

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

For the attention of James Stannard

Your Ref: HPK/2024/0264

Our ref: DWTHPK754

6th November 2024

Dear James,

Proposal: Demolition of existing buildings, redevelopment of site for 8 dwellings and associated works

Location: 10-12 Bridgemont, Whaley Bridge, SK23 7PB

Application Ref No: HPK/2024/0264

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

Habitats and Protected Species

We have reviewed the Baseline Ecological Assessment, including Phase 1 Habitat Survey and Bat Survey – 2023 Update (NLG, December 2023). No data consultation was undertaken with



the Local Record Centre, however after a check of our records we do not consider any pertinent records have been missed in this instance. The site visit was carried out in December 2023, well outside the correct time of year for botanical survey, however an updated survey was undertaken in June 2024 as part of the BNG assessment. Trees have not been assessed in line with 2023 bat survey guidelines (Collins, 2023).

The application includes demolition of the onsite bungalow and the ecology report advises three nocturnal bat surveys. These do not appear to have been undertaken in 2024, despite an entire survey season being available. Whilst a common pipistrelle roost was recorded in 2015, this **survey data is considerably out of date**¹ (as per Section 4.2.2 of the ecology report) and therefore should not be used to base a current planning decision on. In line with planning guidance and legal duties, a decision should not be taken until recent surveys have been completed:

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”*.

Furthermore, even if the extant permission covers the demolition of the bungalow, this will not derogate from the legal protections afforded to bats and their roosts and update survey should be undertaken to determine if a licence is still necessary. Update survey information will be required by Natural England in order to grant a licence (if one is still required).

Trees should be re-classified in line with Collins, 2023 and confirmation of impacts to TN3 and TN10 should be provided, as this will determine if further bat surveys of the trees or a soft fell approach are required.

Common amphibians were previously recorded on site in 2015 and recommendations were made to clear the site using best practice measures. We do not know if this was complied with during the clearance that has already taken place. Any further clearance of habitat piles should follow similar measures, as outlined in Section 4.2.11 of the ecology report. Best practice measures should also be implemented to safeguard nesting birds. These can be

¹ Advice Note on the Lifespan of Ecological Reports and Surveys. CIEEM, 2019. <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>

secured in a pre-commencement condition for a Construction Environmental Management Plan (CEMP: Biodiversity).

Enhancement measures should be provided, in line with those detailed in Section 4.2.18 of the ecology report, however integral universal nest boxes / bricks should be installed at a ratio of 1:1 with dwellings, in line with BS 42021:2022.

The report describes a wooded embankment in the west / north. The integrity of the green corridor that this feature created along the rail line should be maintained. We do not support the removal of woodland to facilitate development and this would not accord with the mitigation hierarchy (avoid>mitigate>compensate). Development should be designed to retain and protect features of ecological value, wherever possible. Mature trees should not be incorporated within gardens, as it puts them at risk of future removal. We advise that the Tree Officer is contacted for comments on tree impacts.

BNG

This current application was submitted in June 2024 and is therefore subject to mandatory 10% biodiversity net gain (BNG). A BNG Baseline Assessment and Feasibility Report (Baker Consultants, June 2024) has been submitted. This provided the opportunity to undertake a habitat survey at the correct time of year.

We do not agree with assigning the western vegetation a strategic significance of low. It is clearly part of a linear green corridor through the local landscape and should be assigned moderate significance.

We also query whether the woodland should be downgraded from the assessment in the PEA as Priority Habitat 'lowland mixed deciduous woodland' to 'other broadleaved woodland'. Whilst the small section of the wooded corridor within / adjacent to the site is not listed as Priority woodland in the Priority Habitats Inventory, the majority of the wooded corridor immediately northwest and other nearby woodland east of the road is. Therefore, unless the section is obviously different e.g. has been cleared and re-planted at some point previously, we would suggest the whole corridor is likely to represent this habitat.

A baseline habitat plan using UKHabs should be submitted.

Given the limited size of the site and the absence of meaningful green space, an offsite solution is likely to be required to achieve at least 10% net gain. Notwithstanding any onsite habitats or enhancements, if all habitats were lost, this would result in a net loss of -0.88 habitat units. However, this would be closer to -0.94 units once the strategic significance of the western

habitats is amended and would increase again to -1.14 units if the woodland were classified as a Priority Habitat. This number of units should be relatively easily offset by either land in the ownership of the applicant or a Habitat Bank. Trading rules must be met.

The BNG report indicates that the applicant has other land which could be used to provide gains. Any requirement for offsite land and its extent will need to be established at this stage, as it will need to be secured via legal agreement.

Alternatively, if a Habitat Bank approach is taken, we typically advise the LPA to seek confirmation that a bank has been identified and that they can provide the type and number of units required, to avoid delays when discharging the Gain Plan, although this is not mandatory.

To summarise:

- **Recent bat surveys are required, prior to determination.**
- Clarification of impacts to trees should be provided and the assessment updated.
- A baseline UKHabs plan should be submitted as part of the BNG assessment.
- Consideration should be given to how much of the western wooded corridor can be retained, in line with both the mitigation hierarchy and BNG hierarchy.
- The metric should be updated in line with comments above.
- It should be decided if offsite land will be used vs Habitat Bank units, to determine if a legal agreement is required.

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.