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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: DWTHPK679b

11th July 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

Further to our response dated 22nd June 2023, additional documents were made available to the Trust on the evening of Friday 7th July:



- Invertebrate Survey Report V3
- NVC Survey Report
- BNG Assessment revision 5
- DEFRA Metric 3.1
- LWS Criteria Letter Report
- Response Letter V2

However, the requested timeframe of only two days is not sufficient to allow a proper review of this very detailed technical information. We have given the documents a high-level review to try and identify any material changes to our previous response.

BNG and habitats

The additional botanical survey has been undertaken to NVC level, which has confirmed the previous concerns from the Trust that the onsite habitats had been undervalued. The onsite habitats have been re-classified and re-mapped to a high level of accuracy and, as a result, two Habitats of Principal Importance (S41 NERC Act 2006) have been identified on site: Purple Moor Grass and Rush Pasture and Lowland Dry Acid Grassland, along with two other locally important habitats: MG10a *Holcus lanatus* – *Juncus effusus* rush-pasture and S19 *Eleocharis palustris* swamp. Six plant species listed on the Vascular Plant Red List for England (Stroh *et al.*, 2014) have also been recorded at the site. The metric has been updated, which has had two main outcomes:

- 1) the losses of the two 'very high distinctiveness' habitats are considered 'unacceptable' in the metric. The guidance dictates that 'bespoke compensation' is required to offset these losses.
- 2) there is now an overall net loss predicted of -2.09 (4.81%) habitat units, due to changes in habitat classification, even with the provision of the offsite area. It should be understood that this loss is in addition to the losses of the 'very high distinctiveness' habitats, as these are effectively taken out of the unit calculations in the metric due to the requirement for 'bespoke compensation'.

In addition to these two new outcomes, the trading rules remain unsatisfied, with a net loss of 'medium distinctiveness' habitats. As we have previously discussed, trading rules are a fundamental element of the metric ensuring that it functions properly. Explicit guidance is provided in the BNG Best Practice Guidelines (CIRIA C776a, 2019).

We have not had sufficient time to review the raw metric in any detail, nor the technical aspects of the invertebrate survey. Therefore, whilst we are pleased to see that the additional survey work and assessment has been carried out, we would advise that they have not been robustly critiqued at this time. The NVC Survey report was read in greater detail and we are pleased to see that the survey work was of high quality and sufficiently detailed.

The NVC Report states that, *"The development will provide mitigation for the losses of the widespread habitats through habitat enhancement and creation on site in the 10m buffer area and SUDs area; as well as at an off-site area (Chinley) to be managed for 30 years"*. However, we would point out that the current mitigation is not sufficient, as a net loss is still predicted using the metric (excluding the higher value habitats that require bespoke compensation).

The BNG Assessment report and NVC Report present broad options for mitigation and compensation and advises that further discussion will be required with all parties to determine if any of these could provide an acceptable solution to the habitat losses on site. Habitats of 'very high distinctiveness' are defined as, *"Section 41 Priority Habitats that are highly threatened, internationally scarce and require conservation action"*. Therefore it is essential that developments which would result in the destruction of these, provide sufficient, well-designed compensation solutions. Given the requirement for this 'bespoke compensation', as well as compensation for the other predicted losses on site, these detailed discussions should be part of the planning process, pre-determination. These are complex matters, with no guarantee of success, involving additional land and ecological methods/principles such as habitat translocation. An appropriate amount of time should be allocated to these considerations, given the importance of the habitats to be lost.

Whilst we understand that a 30-year management plan and BNG strategy has been produced, we have not been provided with it at this time. However, given that an overall net loss is predicted and that bespoke compensation has not been designed, this document is likely to need revising at a later date.

LWS Criteria

In light of the additional survey work, the LWS Criteria letter has been updated and it is confirmed that the site would qualify as a Local Wildlife Site under two grassland criteria, three invertebrate criteria and two bird criteria.

Other

Our additional comments about the 10 m western buffer remain applicable. This area is repeatedly mentioned in the Response Letter V2 as a means to retain foraging and commuting habitat for wildlife on the site. However, this will only comprise 7 m of habitat due to a 3 m footpath included within the buffer. Whilst welcomed to buffer the adjacent LWS, this area is limited in size and considered unlikely to be sufficient to provide any meaningful foraging habitat for species such as barn owl that are currently known to use the site.

Previous concerns over the known east-west bat commuting route and potential east-west movement of badgers have been addressed through commitments to sensitive lighting, tree planting and the SuDS ponds, plus the woodland re-planting in the north and bend in the access road which would likely reduce traffic speed.

Conclusion

The NPPF 2021 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 would advise the LPA that no certainty has been provided that satisfactory mitigation / compensation can be delivered to address the losses of important habitats on site. Therefore, it is not currently possible to satisfy the requirements of the NPPF 2021 and local policies, principally EQ5. This is supported by the conclusions of the NVC Survey report (Section 4.1.1).

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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Biodiversity Planning Officer

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