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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: DWTHPK679c

8th September 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

This response sets out comments on the most recent landscaping proposals, additional queries that have arisen after further review of the information submitted, a summary of the key issues and, further to request from the LPA, suitable condition wording to be used if the application is approved.



Landscaping

We have reviewed the most recent Masterplan (101 Rev. I) and the planting plans 1-4:

- We note that no species are included within the herbaceous planting mix to benefit the large garden bumblebee, as agreed in the Tetra Tech letter response dated 6th July 2023 and the Invertebrate Survey Report (Baker Consultants, V3 - 20th June 2023). This must be revised.
- The proposed grassland around the attenuation ponds is stated on the Masterplan and planting plans as GM10a. It should be MG10a. It should state that this will be achieved through translocation of grassland from elsewhere on site and / or an appropriate native wetland seed mix.
- Proposed Purple Moor-grass and Rush Pasture within the attenuation pond should also state to be achieved through translocation of grassland from elsewhere on site and / or an appropriate native wetland seed mix, including the species already listed.
- It would be advisable to create the attenuation ponds at the start of works to allow translocation of habitats further south into this area and avoid the need for storage of turves. This should then be adequately fenced and protected.
- Most of the wildflower grassland is stated as WF2 Flowering Meadow, supplied by Germinal GB. This is a mix of native and non-native species and not in line with the UKHabs definition of 'other neutral grassland'. We advise that this is substituted for EM3 Meadow Mix or similar, which is wholly native and more in line with UK Habs.

Additional Queries

We wish to query how the proposed trees have been entered into the submitted metric.

- The most up to date metric guidance states that proposed tree planting within gardens should not be included separately within the metric figures. The classification 'Vegetated garden' should be used, which takes into account potential tree (and other) planting and considers the lack of future safeguards on garden trees. It appears that 90x ornamental trees are included in addition to vegetated garden. Omission of these would result in a further loss of -1.13 habitat units.
- The size class of the tree should be based on the projected diameter at 30 years. The metric notes are contradictory in the two penultimate rows of the metric and the current guidance states that most street trees should be classed as small unless evidence is provided to justify the input of larger size classes. We note on the Landscape Plan (No. 101 Rev. I) that the spine road trees will be planted as 20-25 cm diameter and are

satisfied that these will reach greater 30 cm diameter in 30 years. However, it is not clear if the other proposed street and POS trees will reach this target, which is the criteria for 'medium' classification.

Given that attenuation ponds are proposed within the site and considering that the site is located between areas of suitable amphibian habitat, consideration should be given to maintaining connectivity for amphibians. Wildlife kerbs should be used in association with gullies <https://www.aco.co.uk/products/wildlife-kerb> and drop kerbs should be incorporated within the road network to safeguard amphibians. We have not seen confirmation of this to date.

Summary of Key Issues

We maintain that insufficient evidence has been submitted to provide confidence that a net gain can be delivered, in line with the NPPF 2021 and Local Policy EQ5, and that bespoke compensation can be provided to offset the Habitats of Principal Importance that will be lost.

The key issues are summarised as follows, with full details in our previous letter responses (DWTHPK679, 679a and 679b):

- There is currently an overall net loss predicted of -2.09 (4.81%) habitat units, in addition to the losses of two Habitats of Principal Importance (NERC Act 2006) which are treated separately from the metric due to their high ecological value. Sufficient information has not been provided to demonstrate that an overall gain can be delivered, as per the NPPF and Policy EQ5.
- The trading rules of the metric are currently unsatisfied and the proposals will result in a net loss of grassland habitats in particular, with a heavy reliance on tree planting to provide up onsite biodiversity units.
- Details of the required bespoke compensation have not been proposed for the loss of the two Habitats of Principal Importance. These habitats are complex to translocate or re-create and success is not guaranteed. Currently no details have been provided to show how or where this could be achieved.
- The site would qualify as a Local Wildlife Site under two grassland selection criteria, three invertebrate criteria and two bird criteria. This demonstrates that the site is of substantive ecological interest and the net gain requirements of Policy EQ5 should be applied (see third bullet point of policy wording).

Planning Condition Wording

We acknowledge that if the application is approved, conditions will be required to ensure the necessary mitigation and compensation is delivered. Whilst we advise that much of this information should be provided prior to determination, we have set out suitable condition wording below, as requested:

Biodiversity Net Gain - Offsite

Before the development is commenced (including any vegetation clearance, ground works or the introduction of machinery and materials to site), a scheme for the offsetting of biodiversity impacts at the site, including bespoke compensation measures, shall be submitted to and approved in writing by the Local Planning Authority. This should be supported by an updated biodiversity metric for the site, costings and appropriate legal agreements to guarantee third party delivery of ongoing habitat management requirements. The Offsetting Scheme shall include:

- i. Identification of offsetting site or sites.
- ii. Details of the offsetting requirements of the development, in accordance with an updated version of the current Defra biodiversity metric, demonstrating a net gain;
- iii. Details of the bespoke compensation requirements to sufficiently address the losses of Lowland Dry Acid Grassland and Purple Moor & Grass Rush Pasture.
- iv. The provision of evidence of arrangements to secure the delivery of offsetting measures, including a timetable of delivery; and
- v. A management and monitoring plan, to include for the provision and maintenance of the offsetting measures for a period of not less than 30 years from the commencement of the scheme. The management and monitoring plan is to include:
 - a. Description of all habitat(s) to be created/restored/enhanced within the offsetting scheme, including expected management condition and total area;
 - b. Review of any ecological constraints;

- c. Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur);
- d. Detailed design and working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location of proposed works;
- e. Type and source of materials to be used, including species list for all proposed planting and abundance of species within any proposed seed mix;
- f. Methodology for habitat translocation, if necessary;
- g. Identification of persons responsible for implementing the works;
- h. A timetable of ecological monitoring to assess the success of all habitat creation/enhancement. Ecological monitoring reports should be submitted to the LPA at Years 1,2,3,4,5,10,15,20,25 and 30.
- i. The inclusion of a feedback mechanism to High Peak Borough Council, allowing for the alteration of working methods/management prescriptions, should the monitoring deem it necessary.

The arrangement necessary to secure the delivery of the offsetting measures shall be executed prior to written approval by the Local Planning Authority. The offsetting scheme shall thereafter be implemented in accordance with the requirements of the approved scheme.

Landscape and Biodiversity Enhancement and Management Plan (LBEMP) - Onsite

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 updated Biodiversity Metric and Landscaping Plans. 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) A copy of an updated metric, once the offsetting scheme has been approved.

- b) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- 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, 4, 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) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- l) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
- m) Detailed specifications for open water habitats to provide biodiversity benefits.
- n) Requirement for a statement of compliance upon completion of initial 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.

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 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.

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 shall avoid lightspill to woodland edges and areas of open space and retain dark corridors where necessary. Details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers shall be provided. 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,



Libby Duggan-Jones MBiolSci MCIEEM

Biodiversity Planning Officer

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