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For the attention of Rachael Simpkin

Your Ref: HPK/2023/0192

Our ref: DWTHPK692b

18th December 2024

Dear Rachael,

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

Location: Land at Hogshaw, 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 Council and the Trust have signed. The following comments are based on our professional judgement informed by our understanding of designations, species and habitats found in this area and following a review of any ecological information submitted by the applicant or other interested parties.



Comments

I previously responded to the above application on 4th October 2024 but since then some of the documents have been updated. I have now reviewed the following reports:

- Biodiversity Enhancement Management Plan (Urban Green, November 2024)
- Biodiversity Net Gain Design Stage Assessment (Urban Green, November 2024)
- Bat Survey Report 2024 (Urban Green, February 2024)
- Construction Environmental Management Plan: Biodiversity (Urban Green, March 2023)
- White-clawed crayfish eDNA survey (Urban Green, May 2023)
- Ecological Enhancement Strategy Urban Green, March 2024
- Letter from Jake Healy, Urban Green 11th November 2024
- Biodiversity Metric 3.1 Calculation (13th November 2024)
- Arboricultural Impact Assessment Review (Peak Tree Consultancy, 16th December 2024).

In my previous letter (DWTHPK692a – 4th October 2024) I raised several outstanding matters relating to ecology and biodiversity and made provisional recommendations regarding conditions. In light of the reports and documents listed above my revised comments are set out below.

Bats

It is noted that bat activity surveys have been undertaken and impacts are relatively minor. Species present are relatively common and widespread and it should be possible to avoid and minimise impacts through light pollution and habitat loss with suitable conditions and the creation of habitat and tree planting as part of the scheme. According to the report and the letter from Urban Green (11th November 2024) several trees that could potentially support bat roosts are to be retained. If for any reason any one of these trees is to be pruned or felled, then further assessments for bats may be necessary and the CEMP should ensure that this is taken into account.

White-clawed crayfish

The eDNA survey found no evidence for the presence of white-clawed crayfish and as such impacts on this species can be excluded.

Biodiversity Impacts and Biodiversity Net Gain

The Biodiversity Net Gain Design Stage Assessment (Urban Green, November 2024) is an updated version of the earlier assessment and now predicts an 82% gain in area habitats and a 19.85% gain in linear habitats and no net change in river units. The report is accompanied by an updated metric. My previous response reviewed the metric and raised a concern around attaining good condition for some of the proposed new woodland areas. In light of comments from Peak Tree Consultancy there is a need to revisit the woodland proposals to ensure they are realistic and can deliver the habitats proposed.

Construction and Environmental Management Plan: Biodiversity

I have reviewed the CEMP: Biodiversity and consider it to address the ecological risks and sensitivities associated with the site. Development, if granted planning permission, should be implemented in accordance with this document.

The Ecological Enhancement Strategy

I have reviewed the Ecological Enhancement Strategy (Urban Green, March 2024) which primarily addresses requirements for species focused enhancements within the development. The EES provides sufficient detail to enable the implementation of species enhancements during the development construction and for post development management where that is needed.

Biodiversity Enhancement Management Plan (Urban Green, November 2024)

The BEMP and the Ecological Enhancement Strategy overlap regarding species enhancements for bats, birds and hedgehogs. Furthermore, **the plans differ on several key issues** as follows:

- the number of bat boxes in the BEMP is 12 but in the ESS it is 18.
- The BEMP does not reference swift bricks whereas the ESS commits to installing 99 swift bricks (a ratio of 1 per dwelling)

The BEMP also needs to include a **commitment to provide monitoring reports to the Local Planning Authority** at agreed intervals. At present the plan only refers to providing the monitoring reports to the 'site owner'.

Conclusions

The proposed development is mainly located on species poor neutral grassland that has been assessed as modified grassland of low distinctiveness. However, there is an impact on habitats within the Railway Land Hogshaw Local Wildlife Site (HP026). This includes small areas of rough grassland/tall herb and broad-leaved woodland extending over c. 0.25 ha. The current proposals set out habitat creation and enhancement within the development that in accordance with the Biodiversity Metric 3.1 provide a net gain of +82% for habitats and +19.85% for hedgerows. The proposals for habitat creation and enhancements are considered to provide an acceptable level of mitigation and compensation for the impact on the Local Wildlife Site (subject to comments below). To some degree the impacts are temporary, and the creation of the pond and associated habitats will be of wildlife benefit.

The LPA is advised to request that the Biodiversity Enhancement and Management Plan is revised so that it removes the sections on species enhancements that are duplicated with the Species Enhancement Plan. It should also update the section on monitoring to include monitoring reports at intervals of 1, 2, 5, 10, 15, 20 and 30 years to the LPA.

The LPA is also **advised to consider securing the on-site habitat creation and enhancements via a legal agreement due to the significance of the habitats being created and given the negative impact on a non-statutory Local Wildlife Site.**

Trees

I support the recommendations and conclusions set out in the response from Peak Tree Consultancy in their report to the Council (Arboricultural Impact Assessment Review, Peak Tree Consultancy, 16th December 2024). Changes to the woodland proposals are likely to affect the biodiversity metric and the Biodiversity Net Gain Design Stage Assessment. Both documents may have to be revised where changes are made.

These changes may reduce the overall biodiversity net gain, but it should still be feasible for the applicant to demonstrate a net gain given the extent of habitat creation and enhancements that would not be affected by any changes to the woodland areas.

Recommendations / Conditions

The development will need to be implemented in strict accordance with the following documents and reports where these have already been submitted and do not require further revision:

- Construction Environmental Management Plan: Biodiversity (Urban Green, March 2023)
- Ecological Enhancement Strategy Urban Green, March 2024

The following documents may need slight amendments following comments from Peak Tree Consultancy.

- Biodiversity Metric 3.1 Calculation (13th November 2024)
- Biodiversity Net Gain Design Stage Assessment (Urban Green, November 2024)

These could be reviewed, amended and re-submitted prior to determination. Otherwise, they would need to be secured via a condition and revised accordingly.

The following conditions are recommended:

I support the requirement for a condition requiring a detailed Arboricultural Method Statement as per the recommendation from Peak Tree Consultancy.

Biodiversity Enhancement Management Plan

The Biodiversity Enhancement Management Plan (Urban Green, November 2024) should be updated and re-submitted to take account of the points raised above. Suitable condition could be included as follows: -

Biodiversity Enhancement and Management Plan (BEMP)

A Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the BEMP 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 3.1 and Biodiversity Net Gain Design Stage Assessment (Urban Green, November 2024). The BEMP 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, 5, 10, 15, 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) Requirement for a statement of compliance upon completion of planting and enhancement works.

The BEMP 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.

Lighting

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. 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 light spill 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.

Biodiversity enhancement verification

We would advise the LPA to seek confirmation and evidence that biodiversity species enhancement measures have been fully implemented as part of the development and recommend the following condition: -

Prior to the first occupation of the development or phase, a verification report carried out by a qualified ecologist must be submitted to and approved by the Local Planning Authority. This

must demonstrate that the species enhancements have been implemented as per the agreed details (or detail any minor variations), highlight any missing or incorrectly implemented features, and provide remediation measures where necessary.

If you require any further information or wish to discuss any of the comments made, please do not hesitate to contact me.

Yours sincerely,

Kieron Huston MCIEEM

Head of Biodiversity Planning

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