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Your Ref: HPK/2023/0192

Our ref: DWTHPK692a

4th October 2024

Proposal: Construction of 99 dwellings with associated landscaping and engineering works

Location: Land at Hoghaw, Fairfield, Buxton, Derbyshire

Application Ref No: HPK/2023/0192

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.

Comments

I have reviewed the revised documents submitted in relation to the above application for 99 dwellings at Hogshaw, Fairfield.



- Preliminary Ecological Appraisal Urban Green October 2022
- Biodiversity Net Gain Assessment Urban Green, July 2024
- Ecological Enhancement Strategy Urban Green, March 2024
- Biodiversity Metric 3.1 Calculation

The application is for 99 dwellings on land at Hogshaw, Fairfield, Buxton and was submitted in May 2023. The application was validated on 23rd May 2023. The application pre-dates mandatory 10% Biodiversity Net Gain (enacted 12th February 2024) and is therefore assessed against the requirements of local and national planning policies and guidance as well as consideration of relevant wildlife and environmental legislation.

In this respect the NPPF requires developments to demonstrate measurable net gains for biodiversity and to address impacts on habitats and species and any designated sites through effective application of the mitigation hierarchy and as a last resort through compensation.

The PEA was undertaken quite late in the season (5th October 2022) and outside of the optimal period for botanical survey work. The PEA is also now 2 years old and some of the survey work will be expiring. The PEA has included a 1km desk study and is informed by the results of the desk study.

The PEA has correctly identified that part of the development site overlaps with the Hogshaw Sidings Local Wildlife Site (HP026). No other designated nature conservation sites (either statutory or non-statutory) are likely to be adversely affected.

The assessment of habitats and vegetation communities appears to be accurate. Most of the site is comprised of modified (species poor) grassland in use for agricultural grazing. Parcels 1, 2 and 3 are all grazed modified grassland. Parcel 4 lies within part of the Hogshaw Sidings LWS and is unmanaged tall herb vegetation dominated by rosebay willowherb. Although very different in terms of species and structure the metric also treats this vegetation as modified grassland.

There is also an area of woodland present within the boundary of the development. This woodland is within the Hogshaw Sidings LWS. It is classified as 'other - broad-leaved woodland' in the assessment, but the wood includes willows, alder, birch spp and ash and could also meet the definition for wet woodland (a priority habitat type). The field layer is quite poor and includes abundant common nettle, ferns and bramble.

Other habitats or features recognised in the PEA include the Nun's Brook, several lines of trees, buildings, walls and a footpath.

Species

Hazel dormouse – agree with the assessment. This species is absent from most of Derbyshire but has been the subject of several reintroduction attempts (though not in this area). No further work is necessary.

Vascular plants – most of the vascular plants affected are common and widespread species associated with agricultural grasslands and ruderal vegetation. There is a greater range of native species within the woodland and along the brook, but none are of significant conservation concern (though they may be part of a community of plants that is significant).

Invertebrates – the modified grassland is likely to be low diversity, but the woodland habitats will be supporting a range of invertebrates. No detailed surveys have been undertaken.

Small heath butterfly may be present within the Hogshaw Sidings LWS but is unlikely to be affected by the proposals. The bilberry bumblebee occurs mainly to the west and is primarily associated with areas of moorland. It sounds like it may be foraging along the railway line where there may be pockets of bilberry and other flowers present. The habitats within the development site are unsuitable or sub-optimal, but it could occur on grasslands within the adjacent LWS or railway land.

White-clawed crayfish – the PEA has concluded that this species could be present in Nun's brook and recommends that an eDNA survey is completed.

Amphibians – the presence of great crested newt has been ruled out by the PEA after a nearby pond (to the east on the golf course) was found to be **Below Average** through a Habitat Suitability Index assessment. Historically the golf course did support GCN and it is disappointing that an eDNA survey was not undertaken to provide further evidence. There are more recent GCN records to the west (the other side of the railway lines and 640m to the south. Whilst the presence of GCN is probably unlikely precautionary methods of working for this species need to be included in a Construction and Environmental Management Plan (CEMP). Impacts on more common amphibians such as common frog and common toad are likely especially in relation to the woodland area.

Reptiles – the assessment of reptiles is acceptable and can be addressed through precautionary methods of working set out within a CEMP.

Birds – most of the site is sub-optimal for breeding birds due to the nature of the habitat (modified grazed grassland), but the woodland is likely to support a range of common breeding bird species. The woodland also provides habitat for birds on passage or in the winter. No in-depth bird surveys have been undertaken so the woodland bird assemblage is not known in detail for the site.

Bats – A preliminary roost assessment has been undertaken on buildings and trees on site and adjacent. This has identified two trees with low bat roost potential and one tree with moderate bat roost potential. Bat activity surveys have not been undertaken, but the site is assessed as having moderate suitability for commuting and foraging bats along tree lines and the edges of the woodland in the west. The PEA has recommended further surveys.

Hedgehogs are assumed to be present on site. Mitigation measures can be included in a CEMP and enhancement measures in a Biodiversity Enhancement Plan (BEP) or equivalent.

Water voles are not thought to be present due to the nature of the brook and the lack of recent records locally. Nun's brook is culverted for much of its length to the west of the development and when it emerges it is heavily shaded so not ideal conditions for water vole. The development is unlikely to affect this species.

Brown hare is present locally and the fields may be used by hares, but the loss of the fields is unlikely to have a significant impact on the population locally as there are extensive and better habitats to the north, west and east.

Otter – the PEA has concluded that otter is very unlikely to be present and discounted it from the assessment. However, otter do occur on the river Wye and there are two records from Buxton, though not recent. Otter territories can be large and smaller tributaries are sometimes used. It seems unlikely that the development would directly impact otter, but precautionary measures are advisable and should be included in a CEMP.

Invasive species – Japanese knotweed and Himalayan balsam are present on and close to the site. A condition is advisable to secure suitable control and eradication measures.

The development proposals impact on part of the Hogshaw Sidings Local Wildlife Site (HP026). The area directly impacted by the proposed development is around 0.25ha, although indirect adverse effects may extend into the LWS where it adjoins the development site. An additional area of 0.2 ha that supports semi-natural habitats of value and lies just outside the LWS is also directly impacted.

Biodiversity Net Gain Assessment

The latest BNG Assessment (July 2024) has used an older version of Defra's Biodiversity metric (v3.1) reflecting the timing of the application which preceded mandatory net gain. Whilst it would have been better if the Statutory metric had been used, it is understandable that an older version of the metric has been submitted.

The calculations predict that the development can deliver an 86.76% net gain for habitats and a 19.85% net gain for hedgerows. No impacts on watercourses are identified in the metric. The site is currently dominated by modified grassland (species poor grassland that has usually been agriculturally improved) with smaller areas of broad-leaved woodland, trees and sealed and unsealed surfaces. The most significant habitats present are the areas of broad-leaved woodland that occupy the north-western corner of the development and lie partially within the LWS. Here an estimated 0.29 ha (1.33 habitat units) of broad-leaved woodland will be lost as a result of the development. Section 6.1 Table 20 within the BNG Assessment states that the '*loss of broad-leaved woodland will not be fully compensated for*'. However, the trading rules within the biodiversity metric appear to have been met and the proposals in the metric include the creation of 0.42 ha (2.12 habitat units) of other broad-leaved woodland. Proposals include the creation of other broad-leaved woodland in the north-western area of the site within the LWS and to the north of the proposed SUDS. A further area of woodland is proposed along the northern and eastern edges of the development. For some reason that is not really made clear on the General Arrangement Plan (UG_1795_LAN_GA_DRW_01) these areas are marked as 'Proposed woodland understory planting' rather than 'other broad-leaved woodland'. Within these proposed woodland areas, the plan also shows individual trees, and these appear to be included as urban trees within the metric. In those areas where the post development habitat is other broad-leaved woodland the individual trees should not really be counted separately.

The proposals would create broad-leaved woodland that is very narrow and will be exposed to significant edge effects due to proximity to the development and agricultural land to the north. Achieving moderate condition for this woodland may be difficult.

Further concerns around the metric and the proposed habitat creation centre on the extent of tree planting within areas of land that are assigned to the creation of 'other neutral grassland'. The shade cast by these trees as they grow will impact the typical plants found in these grasslands and make them increasingly difficult to manage.

In summary the proposals set out in the BNG Assessment, and the metric are arguably resulting in a larger net gain than is the case. It may well be that a net gain can still be achieved if the concerns raised above are factored in, but these questions should be addressed by the applicant and resolved as necessary.

Outstanding matters summary

The PEA (now two years old) has recommended that further survey work is undertaken in relation to white clawed crayfish and bats. **The white-clawed crayfish eDNA survey should be carried out between April and October, but the results of this survey do not appear to have been submitted.**

The Bat emergence surveys are recommended for trees T1, T2 and T3 if these trees are likely to be felled or pruned. Clarification on the status of these trees and any further bat surveys, that have been or may need to be undertaken, is required for the Council to be able to assess the impact on bats prior to determination.

Bat activity surveys have been recommended by the PEA (section 5.2.2) prior to the determination of the application. It is assumed that these surveys have been undertaken over the summer, but the results do not appear to be available yet.

Paragraph 99 of Circular 06/2005 states *"it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried*

out should therefore only be left to coverage under planning conditions in exceptional circumstances”.

Biodiversity Net Gain

Whilst the BNG Assessment has calculated a net gain for both habitats and hedgerows there are several issues regarding the assessment in relation to the treatment of urban trees, other broad-leaved woodland and other neutral grassland. It is important that these habitats are created in a way that ensures they are functional and sustainable habitats that can be effectively managed. The Council should request clarification on the extent of tree planting within areas marked for broad-leaved woodland and other neutral grassland and the metric should be reviewed to ensure that there is absolute clarity around which habitats are being created within each location. The broad-leaved woodland needs to be clearly identified on the landscape plan and not referred to under a separate heading of ‘Proposed woodland understory planting’. Inclusion of urban trees within areas allocated for broad-leaved woodland or other neutral grassland need to be justified in terms of the metric net gain figures.

Conclusions

The proposed development will result in the loss of part of Hogshaw Sidings LWS. The area directly affected is c. 0.3 – 0.4 ha (5%). Part of the woodland that will be lost lies just outside of the LWS boundary. However, the boundary has not been reviewed for some years and as this woodland is contiguous with the rest of the site it is very likely it would be added to the LWS in the future and as such should be viewed as potential LWS. The habitats affected within the LWS are tall herb dominated by rosebay willowherb, nettles, grasses and bramble and areas of broad-leaved woodland (some of this is quite wet with alder and willow so verging on a priority habitat type).

Compensation for the loss of the broad-leaved woodland is critical to accepting the loss of this part of the LWS and the current proposals are confusing as they include both urban tree planting and broad-leaved woodland in the same locations. There needs to be clarity around the exact habitat that is being created and how that is treated in the metric with habitats clearly marked on the proposed landscaping plan. The narrow width of much of the proposed broad-leaved woodland is also a concern as this will inevitably suffer from adverse edge effects such as light, noise, wind exposure and general disturbance.

If there are opportunities to create more extensive woodland habitat around the SUDS or elsewhere that would be preferable.

Conditions

Notwithstanding the above the following conditions are likely to be needed:

- Construction and Environmental Management Plan – mitigation measures for protected species and habitats
- Lighting details
- Biodiversity Enhancement and Management Plan for all retained and created habitats
- Species Enhancement Plan to cover swift boxes, hedgehog gaps

Full details for the conditions can be provided on request or once the outstanding matters have been resolved.

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,

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