

Date: 21 August 2024
Our ref: 484050
Your ref: HPK/2023/0192



Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

Dear Sir/Madam,

Planning consultation: Construction of 99 dwellings with associated landscaping and engineering works. Land at Hogshaw, Fairfield, Buxton, Derbyshire

Location: Land at Hogshaw, Fairfield, Buxton SK17 7HN

Thank you for your consultation on the above dated 31 July 2024 which was received by Natural England on 31 July 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

In line with our previous response, dated 13 May 2024, Natural England considers that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the Peak District Dales Special Area of Conservation
- damage or destroy the interest features for which the Wye Valley Site of Special Scientific Interest has been notified.

The LPA, as competent Authority, should undertake a HRA for this development and in doing so ensure that there will be no harmful discharges of foul or surface water from the application site into the River Wye or its tributaries.

Natural England advise that the development may have an impact on the Peak District Dales SAC without the following:

- Certainty the proposed mitigation will be in place for the lifetime of the development.

Habitats Regulations Assessment (HRA)

Since our most recent consultation response, dated 13 May 2024, we understand that the total number of proposed residential units has been reduced to 99 units.

In addition, a Habitats Regulations Assessment (HRA) report has been provided by the applicant (Urban Green, July 2024).

Natural England does not consider that the HRA responds to our previous comments; in particular, we note that an assessment of nutrient input/ nutrient neutrality is omitted from the submitted HRA report. Whilst we concur with the HRA report regarding the two topics taken to Appropriate Assessment (i.e. construction phase water pollution and recreational pressure), our previous advice remains valid. Please refer to our previous letter dated 13 May 2024 for more information. In summary, **Natural England recommends that your authority should undertake its own HRA**, to include consideration of nutrient input/ nutrient neutrality.

In addition, Natural England recommends:

- **The competent authority should seek clarity with regards to which water use figure has been used within the Nutrient Neutrality calculations (120lpppd or 110lpppd).**
- **The competent authority must have certainty that the mitigation area remains fallow for the lifetime of the development, in order for any phosphorous reduction to be realised.**

Natural England would also like to note that the neighbouring Lightwood Reservoir site (Owned by Nestle Waters), is managed by the Wildlife Trust; thus, the ongoing management of the mitigation land offers a unique opportunity to expand and enhance the value of this area for nature. Natural England would be happy to discuss this further with applicant.

Detailed information on the above points can be found in our previous letter dated 13 May 2024.

Other Advice

Further information regarding Nutrient Neutrality can be found in the suite of documents located [here](#).

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me.

Should the proposal change, please consult us again.

Yours sincerely

Robbie Clarey
Planning & Environment Senior Officer