditions

Nesting Birds

No tree, scrub or hedgerow 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).

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. 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.

[redacted]

Herptiles

Vegetation clearance should be reduced to an approximately height of 150 mm via a hand strimmer prior to ground works commencing to encourage individuals to move away from the construction areas. All excavations shall be covered overnight or else have an escape ramp to prevent entrapment of herptiles. All pipework greater than 150 mm shall be blanked off at the end of the day and chemicals shall be stored securely. Any excavated material stored overnight should be searched prior to being used as infill. All other materials should be kept on raised areas, namely pallets, to avoid creating refugia.

Should a great crested newt be found at any point during construction works, works must cease immediately, and an ecologist will be sought who will advise on the appropriate actions, including applying for a licence.

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. 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:

• universal nest boxes erected onto mature tree on / off site (avoiding southern elevations)
• external bat boxes erected onto mature tree on / off site (favouring southern elevations)

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

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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.