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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/2024/0275

Our ref: DWTHPK736

25th July 2024

Dear James,

Proposal: Proposed change of use of agricultural land to B2 general industrial use, construction of a single building for storage and processing of sand and stone aggregate products, ancillary office space, vehicular access and turning space for HGV's, staff and visitor parking and associated hard and soft landscaping works

Location: LAND OFF Waterswallows Lane Green Fairfield Buxton

Application Ref No: HPK/2024/0275

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 overleaf



We have reviewed the information submitted, inclusive of the Preliminary Ecological Appraisal (Peak Ecology, April 2024), Biodiversity Net Gain Assessment (Peak Ecology, April 2024) with associated Statutory Metric (April 2024), Arboricultural Report (Tree Heritage, March 2024) and Derbyshire Biological Record Centre (DBRC) and have the following comments and recommendations to make.

Designated Sites

No statutory or non-statutory sites lie within the application site or immediately adjacent to. However, the application area does fall within the Impact Risk Zone (IRZ) for The Wye Valley and Goyt Valley Site of Special Scientific Interest (SSSI). The current proposals fall within the 'Rural Non-Residential' category and therefore further consultation from Natural England is required.

Habitats

The application area comprises a modified grassland field bound by drystone walls to the north, east and south. A strip of broadleaved woodland borders the western boundary of the site; however, it is not included within the red-line boundary. None of the habitats present are designated as important or UK BAP habitats.

The Arboricultural Report highlights that the majority of the off-site woodland trees are to be retained under the current proposals with two Category U trees recommended for removal (T71 and T55). The report also recommends several trees will require deadwood removal, further considerations for roosting bats and nesting birds is therefore recommend below.

Biodiversity Net Gain (BNG)

The Biodiversity Net Gain Assessment concludes that the majority of modified grassland will be lost to facilitate the development, with no enhancements proposed. Habitat creation pertains to approximately 1.67ha of developed land sealed surface, 0.4ha of 'Moderate' condition 'other neutral grassland' and 0.1ha of rural trees (totalling 25 small trees) resulting in a -24.37% loss (-1.13 units), therefore not achieving the mandatory 10% target outlined by the Environment Act 2021. The below recommendation highlights the need for further details to be provided by the application in relation to offsetting the BNG loss.

Protected Species

Nesting Birds

The application site provides limited opportunities for nesting birds, however the off-site woodland to the west of the site offers suitable nesting potential. It is considered that two individual trees some deadwood will be cleared during the development and therefore precautionary measures pertaining to timing of works and / or ecological supervision is recommended below.

Roosting Bats

No suitable structures are present within the application site; however, it is noted within the ecological report that several mature trees within the off-site woodland provided potential for roosting bats.

Under the current proposals, two Category U trees are recommended for removal (T71 and T55). The Arboricultural report also recommends several trees will require deadwood removal. It is therefore recommended that further Ground Level Tree Assessments (GLTA) will be required to establish if further surveys are required (below).

Foraging and Commuting Bats

The application site provides minimal opportunities for foraging and commuting bats due to the lack of botanical features required to support invertebrates. However, the off-site woodland may be utilised by local populations. It is considered that site lighting will be erected during, and post-construction works and therefore a sensitive lighting scheme is required to protect the off-site woodland and safeguard bats and other nocturnal wildlife (below).

Herptiles (including Great Crested Newts (GCN))

The application site provides sub-optimal habitat for herptiles due to the lack of opportunities for shelter and foraging. Furthermore, a single off-site pond is present approximately 170m south-east, however the pond is considered to be a notable distance from the application site with barriers to species dispersal present such as Waterswallows Lane, however not considered to be significant.

Furthermore, the drystone walls could support hibernating and sheltering herptiles. It is overall considered that further surveys are not required, however due to the low risk that herptiles are present on-site and therefore the Reasonable Avoidance Measures outlined within 5.3.1 and

5.3.5 of the Preliminary Ecological Appraisal (Peak Ecology, April 2024) shall be adhered to and implemented in full.

Badger

The application site provides limited opportunities for sett creation or foraging. However, the site connects to vast areas of arable and agricultural land. It is considered that badgers may utilise the site for commuting purposes and therefore there is a risk that construction works may negatively affect this species. Precautionary working measures outlined within 5.3.2 of the Preliminary Ecological Appraisal (Peak Ecology, April 2024) shall be adhered to and implemented in full.

Brown Hare

It is noted within the ecological report that an adult male brown hare was recorded within the field adjacent to the application site. Furthermore, the modified grassland habitat provides potential for breeding. Therefore, there is a risk that construction works may negatively affect this species. Reasonable Avoidance Measures outlined within 5.3.6 of the Preliminary Ecological Appraisal (Peak Ecology, April 2024) shall be adhered to and implemented in full.

Outstanding Matters / Further survey works

Biodiversity Net Gain

The proposal results in a biodiversity loss which is not fully mitigated by on-site measures. There is no coherent proposal for off-site compensation and neither has it been demonstrated that an appropriate local site for offsite compensation will come forward. The development is therefore contrary to the requirements of the Environment Act 2021, the NPPF 2023.

The applicant is advised to provide further supporting information to how the loss can be off set either via a habitat bank / environment bank or as a last resort, national credits.

Roosting Bats

Under the current proposals, two Category U trees recommended for removal (T71 and T55). The Arboricultural report also recommends several trees will require deadwood removal. It is therefore recommended that further Ground Level Tree Assessments (GLTA) will be required to establish if further surveys are required (Aerial tree inspections and emergence surveys).

Surveys should be undertaken at the correct time of year by suitable qualified and experienced ecologists. The results should be submitted to the LPA, including a mitigation strategy as necessary.

Conditions

Notwithstanding the need to address the above outstanding matters (Biodiversity Net Gain and Roosting Bats), the below conditions are anticipated. Please note that these conditions may need amending dependant on the results of the above matters.

Nesting Birds

No tree 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.

Comments: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

(Trees are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present).

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 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 light spill 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.

Biodiversity Gain Plan

A Biodiversity Gain Plan will be required post-determination. Guidance for LPAs regarding Gain Plans can be found here: <https://www.gov.uk/guidance/biodiversity-net-gain#para25> and the Gain Plan template is here: <https://www.gov.uk/government/publications/biodiversity-gain-plan>

Habitat Management and Monitoring Plan

A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. This shall identify the habitats to be retained, created and / or enhanced on the site and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not. Guidance on producing a HMMP can be found here:

<https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>

Biodiversity Enhancement Plan

Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan including the mitigation and enhancement recommendations detailed in Section 5.4 of the Preliminary Ecological Appraisal (Peak Ecology, April 2024) shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter.

A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.

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,

Holly Fowler BSc (Hons)
Biodiversity Planning Officer
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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.