

High Peak Borough Council  
Development Control  
Municipal Buildings Market Place  
Glossop  
Derbyshire  
SK13 8AF

**Our ref:** LT/2023/127868/01-L01  
**Your ref:** HPK/2023/0159  
**Date:** 22 June 2023

Dear Sir/Madam

**PROPOSED NEW ROOF, REPLACEMENT DECKING, REPLACE REAR WINDOW WITH FRENCH DOOR AND REPLACE EXISTING POINTING WITH LIME MORTAR. BRANKSOME COTTAGE, GADLEY LANE, BUXTON, DERBYSHIRE, SK17 6UY**

Presence of legally protected species and no evidence that the risks have been assessed and addressed satisfactorily

**Environment Agency position - Biodiversity**

Legally protected species may be present at this site. There's no evidence that the risks posed to them have been assessed and addressed satisfactorily.

We object to the replacement decking and new roof proposed as part of this planning application due to the likely effect this will have on otters and bat species. Insufficient information has been provided to assess the risks posed by this activity to potential otter resting places under the existing decking and bat roost potential of the existing slate roof. We therefore recommend that planning permission is refused.

**Reasons**

Otters and bats are protected species under the Conservation of Habitats and Species Regulations 2019. The proposed decking and new roof may have a detrimental effect on these species. The application does not include adequate information about the measures proposed to protect the otters and bats in this location.

This objection is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.

**Overcoming our objection**

A suitably qualified ecologist should inspect the decking for evidence of use by otters as a resting place. The ecologist should also carry out a bat roost suitability inspection of the roof/ roof void. Please provide a ecologist's report documenting the results of the otter and bat inspections, to include suitable mitigation measures as required.

### **Environment Agency position – Flood Risk**

This proposal falls outside flood zone 3b (functional floodplain) therefore we have no objection to the application.

### **Environmental permit - advice to applicant**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Yours faithfully,

**Mr Joshua Milsom**  
**Sustainable Places Planning Advisor**