

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

For the attention of Steven Gunn-Russell

Your Ref: HPK/2022/0456

Our ref: DWTHPK679a

22nd June 2023

Dear Steven,

Proposal: Proposed residential development comprising 100 dwellings including areas of public open space, landscaping and associated works

Location: Land At Dinting Vale Dinting Glossop

Application Ref No: HPK/2022/0456

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.

Response

The Trust advise that the application cannot be determined due the absence of sufficient data to inform our response. In summary, the following data has not been supplied:



- A copy of the biodiversity net gain metric.
- Additional botanical survey, namely quadrat data to confirm grassland habitats are accurately characterised. Furthermore, whilst the onsite and offsite condition assessment data has been provided, there is no accompanying map to show the location of the condition assessment quadrats, nor species lists for the offsite habitats.
- Additional invertebrate survey and assessment to determine impacts to the nationally scarce large garden bumblebee recorded on site and design appropriate mitigation.

We have reviewed the Biodiversity Net Gain Assessment Version 4 (Tetra Tech, May 2023). In summary, this predicts a net gain of +6.32 (+17.92%) habitat units, secured via on and offsite habitat creation and enhancement, however the trading rules are not met. We have multiple concerns about this assessment, as set out below:

1. The metric itself has not been submitted. We cannot fully review the calculations which are fundamental to the assessment and form a key element of our response to the LPA.
2. In previous meetings with the applicant and their ecologists, and in our consultation response dated 1st December 2023 (DWTHPK679), we requested further botanical survey to provide a sufficient level of confidence in the habitat classification – namely the onsite grassland. Based on the original TEP report and the visit undertaken by DWT, it is possible that areas of the site could be classed as ‘lowland meadow’, ‘other acid grassland’ or even ‘rush pasture’. Whilst we note that the BNG report includes a section dismissing the likelihood that acid grassland is present, no empirical data is given to support this. Furthermore, the LWS report acknowledges that the grassland in the south of the site could comprise MG5c / lowland meadow but that there is insufficient data to determine this. It is entirely reasonable to request quadrat data to determine the grassland types, in line with the UKHabs Habitat Definitions guide. It is essential that habitats are accurately classified, as this materially affects the calculations in the metric and informs the grassland types that would require creating as compensation. Currently, no further survey data has been submitted to provide evidence for the choices made in the metric. We know that the onsite grassland is of substantive value due to it meeting grassland criteria to qualify as a Local Wildlife Site (LWS), as confirmed in the submitted Local Wildlife Site Criteria Letter Report (Tetra Tech, May 2023).
3. The trading rules are not met. Trading rules are a fundamental principle in the metric, which ensure that higher value habitats are not replaced with lower value habitats.

Whilst we cannot see the full details of the metric, the BNG report summarises that there is a net loss of 'medium distinctiveness' habitats, including other neutral grassland, pond and bramble scrub. The BNG Best Practice Guidelines (CIRIA C776a, 2019) are explicit in the need for trading rules to be met, stating:

"A BNG design should improve the extent or condition of biodiversity affected by a project. It should not result in lost or damaged features being replaced by features of lower biodiversity value. This is regardless of whether a metric shows an increased amount of biodiversity after a project compared with the baseline".

The Best Practice Guidelines also require that, *"Net gains should be in the same habitat as that affected by the development, or a habitat of higher biodiversity value that supports the same species affected"*.

As such, whilst the headline figures indicate a predicted net gain, we would advise that the metric has not been properly interpreted in line with user guidelines and that a true net gain cannot be claimed.

4. The previous BNG Assessment calculated a loss of -9.43 habitat units (including on and offsite areas). The current calculations based on the revised layout are a gain of +6.32 units. Given that the layout is little changed, with the exception of a buffer in the west and some SuDS, this is a large change and it would appear to be influenced heavily by the planting of trees. Indeed, the BNG report states that the gain is a result of a, *"significant number of heavy standard trees and replacement woodland planting within some of the areas that are required for removal"*. Without a copy of the metric, we cannot review the exact details, however as discussed in Point 3, extensive urban tree planting does not compensate for the loss of valuable grassland.
5. No detail has been provided as to how the proposed habitats would be created / enhanced on the offsetting site. No detail has been provided on soil type / pH, moisture content, nutrient levels etc and therefore little confidence has been given that grassland of equivalent character and value can be created to compensate for that to be lost. We know that the onsite grassland is marshy with areas of low pH, and there is no guarantee that sowing a generic wildflower seed mix on a former pasture will deliver grassland of the same type and quality. Without the inclusion of the offsetting site, a net loss is predicted of -7.62 habitat units (21.61%).

In addition to our comments which directly relate to the metric calculations,, we wish to raise the following points:

A 10 m buffer to Gamesley Sidings has been added, which is welcomed. However, it will include a 3 m footpath and swale, which will reduce the area of grassland. The impact of the swale creation on tree roots should also be considered but we do acknowledge that this could provide additional habitat for amphibians. It is not clear whether the grassland will be retained as per the BNG report or lost and re-seeded as per the Landscape Plan Rev. B. Given the footpath and swale creation, we would anticipate retention would not be possible. We also note that the grassland buffer strip in the east will include tree planting and play features (or similar), which again reduce the area of grassland retention/creation, increases shading, leaf drop and disturbance. In our previous response, we advised that minimum 10 m buffers of retained marshy grassland were designed into the scheme to provide meaningful areas of habitat for invertebrates, foraging bats, birds, and amphibians, along with dark corridors for nocturnal wildlife.

The Design Evolution Statement claims that ecology has been a large driver of the revised layout. This goes on to state that several of the east-west roads will be planted with tree avenues to provide green links across the site. Whilst tree-lined streets are encouraged and can help maintain some connectivity for bats they will essentially be roads and cannot be fully termed ecological corridors.

We are concerned that no further invertebrate survey data has been provided or meaningful proposals to mitigate the impacts to the nationally scarce large garden bumblebee. This is a Species of Principal Importance (S41, NERC Act 2006) and classed as Nationally Scarce (Nationally Notable) B. It is only the second record for Derbyshire that we are aware of and it has declined by over 80% across its UK range. In our previous response, we advised that insufficient mitigation has been proposed to address impacts to the invertebrate communities present and considered it unlikely that *Bombus ruderatus* would survive at the site once the habitats are destroyed. The site qualifies as a Local Wildlife Site based on three separate invertebrate criteria (only one criteria needs to be met to qualify).

We welcome the three additional breeding bird survey in 2023 and consider that survey effort is in line with best practice guidance. The site qualifies as a Local Wildlife Site based on one of the bird criteria and is clearly valuable to local bird populations. Whilst some passerine use of the site will persist in gardens, open space and woodland, open grassland foraging habitat will be

lost for raptors, hirundines and potentially occasional use by a small number of ground-nesting species.

Conclusion

We would return to the requirements of the NPPF 2021, which states that local authorities should apply the following principle (amongst others) when determining a planning application:

“a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.

We advise that impacts have not been avoided or significantly reduced through a meaningful re-design. Whilst some minor mitigation measures have been incorporated these do not go far enough to adequately mitigate the impacts to rare species and notable habitats. Offsite compensation proposals still result in a net loss of valuable LWS quality / S41 grassland (and other habitats) and little confidence is given that the offsite habitats can be created to the same quality of those that will be lost.

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,

Libby Duggan-Jones MBiolSci MCIEEM

Biodiversity Planning Officer

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