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Derbyshire SK13 5HH

15 April 2024

For the attention of:-

James Stannard (Case officer)
High Peak Borough Council
PO Box 136
Buxton
Derbyshire SK17 1AQ

Dear Sir,

Your Reference: Planning application number HPK/2024/0102

Description: Proposal for *“Application for full planning for the construction of a new 3 storey, 4 bedroom detached dwelling with associated landscaping and car parking on the land rear of 44/46 Town Lane, Charlesworth, fronting access from Chapel Brow.”*

I am disappointed that I only became aware of this latest planning application by chance, despite having previously raised objections to its predecessor.

I am a long-standing resident (homeowner) on Chapel Brow and the proposed developments will have significant impact for the residents of Chapel Brow as well as for the long-term heritage and ecological aspects of this small community of houses and adjacent grassland / pasture / fields, which fall into the Conservation and Greenbelt categories.

I am aware that the properties that lie closest to the planning development will be submitting objections. The objections submitted here are intended to support and further supplement theirs.

Situation and Background

The fields below ‘Top Chapel’ were, historically, part of the lands worked by the Abbots of Basingwerk in the Middle Ages. They developed sheep farming – remarkably the use of this land for sheep grazing has continued over many centuries, without any known interruption, creating an important habitat and undisturbed soil without the use of pesticides / herbicides / fertilisers or human disturbance including excessive noise or use of machinery.

The land, when viewed from above, has an open aspect forming part of the special historical feature of this area. It falls within the remit of the document created by the High Peak Borough Local Development Framework – namely the Landscape Character Supplementary Planning Document SPD5 - to address planning matters in the High Peak – including the Dark Peak areas

denoted by the terms 'Moorland Fringe', 'Enclosed Moorland', 'Settled Valley pastures'. The land affected by these changes may be considered 'Settled valley pastures', but abuts onto / overlaps with the other categories, particularly 'Enclosed moorland'.

Your office will naturally be familiar with this document and its requirements – this application does not appear to me as a 'layperson' to conform with these requirements / considerations.

Moreover, the boundary of the fields concerned consists of ancient 'Heritage' dry stone walls. These too fall within the context of this document and in addition to their visual / heritage importance, they also provide an important ecological habitat.

Concerns regarding the ecological impact of the proposed planning development (and the associated 'Siteworks')

Habitat loss and disturbance

The area concerned is an important habitat, supporting a number of species including insects, amphibians (e.g. great crested newts), small mammals (including bats), birds (including – during the period May to July – European cuckoos, as well as owls etc.).

The 'Ecology Report' does not do justice to this. Nor does it conform to stipulated regulations for the preparation of such a report (see BS 42020:2013).

- **Amphibians (including Great Crested Newts)**

As stated above, the fields below 'Top Chapel' were, historically, part of the lands worked by the Abbots of Basingwerk in the Middle Ages. They developed sheep farming - the grazed pastureland has thus been an important ecological habitat for many centuries. In modern times many fields have been subject to spraying with chemicals which have impacted negatively on wildlife. However, the land in question has been spared this, allowing the longstanding eco-system involving plants, insects, amphibians and small mammals to flourish. This ecosystem includes a 'vernal spawning pond' – assessment of the amphibians (including Great Crested Newts) utilising this pond and their associated terrestrial habitat – field / field margins / crevices in dry stone walls and at their junction with the field margin etc has not been undertaken during the appropriate periods of these creatures' lifecycles.

It is recognised that dry stone walling contributes to the habitat of many species including protected species such as bats and again likely great crested newts. Crevices within the dry stone walls, along with the undisturbed sheep-cropped pastureland and 'scrub' further contribute to the habitat of those species needed for bats, amphibians etc to thrive.

- **Pipistrelle bats**

It should be noted that bats – probably pipistrelle, but no formal data has been obtained detailing which types are present - are frequently seen flying in the area concerned. Their presence 'in the air' is of course seasonal as well as diurnal. During daytime in Summer, Peak District dry stone walls and their numerous crevices are known to be favoured by pipistrelle bats for roosting. They are sensitive to disturbance (e.g. noise). Damage to, re-siting or rebuilding of the walls would disturb them. Bats feed on flying insects e.g. moths – the flora of this area supports these insects especially as it has not been subject to pesticides/ herbicides.

Has a relevant bat survey been carried out? It appears not as the only 'ecology survey' was undertaken on a single day in early March 2024. This is not a part of the calendar year

when observation of the use by bats of the dry stone walls for roosting purposes could be evaluated. Nor could evaluation of the various insects eaten by the bats be assessed on a single day in early March.

Conclusion: a survey in March – especially in daytime! is completely unsuitable for evaluating the impact on bats and their supporting food chain and appropriate surveys are needed – see later.

- **Cuckoos**

Cuckoos are generally in decline, but are regularly seen / heard in the areas above and below Coombs Rocks during the period when they are in the UK for the breeding part of their lifecycle. They rely heavily on 'hairy caterpillars' for sustenance – both on arrival from their long northward migration and before heading south. Garden Tiger moth caterpillars are important to them – they too are in decline and depriving them of this damp meadow / pastureland habitat and nettles will, in turn, impact on the cuckoos. Ermine moth caterpillars are also a food source for Cuckoos and again this habitat, especially the undisturbed nettle patches, are a food source for the Ermine moth caterpillar; the grasses of this damp land are also suitable as foodplants for the Drinker Moth, whose caterpillar is also a favoured food source for cuckoos. Thus, the three main caterpillar food sources for cuckoos are potentially at risk of being depleted. Presence of these species is, again, seasonal with regards to their lifecycle (i.e. these caterpillars or the adult moths will not be detected in March).

- **Tawny Owls**

Tawny Owls frequent these fields, hunting small mammals such as shrews, moles, field mice etc, as well as insects etc. The trees that were inexplicably cut down in 2018 in the lower part of the fields – adjacent to the border with Rose Cottage - are no longer available to them for roosting, but the field, 'scrub' and dry stone walling are a productive source of prey for them.

Thus....

While to a casual observer the field which will be impacted by the proposed developments (and site provision for vehicles) may not seem important, in reality they are quite unique in their centuries-old use for grazing and their support for numerous species, including those which are protected such as Great Crested Newts and bats, and also those which are in serious decline, such as the European Cuckoo.

Required response

You will be familiar with the BSI Standards Publication: **BS 42020:2013 'Biodiversity — Code of practice for planning and development'**.

As outlined above, the land concerned and that adjacent to it consists of an important habitat, which is vulnerable to irreversible damage should the proposed development (and site construction erections / disturbance) go ahead. This necessitates surveys by expert, qualified /

accredited personnel (including accredited experts with regards to Great Crested Newts, bats etc.) over an extended timeframe, in order to capture the diversity of species present during a seasonal cycle and the impact the planned works would have.

Standard 42020:2013 includes the statements that:

- **6.4.3** Ecological surveys should be carefully programmed into the early phases of the pre-application process. They should also, ideally, **be carried out sufficiently in advance of detailed design work** to enable the results to be taken fully into account in the design process as this facilitates the logical sequence of events.
- **6.4.4** Surveys should be undertaken at the appropriate **time(s)** of year to allow for the seasonal characteristics of some habitats and the seasonal behaviour of some species

NOTE 1 Surveys outside of the optimal time of year could yield inconclusive or even invalid results, and this might ultimately result in increased costs and a delay with either the submission or determination of a planning application

It is clear that the ‘Ecological survey’ carried out on a single day (8 March 2024 - and probably not even over a 24-hour period) does not comply with these requirements.

My objection therefore asks that appropriate consideration of this be given to the mandated requirements – and further surveys be undertaken by qualified ,accredited surveyors, who are capable of ensuring that paras 6.4.3 and 6.4.4 are satisfied, including specialised Great Crested Newt and Bat surveys

I would hope that there would be a moratorium imposed on change of use of this land and boundary walls and on the application of pesticides / herbicides / fertilisers in the meantime.

Please can you provide assurance regarding this?

Additional objections:

Impact on infra-structure and utilities

- **Water supply to properties on Chapel Brow**

The water pressure of the mains supply is insufficient to supply ‘Top Chapel’ and ‘Woodcock View’ – they have both, over many decades, had to rely on external pumps and associated water-storage tanks. For the remaining houses the pressure is borderline sufficient and has worsened over the past 2 years, leading to several complaints to United Utilities by residents (including myself). Their engineers have attended Chapel Brow on several occasions to observe and monitor the water pressure. On two of these occasions we have posed the question verbally to the attending engineer “ What would happen if additional property / properties were built and place demand on this supply?” – the verbal answer on both occasions has been that this would be to the great detriment of existing residential properties on Chapel Brow and that it would **probably tip us into a situation where the mains pressure was insufficient to provide**

us with a reliable supply for day-to-day domestic needs (e.g. drinking water; flushing of toilets; showering etc).

United Utilities have attempted to improve the situation by 're-zoning' their network - the improvement is marginal at best and indeed any initial improvement now seems to have waned. They inform us (verbally) that there is nothing more that they can do regarding the mains network infrastructure to improve our water pressure supply.

Thus, the building of one – let alone two - properties may render the existing residential properties on Chapel Brow without a viable mains water supply.

This has not been taken into consideration in the planning application, but must be, given the substantial impact this would have on day-to-day living.

Given the severe negative impact this would impose on existing residents it is asked that the planning application be rejected.

- **Landslip implications**

Much of this area is geologically unstable, due to the composition of shale and gritstone and likely to be aggravated by propensity to heavy rainfall.

The proposed excavations may directly undermine the single-track public highway it borders on and also the adjacent heritage dry stone walling. The heavy machinery traversing this narrow road is also likely to cause direct damage. This in itself is sufficient reason to object to the current application and to require a structural engineering survey, and an in-person survey by the Derbyshire County Council Highways Authority - > **OBJECTION on these grounds**

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The nature of the underlying geology also needs to be taken into consideration and formally assessed as there may also be indirect longer-term impact on the heritage walls and road, with ensuing subsidence of the road and damage to the integrity of the dry stone wall foundations.

This stretch of road is not only used by cars (especially during peak commuter hours), it is also used by pedestrians, horse riders and bicyclists. Usage of this stretch of road 'ebbs and flows' in volume depending on weather, school terms, day and time of the week etc. To be assessed properly would require monitoring on a daily (18 hours per day) basis over many months.

The construction traffic itself would pose hazards to road users – especially pedestrians, horse riders and cyclists. This runs counter to the drive to encourage the population to use these forms of transport and to undertake exercise. It is hard to conceive how access for heavy excavation machinery could be obtained safely and without major disruption to all road users and to the neighbourhood.

There would, however, also be additional long-term risks. If subsidence were to occur undermining the foundations of the road / dry stone wall, then there is also a danger that collapsing stone-work – or the sudden appearance of a sink-hole – might endanger life / cause significant injury to road users, particularly those on foot / horse / bicycle, including children.

Assessment of this risk by qualified structural engineers, in conjunction with those with requisite knowledge of the local geology and with the Derbyshire County Council Highways Authority does not appear to have been undertaken.

This risk, unless in some way mitigated without loss of access to this public right of way, leads to a further OBJECTION.

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With climate change, the already heavy rainfall experienced locally is expected to increase. Following heavy rain, the fields adjacent to Chapel Brow are often seen to have water ‘bubbling’ up to the surface. Water tracks down in the sub-structure of the sloping land and feeds springs and wells locally. It is not clear what the implication of excavating large sections of land will be on this substratum water flow. The wellspring on Town Lane often overflows at times of heavy rain. How would the water flow to local springs / wells change following this development? Will this be detrimental to the village, its residents and to the pedestrians and road users along Town Lane?

Clarity on these matters is also required – without which an OBJECTION to causing irreversible damage to substratum water flow is raised.

Conclusion

The imposition of planning frameworks and regulations is done for good reasons.

The planned development does not conform to the descriptions given in the High Peak Borough Councils own planning framework.

The Application fails to address important habitat and ecological considerations in a manner mandated by BS 42020:2013.

Questions are not addressed regarding the implications for the integrity of the heritage dry stone wall boundaries and public single-track road, which it may undermine, and which may suffer long-term landslip / subsidence. Nor has an assessment been made concerning the impact of irreversible changes to substratum water flow through the land involved to surrounding areas.

No consideration has been given to the impact developments (during construction and during occupation) would have on the precarious mains water supply to existing houses on Chapel Brow.

In view of the concerns outlined above and given the unwelcome impact the development would have on the privacy, and integrity, of adjacent properties we* strongly object to this planning application.

Yours sincerely,

*Endorsed by Peter Jenkins