

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

For the attention of James Stannard

Your Ref: HPK/2023/0193

Our ref: DWTHPK691

9th August 2023

Dear James,

Proposal: Construction and installation of an Energy Storage System (ESS) including the formation of site levels and associated access, landscaping and site infrastructure.

Location: Land at Marsh Lane New Mills

Application Ref No: HPK/2023/0193

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.

Comments

I have reviewed the following reports: -

- Preliminary Ecological Appraisal prepared by RPS Group April 2023



- Bat and Survey Report prepared by RPS Group April 2023
- Biodiversity Net Gain Assessment prepared by RPS Group 11th April 2023
- Landscape and Ecological Management Plan prepared by Pegasus Group March 2023.

I have also reviewed the biodiversity datasets held by DWT.

The site does not have any nature conservation designations (statutory or non-statutory) associated with it. It has not been identified as a potential Local Wildlife Site and is not known to support any Habitats of Principal Importance (UK BAP Priority Habitat types).

The site has been subject to a series of ecological / biodiversity assessments as listed above. These ecological assessments are considered to provide the Council with sufficient information on the potential impacts of the proposed development on biodiversity (species and habitats). No further surveys are required at this time, although additional surveys will be required prior to the commencement of the development (if permission is granted).

The development site is comprised of species poor modified grassland, hedgerows (boundaries), trees and small stands of broad-leaved woodland. A Biodiversity Net Gain Assessment has been completed and this has quantified the potential loss of habitat at the site. The main loss of habitat is modified grassland, but a small area (0.009 ha) of broad-leaved woodland is also affected as well as an area of species poor semi-improved grassland. The loss of woodland is related to the creation of the access road into the site, whilst the loss of the grassland is a result of the construction of the Energy Storage System. There is also temporary loss of species poor semi-improved grassland due to the laying of cables between the ESS and the electricity substation.

The Biodiversity Net Gain Assessment has quantified the loss of habitat and gains that can be achieved through habitat creation and / or enhancement using a Biodiversity Metric calculator (DEFRA version 3.1). Proposals include the enhancement of 0.7 ha of existing grassland to the east as well as re-seeding the grassland around the proposed Energy Storage System. The 0.7 ha of grassland to the east could be enhanced to good condition rather than moderate, but in terms of the metric 'gain' this is desirable rather than essential. There are also proposals for mixed scrub and a new hedgerow. The proposed species mixes and management regimes are acceptable. Proposals for tree planting using the species specified are also acceptable.

Overall the net gain assessment has concluded that there will be a gain of 1.25 habitat units (11.16% increase) and a gain of 0.67 hedgerow units (100% increase).

Species considerations

The possible impacts on species can be addressed through suitable working methods and practices, the details of which can be secured via conditions should the development be granted planning permission.

Breeding birds

Breeding birds could be at risk due to the removal of a small area of woodland to create the access road. Measures to ensure that breeding birds are fully taken into account will need to be in place throughout the construction period (this can form part of a CEMP see below).

A survey has concluded that there are no within 30m of the construction area, but is active in the area and there are within a few hundred metres. There is therefore a risk to due to the construction of the ESS and measures will be needed to ensure that legislation and Natural England Standing Advice is fully complied with. Mitigation for can be included within a CEMP and there will need to be a pre-commencement survey as recommended below.

Bats

Two trees identified as having moderate potential for bat roosts will be retained so there should not be any direct impact on roosting bats. Foraging and commuting bats could be temporarily disturbed during the construction period. There will need to be a sensitive lighting scheme both during construction and afterwards (a condition is recommended below).

LEMP

A Landscape and Ecological Management Plan has been prepared by Pegasus Group March 2023. The plan states that it is based on a Biodiversity Net Gain Report (RPS, January 2023). This is an earlier version of the one submitted which has an April issue date. In addition, the LEMP includes elements that are better placed within the Construction and Environmental Management Plan to address mitigation during the construction period. It is advisable for the LEMP to be revised to take account of any changes included in the latest BNG Assessment and for mitigation measures for habitats and species during the construction period to be removed and placed within the CEMP.

The LEMP also needs to reference the target condition for each habitat that is being created and / or enhanced so that it is clearly linked to the Biodiversity Metric assessment. The grassland species mix/composition to be used for re-seeding or creation should be clearly set out in the plan. The reference for the seed mix and a list of the species would be sufficient. It would be good to have a more detailed map that sets out exactly how different areas will be treated and managed, the target habitat (which species mixes have been used and where) and condition and timescales to achieve that condition. Monitoring should be carried out in the yearly intervals set out in the condition below. General habitat management proposals are acceptable. These changes can be made within a revised LEMP submitted as a condition as recommended below.

Conclusions

At the current time I have not seen the full details of the biodiversity metric (Excel format) but based on the reports submitted the impact of the development primarily affects habitats of low biodiversity value (modified grassland). On this basis the development has set out a biodiversity net gain plan that can provide a > 10% gain for both habitats and hedgerow. The proposals for enhancement and habitat management appear to be achievable but will need to be properly resourced.

The development may have some adverse impacts on protected species, but these can be mitigated and, in some cases, avoided altogether provided the right measures are in place during the construction period and subsequently. Mitigation for protected species and habitats will need to be implemented during the construction phase if the development goes ahead. A condition requiring a Construction and Environmental Management Plan (Biodiversity) is therefore advisable.

It is essential that the Council monitors the effectiveness of the habitat mitigation and enhancement. Monitoring reports should be provided to the Council at regular intervals as prescribed in the condition for the LEMP below.

Recommendations and Conditions

If the Council is minded to approve the application the following conditions are recommended in order to address the impacts on biodiversity at the site and potential risk to protected species.

pre-commencement survey

Due to the presence of activity locally prior to the commencement of development, including preparatory site clearance, a detailed survey for any recently excavated on the site or within 30 metres of the site boundary should be undertaken. The results and

any appropriate mitigation/licensing requirements shall be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.

Construction Environmental Management Plan (CEMP: Biodiversity)

No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on
 , bats, breeding birds, hedgehog and amphibians during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Landscape and Biodiversity Enhancement and Management Plan (LBEMP)

A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development in accordance with the proposals set out in the Biodiversity Net Gain Assessment prepared by RPS Group 11th April 2023. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- b) Details of any species enhancement or ongoing mitigation such as gates or corridors, hedgehog gates, bat and bird boxes.
- c) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- d) Appropriate management methods and practices to achieve aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- g) Details of the body or organization responsible for implementation of the plan.
- h) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 15, 20, 25 and 30 years.
- i) Monitoring reports to be sent to the Council at each of the intervals above.
- j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

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. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. 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.

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,

Kieron Huston BSc MSc MCIEEM
Biodiversity Planning and Policy Manager