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Planning Applications Manager  
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Planning Department  
Municipal Buildings  
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SK13 8AF

**For the attention of James Stannard**

Your Ref: HPK/2024/0194

Our ref: DWTHPK734a

1<sup>st</sup> November 2024

Dear James,

**Proposal: Full Planning Application seeking the construction of 3no. 3-bedroom, 3 storey townhouses following demolition to part of the boundary wall to Albion Road**

**Location: Land adjacent to 208 Albion Road New Mills**

**Application Ref No: HPK/2024/0194**

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 overleaf**



Since our previous response dated 23<sup>rd</sup> July 2024 requesting the need for a Biodiversity Net Gain Assessment, we have received the following:

- Biodiversity Net Gain Assessment Report (Rachel Hacking Ecology, September 2024)
- The Statutory Biodiversity Metric (Rachel Hacking Ecology, September 2024)
- The Statutory Biodiversity Condition Assessments (Rachel Hacking Ecology, September 2024)

#### Designated Sites

No statutory or non-statutory sites lie within the application site or immediately adjacent to. The site does lie within the Impact Risk Zone (IRZ) for Toodbrook Reservoir Site of Special Scientific Interest (SSSI). However, the proposals do not meet the identified risk criteria which would trigger a consultation response from Natural England. Negative impacts to designated sites as a result of the development are therefore considered highly unlikely and are not discussed further.

#### Habitats

The habitats on site are considered to be of low value and are not designated as important or UK BAP Priority habitats. However, it is noted that the majority of the site will be cleared to facilitate the development of three townhouses with associated access and landscaping. The results of the net gain assessment are therefore discussed below.

It should also be noted that the application site lies immediately adjacent to deciduous woodland UKBAP Priority Habitat. We therefore recommend that appropriate protection measures such as buffer zones / storage of materials / pollution control etc. to safeguard the woodland habitat are secured via a Construction Environmental Management Plan (CEMP) condition (below).

#### Biodiversity Net Gain (BNG)

We have reviewed the submitted Biodiversity Net Gain Assessment and metric (Rachel Hacking Ecology, September 2024). The proposals will result in the loss of mixed scrub, ruderal/ephemeral vegetation, urban tree, bare ground and a single non-native ornamental hedgerow equating to a loss of -0.40 habitat units (-61.38%) and -0.09 hedgerow units (-100.00%).

It is our understanding that the application does not qualify under any exemption, so a minimum of 10% net gain is required, in line with the Environment Act 2021. These losses cannot be offset within the site boundary and therefore an offsite option will be required.

Offsite options are likely to comprise either the purchase of units from a local habitat bank or habitat creation / enhancement on offsite land owned by the applicant or a third party. Whilst full details of the chosen approach can be provided in a post-determination Gain Plan, if offsite land requires securing, a legal agreement is likely to be required at this stage. Alternatively, if a habitat bank purchase is likely, we typically advise the LPA to seek confirmation that the type and number of units can be delivered by the provider, to avoid delays later down the line when discharging the Gain Plan condition.

Given that the onsite gains will be minor and restricted to private gardens, a Habitat Management and Monitoring Plan (HMMP) is considered disproportionate. A landscape plan could be secured by the LPA, and we would encourage the inclusion of native or beneficial garden planting, such as small trees and pollinator-friendly shrubs, where possible. We would also encourage the LPA to secure species enhancements in the form of a bat and bird box incorporated within the new dwellings.

### Protected Species

The habitats within the application site are considered to be suitable for nesting birds, foraging and commuting bats, herptiles, and hedgehog. It is considered that due to the small scale of development, that further protected surveys prior to the determination of the application are disproportionate. However, we would recommend that precautionary working measures such as timing of works, ecological supervision, sensitive lighting and reasonable avoidance measures are secured via a CEMP condition (below).

### **Conditions**

#### 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 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
- 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.

#### Gain Plan

A Gain Plan will be required post-determination. Guidance for LPAs regarding Gain Plans can be found here: <https://www.gov.uk/guidance/biodiversity-net-gain#para25> and the Gain Plan template is here: <https://www.gov.uk/government/publications/biodiversity-gain-plan>

#### Landscape Plan and Management Schedule

Given the low distinctiveness of the proposed onsite habitats, it may be that the onsite gains are not considered significant and therefore a HMMP for these is not strictly required. A good quality landscape plan and management schedule may be sufficient to secure the gains.

#### Species Enhancement Plan

Prior to building works commencing above foundation level, a Species 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:

- universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
- integrated bat boxes in dwellings.
- insect bricks in dwellings and / or towers in public open space.
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.

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.

**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.