

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

For the attention of Rachael Simpkin

Your Ref: HPK/2023/0118

Our ref: DWTHPK693b

26th September 2024

Dear Rachael,

Proposal: Demolition of existing mill outbuildings and conversion/erection of 25no. dwellings with associated car parking, landscaping and highways works.

Location: Land at Hole House Mill, Marple Road, Chisworth, Derbyshire, SK13 5DH

Application Ref No: HPK/2023/0118

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

Further to our letter dated 16th September 2024, an updated Ecological Appraisal and further BNG information has been provided. An updated site visit was undertaken by Astute Ecology in May 2024 to update the Ecological Appraisal for the site. In addition to this recent site visit,



camera monitoring of two subterranean features was also undertaken for a period of two months between July and September 2024.

Protected species

Evidence of barn owl, tawny owl, kestrel and passerines was recorded in B2. Dipper nests were recorded on the Chisworth Brook. All woodland and buildings have potential to support nesting birds.

Several otter spraints and adult otter footprints were recorded in 2024, along Chisworth Brook. Most of these were associated with the upstream and downstream ends of a silted-up bypass channel which runs parallel with the existing brook culvert. The location of this feature is not made clear on the survey plan. Camera traps confirmed use by an otter over multiple occasions. The pattern of usage and behaviour recorded indicates that the otter was using the feature to scent mark, rather than as a resting place. No evidence was recorded to suggest the features was used for breeding. Because of this, impacts to otter have been scoped out of the assessment. We would disagree with this approach as the Brook is demonstrably used as a foraging / commuting feature and impacts are likely during both the construction and operational phases.

We are currently unclear about the treatment of the section of Chisworth Brook that flows north of B2. Will this be entirely culverted or have multiple crossings constructed across it? This element of works needs to be considered in terms of impacts to otters, as the design of the culvert may need to be amended. Open water will be retained to the east, within the woodland and mill pond. The main potential impacts to otters are considered to be noise, light and potential pollution events during the construction phase. However, these could be mitigated through pre-works checks / monitoring, restricted working hours, sensitive lighting plan and pollution prevention control procedures. After occupation of the completed development, impacts are likely to be light and general disturbance. Again, these could be largely mitigated for through a sensitive lighting scheme. As otters are most active at night, they may still commute through the site if connectivity is retained along the channels.

Roosting bats were dealt with in our previous letter.

In addition to the mitigation measures detailed in Table 7, we would expect to see compensatory boxes for owls and kestrel in suitable locations, such as at the woodland edge. We would also advise that an otter mitigation strategy is included within the CEMP.

BNG

An updated BNG Assessment has been undertaken by Astute Ecology, based on the most recent information and using the Statutory Metric. The metric predicts a net gain of +1.07 habitat units (21.85%), +0.02 hedgerow units (40.86%) and +0.04 watercourse units (5.36%). The trading rules are not satisfied due to a net loss of medium distinctiveness habitats, including bramble and willow scrub. Given that the application was submitted prior to mandatory net gain, we advise that some flexibility could be given when considering trading rules.

The scrub is fairly common and widespread and does not comprise a Priority Habitat. On balance, it is considered that the positive impacts for biodiversity resulting from the scheme, outweigh the small losses of bramble and willow scrub. These include bringing the woodland into management and eradicating invasive species on site.

As per our previous letter, we request confirmation of why the woodland does not qualify as a Habitat of Principal Importance and why 'Other woodland, Broadleaved' is used in the metric. Whilst the ecology report suggests that the woodland appears to be fairly young, much of the woodland surrounding the mill is listed on the Priority Habitats Inventory. We would also query if wet woodland would be an accurate fit for some areas.

Planting and seeding within existing woodland should be designed sensitively and appropriately. We would query whether the tree choices could be further improved for woodland in this location and whether wildflower seeding of EM1 is the best selection in the north-western woodland. We would also query how appropriate bulb planting is within the woodland. Any enhancement of woodland should utilise native, shade-tolerant species and mixes, appropriate to the local area and ground conditions. We would also query whether enhancement of the mill pond is possible, perhaps through a reduction in shading or introduction of native marginal and aquatic plants?

To summarise, elements that require further information include:

- Clarification of the silted-up bypass channel location where otters were recorded.
- Confirmation of the treatment of the stretch of Brook north of B2.
- Confirmation of why the woodland does not qualify as a Habitat of Principal Importance.
- Confirmation of whether the woodland enhancement / planting can be improved at this stage or as part of a landscape condition, and whether enhancements to the mill pond are feasible.

Once the above points have been addressed, we advise the following conditions should be attached to any permission:

Bat Mitigation

The demolition / conversion of Buildings 1 and 5 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 Bat Survey Report (Dunelm Ecology, September 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.

Lighting

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA. This shall be designed to safeguard bat roosting features incorporated within the development, as well as watercourses / waterbodies and retained woodland for nocturnal species including otter. 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 lightspill 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.

Invasive non-native species strategy

Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of all invasive species present on site. The measures shall be carried out strictly in accordance with the approved scheme.

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 be produced by an ecologist, based on recommendations in the Ecological Appraisal (Dunelm Ecology, 2019), and 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, to nesting birds, amphibians, otters and other mammals.
- 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.

Landscape and Biodiversity Enhancement and Management Plan (LBEMP)

A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post-development, in accordance with the proposals set out in the submitted Biodiversity Metric. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 20 and 30 years.

- h) Monitoring reports to be sent to the Council at each of the intervals above
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022, and including owl and kestrel boxes.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

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,

Libby Duggan-Jones MBiolSci MCIEEM
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.