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Your ref: HPK/2025/0158



High Peak Borough Council

BY EMAIL ONLY

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Dear Rachael Simpkin

Planning consultation: UPDATED INFO Redevelopment of the Buckingham Hotel, specifically: the demolition of the existing Buckingham Hotel (NDHA) the erection of a replica replacement building, functioning as an Aparthotel comprising 53 units

Location: 1-2 Buckingham Hotel, Burlington Road, Buxton, Derbyshire, SK17 9AS

Thank you for your consultation on the above dated 26 June 2025 which was received by Natural England on 26 June 2025.

PLEASE NOTE: The advice in this letter supersedes that provided in our letter dated 23 June 2025.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on [The Peak District Dales SAC](#). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation

The following information is required:

- Habitats Regulations Assessment (HRA)

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.
Natural England's advice on other issues is set out below.

Peak District Dales Special Area of Conservation:

The proposed development lies within the catchment of Unit 70 and 71 of The Wye Valley SSSI¹, a component site of the Peak District Dales SAC. The site is currently in unfavourable condition and

¹

<https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S2000186&SiteName=wye%20valley&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=>

failing to meet its conservation objectives because of nutrient enrichment in the water. Point Source, i.e. foul water discharges from development (including via mains sewage treatment works), are one of the main contributors to nutrient enrichment. As such, any development which will cause an increase in overnight stays within the catchment must calculate a nutrient budget and provide mitigation which will prevent any increase in nutrients entering the river.

Natural England have updated our advice regarding the Peak District Dales SAC and the River Wye SSSI. Our full updated advice was sent to your authority on 16th March 2022².

For more information regarding the site's designated features, condition assessment and conservation objectives visit Natural England's [Designated Sites View](#).

Further Information Required:

Habitats Regulations Assessment (HRA)

Despite the proximity of the application to European Sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

The following advice should be taken in to account by the competent authority within the HRA:

Natural England welcome the provision of the initial Nutrient Neutrality Assessment, and the updated version provided promptly by the applicant following our previous response.

In our letter dated 23 June 2025, NE stated that *'the most precautionary approach would have been to calculate the existing water use based on the standard figures set out in British Water Flows and Loads 4³'*. **This advice was incorrect and we must apologise for the misinterpretation on our behalf.** In fact, as the calculations provided by the applicant indicate a lesser water use than the 250l pppd stated in British Water Flows and Loads 4, this means the baseline for which the new proposal is being measured against is reduced - and a lower baseline is more precautionary.

As a result of the above, NE's further comments are in relation to the initial nutrient neutrality assessment.

Existing Wastewater

Whilst Natural England are unable to comment on the detail of the bespoke water use calculations provided for the existing hotel's water use, which break down the water use into individual activities/appliances, we would advise that the more precautionary approach would be to use the bespoke calculations provided in the initial Nutrient Neutrality Assessment (overall wastewater generated of 10,834l/day, instead of 14,430l/day). As set out in our previous responses, ultimately the LPA must consider within their HRA whether the calculations provided are suitable.

Proposed Wastewater

Natural England are satisfied with regards to the calculation of the proposed hotel's water use, which is based on residential water use recommended in the Nutrient Neutrality Methodology (120lpppd), with added usage for laundry and housekeeping. This is considered suitable

² <https://publications.naturalengland.org.uk/publication/4792131352002560>

³ [British Water flows and loads.pdf](#)

considering the proposed use as an 'aparthotel'. The calculation also includes a multiplier for both average occupancy rate (78%) and occupancy per apartment (2). Clear rationale has been provided for these occupancy multipliers, and whilst Natural England cannot advise on this area in detail, the figures used appear logical and in keeping with National statistics.

Surface Water

Natural England are also satisfied with the calculations provided for phosphorous input from surface water, noting the use of a vortex separator to remove TSS. The methodology used to calculate existing phosphorous input to the SAC as a result of surface water entering the combined sewer is suitable, using average rainfall and the impermeable drained site area. The calculation of the phosphorous reduction from diversion of surface water and use of the Vortex Separator are also in line with advice set out in CIRIA's 'SuDS Manual' (C753) and CIRIA's 'Using SuDS to reduce Phosphorus in Surface Water' (C808), including the correct application of the dissolved phosphorous:particulate phosphorus ratio (DP:PP). NE raise no concern with the calculations & rationale provided in this regard. It is recommended that the ongoing maintenance of this system is secured by your authority for the lifetime of the development.

Summary

In summary, Natural England raise no concerns with the calculations provided in the Applicant's initial Nutrient Neutrality Assessment, which indicate that, with the implementation of mitigation (surface water diversion from the combined sewer), the proposed development is Nutrient Neutral. Your authority must consider the information provided within your HRA prior to reaching a decision on the application.

Other advice

Further information regarding Nutrient Neutrality can be found in the suite of documents located [here](#).

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A. The LPA should also be aware of the recent rulings and implications of the People Over Wind and Dutch Nitrogen Cases. A summary of these can be found below in Annex B.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

If you have any queries relating to the advice in this letter please contact me on 02087204183.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above has been provided.

Yours sincerely

Robbie Clarey
Sustainable Development Senior Officer

Annex B - Recent Rulings

Competent authorities undertaking HRAs should be aware of a recent ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of *People Over Wind and Sweetman vs Coillte Teoranta* (ref: C-323/17). The case relates to the treatment of mitigation measures at the screening stage of a HRA when deciding whether an appropriate assessment of a plan/project is required. The Court's Ruling goes against established practice in the UK that mitigation measures can, to a certain degree, be taken into account at the screening stage.

As a result, Natural England advises that any "embedded" mitigation relating to protected sites under the Habitat Regulations 2017 Regulation 63 (1) should no longer be considered at the screening stage, but taken forward and considered at the appropriate assessment stage to inform a decision as whether no adverse effect on site integrity can be ascertained. In light of the recent case law, any reliance on measures intended to avoid or reduce harmful effects at the likely significant stage is vulnerable to legal challenge. You may also want to seek your own legal advice on any implications of this recent ruling for your decisions

Your authority should also be aware of a recent Ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of *Coöperatie Mobilisation* (AKA the Dutch Case) ([Joined Cases C-293/17 and C-294/17](#)).

The *Coöperatie Mobilisation* case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in 'unfavourable' conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.

Competent authorities undertaking HRA should be mindful of these cases and should seek their own legal advice on the implications of these recent rulings for their decisions.

Annex A – Natural England general advice

Protected Landscapes

Paragraph 189 of the [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/national-planning-policy-framework) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 190 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the [Levelling-up and Regeneration Act 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2023/1/section/245) places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 187 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Guidelines for Landscape and Visual Impact Assessment \(GLVIA3\) - Landscape Institute](https://www.landscapelinstitute.org.uk/guidelines-for-landscape-and-visual-impact-assessment-glvia3/) for further guidance.

Biodiversity duty

Section 40 of the [Natural Environment and Rural Communities Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2006/14/section/40) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making. We refer you to the [Complying with the biodiversity duty - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/consultation-on-biodiversity-duty) for further information.

Designated nature conservation sites

Paragraphs 193-195 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)). Both the direct and indirect impacts of the development should be considered.

A Habitats Regulations Assessment is needed where a proposal might affect a habitat site (see [Habitats regulations assessments: protecting a European site - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/consultation-on-habitats-regulations-assessments-protecting-a-european-site) and Natural England must be consulted on 'appropriate assessments' (see [Appropriate assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/consultation-on-appropriate-assessment) for more information for planning authorities).

Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via the [SSSI Impact Risk Zones \(England\) \(arcgis.com\)](https://arcgis.com) or as standard or bespoke consultation responses. Section 28G of the Wildlife and Countryside Act 1981 places a duty on all public bodies to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features for which an SSSI has been notified ([Sites of special scientific interest: public body responsibilities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/consultation-on-sites-of-special-scientific-interest-public-body-responsibilities)).

Protected Species

Natural England has produced [Protected species and development: advice for local planning authorities - GOV.UK](https://www.gov.uk/government/consultations/consultation-on-protected-species-and-development-advice-for-local-planning-authorities) (standing advice) to help planning authorities understand the impact of particular developments on protected species.

Annex A – Natural England general advice

Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. We refer you to [Wildlife licences: when you need to apply](https://www.gov.uk/wildlife-licences) (www.gov.uk) for more information.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 187, 188 and 192 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local environmental records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local nature recovery strategies - GOV.UK](https://www.gov.uk/local-nature-recovery-strategies) (www.gov.uk) may also provide further useful information.

Those habitats and species which are of particular importance for nature conservation are included as 'priority habitats and species' in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. We refer you to [Habitats and species of principal importance in England](https://www.gov.uk/habitats-and-species-of-principal-importance-in-england) (gov.uk) for a list of priority habitats and species in England. You should consider priority habitats and species when applying your 'biodiversity duty' to your policy or decision making

Natural England does not routinely hold priority species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. We refer you to the [Brownfield Hub - Buglife](https://www.brownfieldhub.org.uk/) for more information and Natural England's [Open Mosaic Habitat \(Draft\) - data.gov.uk](https://data.gov.uk/dataset/open-mosaic-habitat-inventory) (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 187(d), 192 and 193. Major development (defined in the [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/glossary) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is also applies extended to small scale development from April 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

[Biodiversity Net Gain](https://www.gov.uk/biodiversity-net-gain) guidance (gov.uk) provides more information on biodiversity net gain and includes a link to the [Biodiversity Net Gain Planning Practice Guidance](https://www.gov.uk/biodiversity-net-gain-planning-practice-guidance) (gov.uk).

The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to [Calculate biodiversity value with the statutory biodiversity metric](https://www.gov.uk/calculate-biodiversity-value-with-the-statutory-biodiversity-metric) for more information. For small development sites, [The Small Sites Metric](https://www.gov.uk/the-small-sites-metric) may be used. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 193 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Where off-site delivery of biodiversity gain is proposed on a special site designated for nature (e.g. a SSSI or habitats site) prior consent or assent may be required from Natural England. More information is available on [Sites of Special Scientific Interest: managing your land](https://www.gov.uk/sites-of-special-scientific-interest-managing-your-land)

Annex A – Natural England general advice

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 77, 109, 125, 187, 188, 192 and 193). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

[The Environmental Benefits from Nature Tool - Beta Test Version - JP038 \(naturalengland.org.uk\)](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory biodiversity metric.

[Natural environment - GOV.UK \(www.gov.uk\)](#) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain.

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 193 of the NPPF. The [Natural England Access to Evidence - Ancient woodlands Map](#) can help to identify ancient woodland. Natural England and the Forestry Commission have produced [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](#) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 187, 188). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in the [Guide to assessing development proposals on agricultural land - GOV.UK \(www.gov.uk\)](#). [Find open data - data.gov.uk](#) on Agricultural Land Classification or use the information available on [MAGIC \(defra.gov.uk\)](#).

The Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites \(publishing.service.gov.uk\)](#) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, we refer you to [Reclaim minerals extraction and landfill sites to agriculture - GOV.UK \(www.gov.uk\)](#), which provides guidance on soil protection for site restoration and aftercare. The [Soils Guidance \(quarrying.org\)](#) provides detailed guidance on soil handling for mineral sites.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

For evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI) we refer you to [Green Infrastructure Home \(naturalengland.org.uk\)](#) (the Green Infrastructure Framework). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 [GI How Principles \(naturalengland.org.uk\)](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

Annex A – Natural England general advice

The [Green Infrastructure Map \(naturalengland.org.uk\)](https://naturalengland.org.uk/green-infrastructure-map) and [GI Mapping Analysis \(naturalengland.org.uk\)](https://naturalengland.org.uk/gi-mapping-analysis) are GI mapping resources that can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation:

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails:

Paragraphs 105, 185, 187 and 193 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development.

Consideration should also be given to the potential impacts on any nearby National Trails. We refer you to [Find your perfect trail, and discover the land of myths and legend - National Trails](#) for information including contact details for the National Trail Officer.

The King Charles III England Coast Path (KCIIIECP) is a National Trail around the whole of the English Coast. It has an associated coastal margin subject to public access rights. Parts of the KCIIIECP are not on Public Rights of Way but are subject to public access rights. Consideration should be given to the impact of any development on the KCIIIECP and the benefits of maintaining a continuous coastal route.

Appropriate mitigation measures should be incorporated for any adverse impacts on Rights of Way, Access land, Coastal access, and National Trails.

Further information is set out in the Planning Practice Guidance on the [Natural environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/natural-environment).