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 Derbyshire Wildlife Trust

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Planning Applications Manager
High Peak Borough Council
Planning Department
Municipal Buildings
Glossop
Derbyshire
SK13 8AF

For the attention of John Williamson

Your Ref: HPK/2017/0198

Our ref: DWTHPK204-2

22nd August 2017

Dear John,

Proposal: Outline application with all matters reserved (except access) for residential development (31 houses) and associated works

Location: Land at Woolley Bridge, East of A57, Hadfield, Glossop

Application Ref No: HPK/2017/0198

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 High Peak 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.

Basis for response

The Trust previously provided comments on an application at this site in November 2012 and at the start of August 2017. It is understood that planning permission was granted for this development but that planning permission has now lapsed and a new application with an updated ecology report has now been submitted.

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In our earlier responses to this application made in 2012 and more recently on 1st August 2017 we raised a number of concerns relating to protected species, impacts on UK BAP habitats and species.

The new report we have received from SLR Consulting (Botanical, invertebrate, great crested newt and reptile survey interim report August 2017 SLR Consulting) attempts to address some of these issues.

Great crested newt

The additional work has included an updated Habitat Suitability Index assessment of the waterbodies on site and an eDNA analysis of two of the ponds (2 other ponds were recorded as dry) for the presence of great crested newt DNA. This analysis has been undertaken outside of the sampling period recommended by Natural England. SLR make a case for the results still being useful in determining whether or not newts have been or are present and quote research by Biggs et al (2014). One of the main constraints with sampling outside of the recommended period is that adult newts will have left the ponds and if breeding has not taken place detecting DNA becomes less likely by August. If breeding has taken place then young newts would still be in the pond and their DNA could be detected.

The case made by SLR Consulting in the latest report for the absence of great crested newt is considered to be a reasonable one despite the limitations of the eDNA analysis as it fell outside of the optimum period. On balance we consider that sufficient information has now been collected, assessed and provided to the LPA.

Invertebrates

The results of the invertebrate survey indicate that the site is now unsuitable for dingy skipper (a UK BAP priority butterfly species), but has identified the presence of several moths that are also UK BAP priority species (research only). A number of other species identified may be local, but none are considered of high conservation concern.

Vegetation and habitats

The site is unmanaged and as would be expected is changing all the time due to the natural development and growth of the vegetation. The latest report concludes that only small areas of 'Open mosaic habitat on previously developed land' (a UK BAP priority habitat type) are still present. However, the exact area of these is not given. Overall the site is a mosaic of semi-natural vegetation that includes small swampy wetlands associated with the ponds. There are areas of tree cover especially in the north of the site. These habitats are of local value, but are to

some extent in a poor condition. It is considered unlikely that they would meet Local Wildlife Site selection criteria. Nonetheless the site does support biodiversity and the development will result in some loss of this biodiversity across the site.

Reptiles

The reptile survey is only partly complete (only 3 out of the 7 visits needed have been completed) and though no reptiles have been found so far this is inconclusive until the final results are submitted. The report has at this stage concluded that there is unlikely to be a large population of reptiles and we would agree with that assessment. However, there could still be a smaller population present yet to be detected.

Conclusion and Recommendations

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”*.

With regard to great crested newt it is considered that there is now an acceptable level of assessment at the site and the conclusions reached in the ecology report are reasonable and allow informed conclusions to be drawn with regard to potential impacts on this species. The ecology report recommends a pre-commencement survey for great crested newt as a final check and this could be conditioned.

With regard to reptiles the final results of the reptile survey have yet to be submitted, but given the level of current information on reptiles and the results from the first 3 visits we consider that further work and/or mitigation details, if needed, could be subject to a condition. The condition will need to provide details of mitigation for reptiles including the identification of receptor areas as required.

The development site appears to be about 0.9 ha and will result in the loss of at least 0.6 ha of semi-natural habitats including the ponds. This biodiversity loss will require mitigation and compensation in order to avoid a net loss of biodiversity. The proposed mitigation at this stage is limited and the extent of land that will be retained within the development has not been confirmed. We support the retention of the woodland along the eastern edge of the development and recommend that there is a 10 - 15 meter buffer between the woodland edge and the

development. We note that the indicative proposed layout suggests that this will form part of the public open space and part of residential gardens. This may cause a conflict in terms of appropriate and long-term management. We therefore advise that details of who is to own the woodland in the long-term and how it will be managed need to be provided to the LPA.

We would also like to see the retention of ponds 2 and 3 if possible as part of the open space. The area around the ponds could be managed to maintain open grassland. This approach would reduce the overall impact of the development on biodiversity.

Where impacts on the habitats within the site cannot be avoided or mitigated we recommend that offsite compensation is secured to assist with the management and enhancement of adjacent open space to the east of the development or in another locality nearby. Given the type of habitats and their size this compensation is likely to be at a low level, but could include grassland enhancement and subsequent management and the creation of ponds and wetland within the locality. The grasslands/woodlands identified on the map below could potentially be suitable for enhancement and management.



Conditions

We would advise the LPA to secure mitigation and compensation for impacts on biodiversity through planning conditions as suggested below:-

“No development shall take place (including demolition, ground works, and vegetation clearance) until a detailed scheme for ecological mitigation, compensation and enhancement across the site has been submitted to and approved in writing by the local planning authority. The mitigation and enhancement scheme shall include (but not exclusively relate to):

- The retention and management of hedgerows and hedgerow trees within a development free buffer
- The planting of new habitats in situ to include native hedgerows and trees to compensate for any hedgerow or tree removal and some wildflower grassland as detailed in the ecological report (August 2017).
- The retention of ponds 2 and 3 (as identified in the ecology reports) or creation of 2 new ponds or equivalent wetland in the locality

- The management and where appropriate enhancement of grassland habitat within open space to the east of the site
- The management and enhancement of woodlands and hedgerows on open space to the east of the site
- A reptile mitigation plan as required
- A pre-commencement survey for great crested newt as detailed in the ecology report (August 2017)

The scheme shall include a timetable for implementation relative to the completion of dwellings hereby approved. Thereafter the approved ecological mitigation, compensation and enhancement scheme shall be implemented in full in accordance with the approved timetable and retained as such thereafter”.

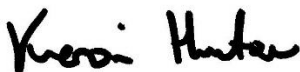
Reason: To mitigate and compensate for the loss of existing biodiversity on site and any impacts on protected species, in accordance with planning policies of the High Peak Borough Local Plan and the National Planning Policy Framework.

Breeding birds

To ensure that breeding birds are protected from harm we advise that a condition should be imposed requiring that ***“No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.”***

If you have any queries, please do not hesitate to contact me.

Yours sincerely,



Kieron Huston

White Peak Regional Manager

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