

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

For the attention of John Copestake

Your ref: HPK/2023/0192

Our ref: DWTHPK692

12th September 2023

Dear John,

Proposal: Construction of 116 dwellings

Location: Land at Hogshaw, Fairfield, Buxton, Derbyshire

Application Ref No: HPK/2023/0192

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 on the above site: -

Preliminary Ecological Appraisal (Urban Green October 2022)



Comments on the ecological assessment

The PEA was undertaken quite late in the season (5th October) and outside of the optimal period for botanical survey work. The PEA has included a 1km desk study and is informed by the results of the desk study.

The PEA has correctly identified that part of the development site overlaps with the Hogshaw Sidings Local Wildlife Site (HP026). No other designated nature conservation sites (either statutory or non-statutory) are likely to be adversely affected.

The assessment of habitats and vegetation communities appears to be accurate. Most of the site is comprised of modified (species poor) grassland in use for agricultural grazing. Parcels 1, 2 and 3 are all grazed modified grassland. Parcel 4 lies within part of the Hogshaw Sidings LWS and is unmanaged tall herb vegetation dominated by rosebay willowherb. Although very different in terms of species and structure the metric also treats this vegetation as modified grassland.

There is also an area of woodland present within the boundary of the development. This woodland is within the Hogshaw Sidings LWS. It is classified as 'other - broad-leaved woodland in the assessment, but the wood includes willows, alder, birch spp and ash and could also meet the definition for wet woodland (a priority habitat type). The field layer is quite poor and includes abundant common nettle, ferns and bramble.

Other habitats or features recognised in the PEA include the Nun's Brook, several lines of trees, buildings, walls and a footpath.

Species

Hazel dormouse – agree with the assessment. This species is absent from most of Derbyshire, but has been the subject of several reintroduction attempts (though not in this area). No further work is necessary.

Vascular plants – most of the vascular plants affected are common and widespread species associated with agricultural grasslands and ruderal vegetation. There is a greater range of native species within the woodland and along the brook, but none are of significant conservation concern (though they may be part of a community of plants that is significant).

Invertebrates – the modified grassland is likely to be low diversity, but the woodland habitats will be supporting a range of invertebrates. No detailed surveys have been undertaken.

Small heath butterfly may be present within the Hogshaw Sidings LWS but is unlikely to be affected by the proposals. The bilberry bumblebee occurs mainly to the west and is primarily associated with areas of moorland. It sounds like it may be foraging along the railway line where there may be pockets of bilberry and other flowers present. The habitats within the development site are unsuitable or sub-optimal, but it could occur on grasslands within the adjacent LWS or railway land.

White-clawed crayfish – the PEA has concluded that this species could be present in Nun's brook and recommends that an eDNA survey is completed.

Amphibians – the presence of great crested newt has been ruled out by the PEA after a nearby pond (to the east on the golf course) was found to be **Below Average** through a Habitat Suitability Index assessment. Historically the golf course did support GCN and it is disappointing that an eDNA survey was not undertaken to provide further evidence. There are more recent GCN records to the west (the other side of the railway lines and 640m to the south. Whilst the presence of GCN is probably unlikely precautionary methods of working for this species need to be included in a Construction and Environmental Management Plan (CEMP). Impacts on more common amphibians such as common frog and common toad are likely especially in relation to the woodland area.

Reptiles – the assessment of reptiles is acceptable and can be addressed through precautionary methods of working set out within a CEMP.

Birds – most of the site is sub-optimal for breeding birds due to the nature of the habitat (modified grazed grassland), but the woodland is likely to support a range of common breeding bird species. The woodland also provides habitat for birds on passage or in the winter. No in-depth bird surveys have been undertaken so the woodland bird assemblage is not known in detail for the site.

Bats – A preliminary roost assessment has been undertaken on buildings and trees on site and adjacent. This has identified two trees with low bat roost potential and one tree with moderate bat roost potential. Bat activity surveys have not been undertaken, but the site is assessed as having moderate suitability for commuting and foraging bats along tree lines and the edges of the woodland in the west. The PEA has recommended further surveys.

Hedgehogs are assumed to be present on site. Mitigation measures can be included in a CEMP and enhancement measures in a Biodiversity Enhancement Plan (BEP) or equivalent.

Water voles are not thought to be present due to the nature of the brook and the lack of recent records locally. Nun's brook is culverted for much of its length to the west of the development and when it emerges it is heavily shaded so not ideal conditions for water vole. The development is unlikely to affect this species.

Brown hare are present locally and the fields may be used by hares, but their loss is not likely to have a significant impact on the population locally as there are extensive and better habitats to the north, west and east.

Otter – the PEA has concluded that otter is very unlikely to be present and discounted it from the assessment. However, otter do occur on the river Wye and there are two records from Buxton, though not recent. Otter territories can be large and smaller tributaries are sometimes used. It seems unlikely that the development would directly impact otter, but precautionary measures are advisable and should be included in a CEMP.

Invasive species – Japanese knotweed and Himalayan balsam are present on and close to the site. A condition is advisable to secure suitable control and eradication measures.

Biodiversity Net Gain

The application is supported by a Biodiversity Net Gain Design Stage Assessment. This document presents the results of a Biodiversity Metric (3.1) assessment for baseline and post development biodiversity units at the site. The baseline value for the site is calculated to be 12.71 area units, 0.91 linear units and 0.67 river units. All of the area habitats are lost, whilst some of the linear units are retained and all of the river units are retained.

The proposed habitat creation and enhancement measures on site include the creation of wildflower grassland (other neutral grassland), tree planting, shrub planting, creation of mixed scrub, creation of small areas of woodland and a pond. In total the post development habitats will

result in a net gain of 7.46 area units (58.72%) and 1.25 linear units (37.37%) and no change in river units.

The assessment claims that the Trading rules are met within the metric, however, I have no way to verify that through the actual metric calculations as the BNG Design Stage Assessment is not accompanied by the full biodiversity metric in Excel format.

The proposed landscape plan included in Appendix 3 of the BNG Design Stage Assessment provides further details of the proposed habitat creation. However, there are some ambiguities around the location of the woodland habitats as these are not clear on the plan (this may be due to different terminology, but needs resolving).

Mitigation and enhancements

The PEA and BNG plan provide information on species and habitat mitigation and enhancements, and these can be incorporated into conditions for mitigation, habitat creation and long-term management.

Swifts – Integrated Nest Boxes Information/Advice

The newly published British Standard (BS 42021:2022 Integral nest boxes – Selection and installation for new developments) provides specifications on the number and type of integral boxes that should be sought within new developments. For example: 1. To provide new and enhanced opportunities for nesting, the number of integral nest boxes on new residential developments shall at least equal the number of dwellings, i.e., the ratio of integral nest boxes to dwellings is 1:1. 2. External nest boxes are additional to the installation of integral nest boxes on new developments and should not be included as part of the 1:1 ratio. This is also supported by the National House Building Council Foundation, the standard-setting body for new homes: "Section 8.1 Nest sites for birds (page 42): "Provision of integral nest sites for swifts is through hollow chambers fitted into the fabric of a building while in construction. Although targeting swifts they will also be used by house sparrows, tits and starlings so are considered a 'universal brick"

Conclusions and outstanding matters

The proposed development will result in the loss of part of Hogshaw Sidings LWS. The area directly affected is c. 0.4 ha (5%). Part of the woodland that will be lost lies just outside of the LWS boundary. However, the boundary has not been reviewed for some years and as this woodland is contiguous with the rest of the site it is very likely it would be added to the LWS in the future and

as such should be viewed as potential LWS. The habitats affected within the LWS are tall herb dominated by rosebay willowherb, nettles, grasses and bramble and areas of broad-leaved woodland (potentially wet woodland – a priority habitat type). The BNG Design Plan has stated that there will be a net gain and that all the impacts have been met in accordance with Defra's biodiversity metric and the trading rules.

The Council is advised to request a copy of the full metric in Excel format so that the figures can be checked in detail.

The plans currently show three areas with tree planting and woodland understorey planting and the Council is advised to ask the applicant to confirm that these are the areas where broad-leaved woodland will be created in line with the metric calculations.

The proposals around the SUDS include both wildflower grassland and some tree planting. Areas planted with trees should be excluded from the grassland area calculation as these will in time become too shaded to support the target habitat. The areas where trees are proposed could be used to create woodland rather than grassland.

The PEA has recommended that further survey work is undertaken in relation to white clawed crayfish and bats. **The white-clawed crayfish eDNA survey should be carried out between April and October, but the results of this survey do not appear to have been submitted.**

Bat emergence surveys are recommended for trees T1, T2 and T3 if these trees are likely to be felled or pruned. As far as I am aware the results of these surveys have not been submitted. Tree (T3) has moderate roost potential and should be checked prior to the determination of the application. **Clarification on the status of these trees and any further bat surveys is required for the Council to understand if it has all the information it needs on bats prior to determination.**

Bat activity surveys have been recommended by the PEA (section 5.2.2) prior to the determination of the application. It is assumed that these surveys have been undertaken over the summer, but the results do not appear to be available yet.

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”.

Once I have been able to review the further information identified above, I can update my comments accordingly.

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,

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