

Planning Applications Manager
High Peak Borough Council
Planning Department
Municipal Buildings
Glossop
Derbyshire
SK13 8AF

For the attention of Jennifer Robb

Your Ref: HPK/2024/0281

Our ref: DWTHPK743

3rd September 2024

Dear Jennifer,

Proposal: Extension and Alterations to dwelling and replacement garage

Location: Stonygate Reservoir Road Whaley Bridge

Application Ref No: HPK/2024/0281

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

We have reviewed the submitted information, inclusive of the Ecology Survey report (Dunelm Ecology, July 2024) and our Biological Record Centre data (DBRC) and have the following comments and recommendations to make.



Designated Sites

The application site lies immediately adjacent to Toddbrook Reservoir Site of Special Scientific Interest (SSSI) and therefore falls within the Impact Risk Zone (IRZ). The current proposals are for the extension and alteration of the dwelling and replacement garage which is considered to fall under a 'Householder' application. It is therefore not considered necessary that Natural England are consulted. However, there is a risk that the contamination / pollution could enter the channel during construction works as well impacting the structure of the channel via machinery / plant operation. Furthermore, we support the recommendations highlighted within the response from the Canal & River Trust (July 2024) highlighting the need for Construction Environmental Management Plan (CEMP: Biodiversity) to mitigate the risks.

Protected Species

Previous dusk / dawn bat surveys and day inspections of the identified buildings to be impacted, concluded that a soprano pipistrelle day roost is present within the eaves of Building B1. Although a top-up emergence survey from 2023 did not identify roosting bats, recent bat droppings were still present, albeit less than previously recorded. Furthermore, it is considered that if the development were to go ahead, there would be the loss of a soprano day roost. The application will require an appropriate bat licence to mitigate the loss prior to any works commencing (below).

It is also noted that previous otter and water vole surveys were undertaken along the Toddbrook Bywash Channel. No evidence of otter or water vole was recorded. It is highlighted that watercourse is characterised by vertical stone walls which provide unsuitable habitat for burrowing while mink was sighted during one of the bat surveys. As such, water voles are likely to be absent. It is however considered that otters will still utilise the watercourse for foraging and commuting purposes. Furthermore, no further surveys or specific mitigation is required for otter and water vole, but the CEMP: Biodiversity will secure pollution measures, reasonable avoidance measures and sensitive lighting during development works. The same measures will be implemented to safeguard badgers.

Conditions

Roosting Bats

The extensions and alterations to the identified building shall not take place until an appropriate bat licence has been obtained. Confirmation of this shall be submitted to the LPA. Upon receipt of a licence from Natural England / site registration, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the

Ecology Survey report (Dunelm Ecology, July 2024) and amended as necessary based on any correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the results of any monitoring works will be submitted to the LPA.

In reaching a decision, it is important that the local planning authority demonstrates how they have fully considered the three tests set out at Regulation 55 of the Conservation of Habitats and Species Regulations 2019 (Amendment) (EU Exit) and state the evidence for conclusions drawn on each test as to whether the test can be met. The three tests set out within Regulation 55 are as follows:

- (i) The action will be undertaken for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Regulation 55(2)(e))
- (ii) That there is no satisfactory alternative (Regulation 55(9)(a)); and
- (iii) That the action will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range (Regulation 55(9)(b))

We cannot comment or advise directly on parts (i) and (ii) but in relation to test (iii) we advise that the proposed mitigation measures are suitable to maintain the favourable conservation status of the local bat population.

Construction Environmental Management Plan (CEMP: Biodiversity)

No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Biodiversity Enhancement Plan

Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- Integrated / external bird boxes / swift bricks erected onto the main dwelling or garage or mature trees (avoiding southern elevations)
- Integrated / external bat boxes erected onto the main dwelling or garage or mature trees (favouring southern elevations)
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.

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.

The enhancements should be implemented in accordance with the approved details and all features retained in that manner thereafter.

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

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.