

Table 3: Botanical records as provided by DerBRC for the past 10 years within 2 km of the site.

Species	No. of Records	Most Recent Record	Proximity of nearest record to Study Area	Species of Principal Importance	Legislation / Conservation Status
Plants					
Narrow-leaved marsh orchid <i>Dactylorhiza traunsteinerioides</i>	1	2022	0.5 km south-east		
Key HabRegs2: Schedule 2 of the Habitats Regulations: European Protected Species.					

One notable plant record was provided by GMLRC; the narrow-leaved marsh orchid (*Dactylorhiza traunsteinerioides*). The narrow-leaved marsh orchid is a highly localised species which is endemic to Britain, requiring wet and base-rich soils. The site has potential to support narrow-leaved marsh orchid due to the proximity of this record to the site boundary (0.5 km) and the damp nature of the site.



Image 5: One of two badger latrines found during the survey.

3.5 Importance of Ecological Features

In accordance with the CIEEM Guidelines and based on the above baseline information, each ecological feature recorded within the study area is considered to have the following importance (Table 1):

Table 1: Importance of Ecological Features.

Feature	Importance	Rationale
Dinting Lodge Grassland LWS	County value	Local wildlife site; unmanaged marshy grassland with a variety of wildflower species including common knapweed, marsh ragwort, betony, great burnet, bitter vetchling and marsh pennywort.

Section 4.0: Discussion & Recommendations

4.1 Non-Statutory Designated Sites

The Dinting Lodge Grassland LWS overlaps approximately 0.355 ha (15%) of the total 2.4 ha site area. Dinting Lodge Grassland LWS was first designated in 2003; subsequent notes on the biodiversity and the condition of the site suggest that it has been declining in habitat quality due to a lack of ongoing management. The ongoing development of the Dinting Lodge industrial estate, including a building extension and culvert installation in 2009 (High Peak Borough Council, 2009) and the subsequent development of the retaining wall to preserve the embankment (High Peak Borough Council, 2016) suggests there has been a lot of ground disturbance within the site, particularly to the west, which has likely impacted the vegetation communities present within the LWS.

It is understood that the proposed access route and compound is not part of the planning application; to avoid adverse impacts on the Dinting Lodge Grassland LWS, it is recommended that the temporary construction access and compound make use of vegetation matting to avoid damage to the LWS vegetation and prevent soil disturbance.

Some plant species for which the grassland was designated as a LWS were recorded during the field survey: tufted hair grass, Yorkshire fog, marsh ragwort and common knapweed. Local Wildlife Sites are specifically mentioned within the High Peak Local Plan for their importance for biodiversity and landscape distinctiveness. Retention and enhancement would conform to Policy EQ 5 of the Local Plan which stipulates: *'The biodiversity and geological resources of the Plan Area and its surroundings will be conserved and where possible enhanced by ensuring that development proposals will not result in significant harm to biodiversity or geodiversity interests. This will be achieved by: ... Conserving and enhancing regionally and locally designated sites and encouraging development to include measures to contribute positively to the overall biodiversity of the Plan Area'*.

4.2 Habitats

The botanical survey has determined that the area suspected of fulfilling the criteria for lowland meadows (g3a) during the PEA in 2023, is instead other neutral grassland (g3c), a similar but less diverse habitat. This is because the habitat did not fulfil all four criteria required to be designated the lowland meadows classification. Fewer than 15 floral species per square meter were recorded and only two indicator species (Bird's foot trefoil and ox-eye daisy) were recorded during the botanical survey. Based on these findings, the associated Biodiversity Net Gain Report from 2023 should be re-calculated in accordance with the new findings.

Based on Google Earth Pro imagery (Google, 2023) the site has a history of disturbance, with complete vegetation clearance on or before the 24th of April 2020. The clearance was associated with the expansion of the industrial estate and its infrastructure. The habitats recorded on site are just over four years old. A number of areas on site resemble a ruderal/ephemeral assemblage, with the site having been resown and subsequently recolonised by nearby vegetation.

Juncus species are rapidly spreading across the site, compared to the PEA conducted by Mabbett in 2023. The central area of the site is now completely dominated by hard rush. Even in areas classified as *Deschampsia* grassland *Juncus* was recorded. The retaining wall installed between 2018-2020 has likely impacted the drainage of the site, creating a poorly drained marshy grassland as a result.

Wherever possible, existing grassland habitats should be retained and enhanced as opposed to replaced; sufficient gaps/rides between solar panels would retain some of the existing wildflowers within the area. Planting of yellow rattle may also be beneficial; if left undisturbed, (no grazing, no fertiliser application etc.) the parasitic nature of this plant through taking nutrients from grass roots will weaken the grasses present, allowing for a natural regeneration of wildflowers and a naturally less frequent cutting requirement. These processes could be enhanced further with the adoption of a wildlife-friendly mowing regime with an annual cut.

If it is not possible to retain existing wildflower habitats, Biodiversity Net Gain and associated habitat creation should focus on the use of local seed stocks, from site if possible. Additional enhancements such as harrowing the ground and sowing with a native wildflower seed mix are also recommended.

4.3 Species

Grasslands are important habitats for invertebrates. Two schedule 5 species have been recorded within two kilometres of the site; the white-letter hairstreak (*Satyrus w-album*) and cinnabar moth (*Tyria jacobaeae*) (Mabbett, 2023). The Biodiversity Net Gain proposals should provide suitable habitat for invertebrates to compensate for expected losses.

4.4 Invasive Plant Species

The invasive species recorded during the survey are far outside the site boundary and are unlikely to be spread during the proposed works.

4.5 Proposed Enhancements

There are some proposed enhancements that, if undertaken as part of the proposed works, could help improve the site's suitability for protected and/or notable species and would tie in with the High Peak Local Plan by offering improvements to the site:

- **Native hedgerow and scrub planting;** hedgerows and scrub are excellent habitats for a range of wildlife as they act as a refuge, as wildlife corridors, as nesting habitat for birds, as linear features for bats and provide fruit, seed and invertebrate forage. Thorny hedges and scrub in particular (hawthorn, blackthorn, bramble) protect young trees from grazing and can host a variety of plants beneficial for pollinators and invertebrates. Hedgerow and scrub planting would also improve the landscape connectivity of the site to the wider landscape (see Policy EQ 9 of the Local Plan regarding trees, woodland and hedgerows).
- **Native tree planting:** Native woodland planting has already occurred within the wider landscape to the north-west and south-east. Records of the white-letter hairstreak butterfly, a species included on the High Peak LBAP were obtained during the desk study and this species is known to be associated with elm species. Additional planting of elm trees (wych elm, English elm) would benefit the white-letter hairstreak butterfly. Inclusion of other species such as bird cherry *Prunus padus*, rowan *Sorbus aucuparia*, and crab apple *Malus sylvestris* would offer forage for pollinators as well as fruits in autumn for birds and mammals.
- **Enhancement of grassland present:** Areas of the site are already beneficial for pollinators and there is great potential for grassland enhancement due to presence of numerous flowering species. However, *Juncus* species are proliferating across the site, likely due to the poorly drained soils following the creation of the retaining wall. Enhancements further with the application of native wildflower seed mixes (local seed stocks preferable) or green hay and the adoption of a wildlife-friendly mowing regime with an annual cut.

Section 5.0: References

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Appendix A: Figures

Figure no.	Title
Figure 1	Site Boundary & Buffers
Figure 2	UKHab Map
Figure 3	Dinting Lodge Grassland LWS
Figure 4	48268-CBS-SW-XX-DR-E-4203_P2_Proposed Site Plan

Appendix B: Flora species list

Table 5: List of flora recorded on site during the botanical survey (2024).

Common Name	Scientific Name
Bird foot trefoil	<i>Lotus corniculatus</i>
Bramble	<i>Rubus fruticosus</i>
Broadleaved Dock	<i>Rumex obtusifolius</i>
Broom	<i>Cytisus scoparius</i>
Cocks foot	<i>Dactylis glomerata</i>
Coltsfoot	<i>Tussilago farfara</i>
Common Hogweed	<i>Heracleum sphondylium</i>
Common knapweed	<i>Centaurea nigra</i>
Common teasel	<i>Dipsacus fullonum</i>
Common vetch	<i>Vicia sativa</i>
Creeping buttercup	<i>Ranunculus repens</i>
Crested dogstail	<i>Cynosurus cristatus</i>
Curly dock	<i>Rumex crispus</i>
Cut-leaved Cranesbill (geranium)	<i>Geranium dissectum</i>
English cinquefoil	<i>Potentilla anglica</i>
Field thistle	<i>Cirsium arvense</i>
Fireweed	<i>Chamaenerion angustifolium</i>
Grey alder sapling	<i>Alnus incana</i>
Pendulous sedge	<i>Carex pendula</i>
Hard rush	<i>Juncus inflexus</i>
Horsetail	<i>Equisetum arvense</i>
Hybrid Dock-	<i>Rumex obtusifolius</i>
Creeping buttercup	<i>Ranunculus repens</i>
Narrow-leaf plantain	<i>Plantago lanceolata</i>
Nettle	<i>Urtica dioica</i>
Orange hawkweed	<i>Pilosella aurantiaca</i>
Ox-eye daisy	<i>Leucanthemum vulgare</i>
Perennial ryegrass	<i>Lolium perenne</i>
Ribwort Plantain	<i>Plantago lanceolata</i>
Red clover	<i>Trifolium pratense</i>
Red-stemmed feather moss	<i>Pleurozium schreberi</i>
Selfheal	<i>Prunella vulgaris</i>
Silver weed	<i>Potentilla anserina</i>
Sown buttercup	<i>Ranunculus repens</i>
Spiny sowthistle	<i>Sonchus asper</i>
Cleavers	<i>Galium aparine</i>
Tufted hair grass	<i>Deschampsia cespitosa</i>
Grey willow	<i>Salix cinerea</i>
Yorkshire fog	<i>Holcus lanatus</i>

Table 6: List of flora recorded during the PEA (2023).

Common Name	Latin Name
Alder	<i>Alnus glutinosa</i>
Ash	<i>Fraxinus excelsior</i>
Bramble	<i>Rubus fruticosus</i>
Bush vetch	<i>Vicia sepium</i>
Cock's foot	<i>Dactylis glomerata</i>
Common knapweed	<i>Centaurea nigra</i>
Common vetch	<i>Vicia repens</i>
Creeping buttercup	<i>Ranunculus repens</i>
Curly dock	<i>Rumex crispus</i>
Dog rose	<i>Rosa canina</i>
Grey willow	<i>Salix cinerea</i>
Hard rush	<i>Juncus Inflexus</i>
Marsh ragwort	<i>Jacobaea aquatica</i>
Nettle	<i>Urtica dioica</i>
Oxe-eye daisy	<i>Leucanthemum vulgare</i>
Pendulous sedge	<i>Carex pendula</i>
Red-stemmed feather moss	<i>Pleurozium schreberi</i>
Ribwort plantain	<i>Plantago lanceolata</i>
Sharp-flowered rush	<i>Juncus acutiflorus</i>
Sof rush	<i>Juncus effusus</i>
Spear thistle	<i>Cirsium vulgare</i>
St. John's wort	<i>Hypericum perforatum</i>
Tufted hair grass	<i>Deschampsia cespitosa</i>
Tufted vetch	<i>Vicia cracca</i>
Turkey oak	<i>Quercus cerris</i>
Wild strawberry	<i>Fragaria vesca</i>
Yellow rattle	<i>Rhinanthus minor</i>

Appendix C: Overview of Relevant Planning Policy and Legislation

This section provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in England.

Plans and Policy

National Planning Policy Framework

In early 2012, the National Planning Policy Framework (NPPF) replaced much previous planning policy guidance, including Planning Policy Statement 9: Biological and Geological Conservation. The government circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, which accompanied PPS9, still remains valid. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply, however, where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, entitled 'Conserving and enhancing the natural environment', sets out how the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and, where possible, provide net gains in biodiversity. Opportunities to incorporate biodiversity gains into a development should be encouraged.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused.

The Ministry of Housing, Communities and Local Government has released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG). This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England. The guidance includes a section entitled 'Natural Environment: Biodiversity, geodiversity and ecosystems' which sets out information with respect to the following:

- The statutory basis for minimising impacts on biodiversity and providing net gains where possible;
- The local planning authority's requirements for planning for biodiversity;
- What local ecological networks are and how to identify and map them;
- The sources of ecological evidence;
- The legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- The considerations for local (non-statutory) designated sites;
- Definition of green infrastructure;
- Where biodiversity should be taken into account in preparing a planning application;
- How development can enhance biodiversity;
- How policy is applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured; and,
- The consideration of ancient woodlands and veteran trees in planning decisions.

Biodiversity 2020: A strategy for England's wildlife & ecosystem services

Biodiversity 2020 replaces the previous UK Biodiversity Action Plan and sets national targets to be achieved. The intent of Biodiversity 2020, however, is much broader than the protection and enhancement of less common species, and is meant to embrace the wider countryside as a whole.

The priority species and habitats considered under Biodiversity 2020 are the SPI & HPI detailed under NERC Act (see below for further details).

Local Biodiversity Action Plan

Local Biodiversity Action Plans (LBAPs) identify habitat and species conservation priorities at a local level (typically County by County) and are usually drawn up by a consortium of local Government organisations

and conservation charities. Although they are no-longer managed at a national level many are still reviewed and updated at a local level.

It should be noted that the existence of a Species Action Plan (SAP) or Habitat Action Plan (HAP) does not always infer an elevated level importance for those features. These plans may be designed to encourage an increase in these habitats/species, rather than to protect a county-scarce feature.

Peak District Biodiversity Action Plan

The High Peak Council is a partner organisation helping to deliver the Peak District Biodiversity Action Plan (LBAP). The Peak District LBAP was launched in 2016 and aims to:

- Enhance the landscapes of the Peak District and their component parts
- Maintain existing areas of high quality habitats
- Enhance existing BAP habitats
- Restore, expand and connect BAP habitats where appropriate and feasible
- Enhance biodiversity (semi-natural habitats and species) in other areas
- Maintain and enhance populations of BAP species where possible
- Maximise the associated benefits that biodiversity can bring, such as economic benefits, flood alleviation, carbon storage, and health and well-being.

Habitats with action plans within the LBAP which are considered relevant to the site include: ponds, lowland meadows and rivers and streams.

Species included within the LBAP which are considered relevant to the site include:

- | | |
|------------------------|-------------------------------------|
| ▪ Brown hare | ▪ Dunnock |
| ▪ Brown long-eared bat | ▪ House sparrow |
| ▪ Hedgehog | ▪ Lesser redpoll |
| ▪ Noctule bat | ▪ Song thrush |
| ▪ Otter | ▪ Tree sparrow |
| ▪ Soprano pipistrelle | ▪ Common lizard |
| ▪ Water vole | ▪ Slow worm |
| ▪ Bullfinch | ▪ White-letter hairstreak butterfly |

Local Plan

High Peak

The High Peak Local Development plan was developed in 2016; policies and comments considered relevant to the proposed development include:

- Policy EQ 5: Conserving and enhancing regionally and locally designated sites. On these sites the Council will not permit any development proposal which would directly or indirectly result in significant harm to geological and biodiversity conservation interests, unless it can be demonstrated that:
 - There is no appropriate alternative site available; and all statutory and regulatory requirements relating to any such proposal have been satisfied; and
 - appropriate conservation and mitigation measures are provided, such mitigation measures should ensure as a minimum no net loss and wherever possible net gain for biodiversity.
- Policy EQ 9: The Council will, through partnership working, develop, protect and enhance networks of Biodiversity and Green Infrastructure. This will be achieved by:
 - Requiring that development will not have a detrimental effect on the amount or function of existing green infrastructure unless replacement provision is made that is considered 88 High Peak Local Plan - Adopted 5 Development management policies to be of equal or greater value than that lost through development; taking particular account of appropriate levels of mitigation where development would result in habitat fragmentation.

- Requiring that development proposals, where appropriate, contribute towards the creation of new or enhancement of existing green infrastructure, including public and private open space, recreation areas, parks and formal outdoor sports facilities, local nature reserves, wildlife sites, woodlands, allotments, bridleways, cycle ways and local green spaces.
- Requiring that through its layout and design, new development responds to the location of existing green infrastructure and ecological networks, supporting their appropriate uses and functions.
- Identifying and protecting key wildlife corridors and stepping stones that connect sites of importance for biodiversity, including creating or restoring habitats of nature conservation value, in accordance with Local Plan Policy EQ5.
- Policy EQ 9: The Council will protect existing trees, woodlands and hedgerows... this will be achieved by:
 - Requiring that existing woodlands, healthy, mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss.
 - Requiring new developments where appropriate to provide tree planting and soft landscaping, including where possible the replacement of any trees that are removed at a ratio of 2:1.
 - Resisting development that would directly or indirectly damage existing ancient woodland, veteran trees and ancient or species-rich hedgerows.

Details of the entire High Peak Local plan can be found here:
https://www.highpeak.gov.uk/media/160/The-High-Peak-Local-Plan-Adopted-April-2016/pdf/The_High_Peak_Local_Plan_Adopted_April_2016.pdf?m=1514473710280

General Legislation

The following presents accounts present a summary of the legislation relevant to the site and proposals. It is recommended that the reader also refer to the original legislation for definitive interpretation.

Conservation of Habitats and Species Regulations 2017, (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended), henceforth referred to as the Habitats Regulations 2017, consolidate and update the Conservation (Natural Habitats, &c.) Regulations 1994 and 2010 and all its various amendments. The Habitats Regulations 2017 are the principal means by which the European Union's ECC Directive 92/43 (The Habitats Directive) as amended is transposed into English and Welsh law.

The Habitats Regulations 2017 place duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria are, in conjunction with the European Commission, designated as Sites of Community Importance, which are subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. The regulations also place a duty upon the government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA) and, in conjunction with SACs, form the Natura 2000 network of sites. The Habitats Directive introduces for the first time for protected areas, the precautionary principle; that is that projects can only be permitted having ascertained no adverse effect on the integrity of the site. Projects may still be permitted if there are no alternatives, and there are imperative reasons of overriding public interest.

The Habitats Regulations 2017 also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively. These are commonly referred to as European Protected Species. Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations.

It is also an offence under the Habitats Regulations 2017 for any person to have in their possession or control, to transport, to sell or exchange, or to offer for sale, any live or dead protected species, part of a