



Derbyshire
Wildlife Trust

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 Derbyshire Wildlife Trust

Derbyshire Wildlife Trust is registered in
England and Wales, company number 715675
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Steffan Saunders
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For the attention of Neil Thompson

Your Ref: DMPA/2021/0757

Our ref: DWTSOU795a

20th December 2021

Dear Neil

Proposal: Mixed use development to provide the conversion of agricultural buildings to create one dwelling with associated stables and store, the conversion to create attached garaging, and store; change of use of land to equestrian use through the formation of a menage, and the erection of a replacement agricultural building

Location: Grange Farm, Sandy Lane, Netherseal, Swadlincote, DE12 8BX

Application: DMPA/2021/0757

Thank you for re-consulting the Derbyshire Wildlife Trust with regard to the above planning application following the submission of additional information. I am responding as the Biodiversity Planning Officer responsible for work relating to the Service Level Agreement, which the South Derbyshire District 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.

In our previous consultation response dated 4th August 2021 we advised that the application as submitted was not accompanied by sufficient ecological information to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development.

We have now had the opportunity to review a Protected Species Survey report prepared by Forest Fauna Ecology dated October 2021 submitted in support of the application.

The report presents the results of a site survey carried out on 30th August 2021 by a suitably experienced and licensed ecologist.

Based upon the site survey, building B6 is considered to have high potential to support roosting bats and, in accordance with current best practice guidance, the report rightly states that further survey work in the form of three nocturnal surveys during the period May to August is required. It is essential that the results of the further bat surveys, together with any required mitigation, are provided prior to the determination of the application.

Paragraph 99 of ODPM 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”*.

The desk study identified the presence of six ponds with potential to support great crested newt within a 500m radius of the application site with the nearest located less than 20m from the site in the grounds of the adjacent property. The report identifies the presence of suitable great crested newt terrestrial habitat on the development site but discounts the undertaking of surveys for great crested newt on account of the majority of the ponds being located on private land and that access may be refused. We advise that at least the pond located in the adjacent garden should be subject to a targeted great crested newt survey unless permission is categorically refused although from discussion with the relevant landowner denial of access to survey the pond is considered to be highly unlikely.

While section 4.8 of the report sets out an avoidance approach through the retention of areas of suitable GCN terrestrial habitat we are not confident of its feasibility and if GCN are confirmed

to be present in the adjacent pond there is a high risk of killing or injury during site preparation and construction which warrants the consideration of licensing.

Overall, it is considered that the application as submitted is not accompanied by sufficient information to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development. In the absence of sufficient information on European Protected Species (i.e. roosting bats and great crested newts) the Local Planning Authority is unable to discharge its duty in respect of the requirements of The Regulations 2019 and make an informed planning decision.

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,

Trevor Taylor

Trevor Taylor BSc Hons ACIEEM
Biodiversity Planning Officer