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Wildlife Trust

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

For the attention of James Stannard

Your ref: HPK/2023/0277

Our ref: DWTHPK703

2nd November 2023

Dear James

Proposal: Change of use from existing church to holiday let with associated building modifications, landscape works, conversion of the existing outbuilding as a bat loft and amended highway access.

Location: Holy Trinity Church, School Road, Peak Dale, Derbyshire, SK17 8AR

Application Ref No: HPK/2023/0277

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

We have reviewed the Ecological Appraisal (Dunelm Ecology, June 2023), which details the results of bat surveys in 2018 and a single update bat survey in 2023. Works to the church will require a licence from Natural England due to the presence of small numbers of roosting common pipistrelle and brown long-eared bats. A second survey in 2023 would have been preferable, however the 2023 results were consistent with the 2018 survey results and we advise that sufficient information has been provided to inform the planning application. It is possible that further update surveys will be required to support a licence application to Natural England.

We welcome the proposals to retain and create existing external crevices within the church walls, along with ridge tile access points in the roof. It is essential that all re-roofing utilises bitumen roofing felt Type 1F to prevent bat entanglement.

Brown long-eared bats typically require open space / voids to fly in, as well as crevices in which to roost. The report concludes that the brown long-eared bats are likely utilising the void above the false ceiling in the southern part of the church. Given that the first step of the mitigation hierarchy is to avoid impacts, we do query whether the first floor in this southern part of the building is essential to the development? Best practice principles would encourage the retention of a void in this section which could continue to be used by brown long-eared bats. No consideration of this has been provided. Ultimately, Natural England will decide whether to approve or reject the licence application (and the suitability of the mitigation) but case law has shown that the local authority should make an informed decision on whether or not the proposals meet the 'three tests' of the Habitat Regulations (2019 (Amendment) (EU Exit). Retention of the roost in situ would represent an alternative (ii) and it should be explained why this is not possible:

- (i) The action will be undertaken for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Regulation 55(2)(e))
- (ii) That there is no satisfactory alternative (Regulation 55(9)(a)); and
- (iii) That the action will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range (Regulation 55(9)(b)).

Building 2 is currently proposed as a building solely for the use of bats and this would provide internal flight space. Measures include re-roofing, with the addition of access points and internal roosting features. However, the success of 'bat barns / lofts' is varied and the dimensions are also smaller than those typically recommended, although we note that the roost is not considered

likely to be a maternity roost and therefore flexibility is acceptable. We advise that this should be considered as option B, with retention of the roost in situ preferred.

Sensitive lighting will be essential to the success of all retained and new roosting features. Lighting fixtures should be kept to a minimum, prevent upwards lightspill and be avoided if possible on elevations where roost access is provided. Lux levels should be as close to 1 lux as possible, which is similar to moonlight. Timers and PIR sensors should be employed to further minimise light spill. A sensitive lighting plan can be secured via condition.

Other protected species constraints are limited to nesting birds, which can be mitigated for through seasonal timings of works and the provision of nest boxes.

With regards to habitats, we welcome the proposals in Sections 4.3.1 and 4.3.2, however we cannot see these specified on a Landscape Plan. Where possible, grassland should be retained and enhanced through management, rather than completely re-seeded, due to some existing value. We support comments from the Tree Officer regarding the retention of the yew tree (T9 / T13).

We advise that the following conditions are attached to any consent:

Bat Mitigation

The conversion of the building shall not take place until an appropriate bat licence has been obtained. Confirmation of this shall be submitted to the LPA. Upon receipt of a licence from Natural England / site registration, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the [Ecological Appraisal (Dunelm Ecology, June 2023) – **reference to be updated if proposals change**] and amended as necessary based on any update bat survey work or correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the results of any monitoring works will be submitted to the LPA.

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 roosting features and foraging habitat on site. 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.

Nesting Birds

No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Ecological Enhancement Plan

Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
- insect bricks / towers.
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

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

Endnote:

Please see our planning pages <https://www.derbyshirewildlifetrust.org.uk/planning> for ecological advice on submitting a planning application, finding an ecological consultant and information on mitigation and enhancement.