Derbyshire Wildlife Trust

Sarah Brooks
Head of Planning
Amber Valley Borough Council
PO Box 18
Town Hall
Ripley, Derbyshire
DE5 3SZ

For the attention of Rebecca Godson

Your Ref: AVA/2026/0261
Our ref: DWTAVA2353a

3rd September 2026

Dear Rebecca,

Proposal: Change of use from agricultural use to residential garden with new 1.25m high post and rail fence

Location: Land To Rear Of 54 Cherry Tree Avenue Cherry Tree Avenue Belper Derbyshire

Application Ref No.: AVA/2026/0261

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 response dated 17th June 2026, we have been made aware of a Biodiversity Net Gain Assessment, metric and condition assessment prepared by ProHort (July 2026).

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We have checked our Biological Records Database and can confirm the following:

- No records of protected species are present on or adjacent to site
- No notable habitats have been recorded to date on or adjacent to site
- The site is not covered by a statutory or non-statutory nature conservation designation

It is considered that the development will not have significant adverse effect on biodiversity, as such, further survey work is considered to be disproportionate.

Biodiversity Net Gain (BNG)

We have reviewed the Biodiversity Net Gain Assessment, metric and condition assessments prepared by ProHort (July 2026).

Proposals will result in the loss of modified grassland, bramble scrub and bare ground, equating to a loss of -0.01 habitat units (-4.55%) and a no-net loss of hedgerow units.

It is our understanding that the application does not qualify under any exemption, so a minimum of 10% net gain is required, in line with the Environment Act 2021. These losses cannot be offset within the site boundary and therefore an offsite option will be required.

Offsite options could comprise either the purchase of units from a local habitat bank or habitat creation / enhancement on offsite land owned by the applicant or a third party. Whilst full details of the chosen approach can be provided in a post-determination Gain Plan, if offsite land requires securing, a legal agreement is likely to be required at this stage. Alternatively, if a habitat bank purchase is likely, we typically advise the LPA to seek confirmation that the type and number

of units can be delivered by the provider, to avoid delays later down the line when discharging the Gain Plan condition, however this is not mandatory.

Given that the onsite gains will be minor and restricted to a private garden, a Habitat Management and Monitoring Plan (HMMP) is considered disproportionate. A landscape plan could be secured by the LPA, and we would encourage the inclusion of native or beneficial garden planting, such as small trees and pollinator-friendly shrubs, where possible.

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.

Biodiversity Enhancement Plan

Prior to the completion of works, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall indicate the locations and specifications of two or more of the following measures, which shall be implemented in full and maintained thereafter:

- 1x external woodcrete / woodstone bat box
- 1x integral bat brick
- 1x external woodcrete / woodstone bird box
- 1x integral universal nest brick

- 1x insect brick / house / tower
- Hedgehog gaps in fencing (130 mm x 130 mm)
- Native and wildlife-attracting planting i.e., trees, hedgerow, shrubs and / or herbaceous perennials to provides resources for pollinators, birds and other wildlife.

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.

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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