

Neil Thompson

Subject: FW: Grange Farm, Netherseal DMPA/2021/0757

From: Neil Thompson
Sent: 20 January 2022 14:55
To: Jon Imber <
Subject: RE: Grange Farm, Netherseal DMPA/2021/0757

Jon,

I had another chat with Paul the other day and I indicated we were having training on HRA's this week. There is another session next Thursday where we will use this site as an example. Experts at Browne Jacobson will look at it and assist me in making a conclusion.

I did manage to do some history research on this yesterday. I found some of the info on the agricultural workers dwelling. It seems there was an earlier permission based on the need to provide a dwelling on the site for the beef herd and help with calving and hands on animal welfare. The original permission lapsed and the footings were constructed after the permission lapsed so were therefore unauthorised. The new permission from 2015 was used based on the same need and was also approved. It looks like there was an application to discharge the pre-commencement conditions, but I couldn't find a decision notice on this. I'm not sure if any further physical work was done on this dwelling, or if the location was the same as the first permission or slightly different. Brings an interesting legal assessment about whether work on a lapsed permission can then be used to say that the new permission then becomes live. Might need further legal guidance on this.

In terms of the assessment about the drainage and the sewage on that 2015 assessment there was an assessment carried out by my former colleague which concluded that the scheme as submitted at that time would not constitute a significant detrimental effect on the SAC. On this basis, I consider that it is likely we could come to the same conclusion on this application.

In terms of effect on surface water drainage, there was just a query about whether the ditch to the eastern side of the site was a dry one or a wet one. If the latter then surface water run off would be less of an issue in terms of effect on the SAC.

It's been a while since I visited the site so wonder if anyone will be on site tomorrow afternoon? I was going to check the ditch and also just check with regard to the position of the new barn and its relationship with the existing dwelling which is owned by a different neighbour. I wanted to be sure it wouldn't cause a detrimental effect on their back garden if it was being used for that. The submitted barn doesn't give heights so I wonder if this could be added to the plans. I wouldn't want to see anything too high too close to the boundary with that dwelling. I was thinking of around 3.30-4pm approx?

Just before Christmas I did receive a comment from the Derbyshire Wildlife Trust to the submitted ecological assessment. They have identified and concluded similarly to the details of the report that there is a potential for effect on bats and also with regard to the ponds on the potential for Great Crested Newts. They have requested the following:-

'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.'

'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.'

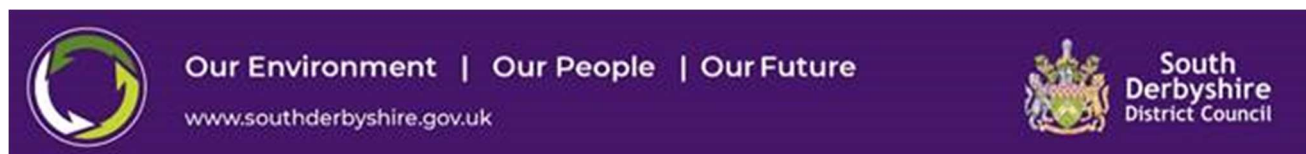
Based on the above, I cannot put forward the proposal at the present time with a recommendation for approval.

I trust that this information provides further useful information to at least move the issue forward, and I will get back to you after our further training session next week. Let me know if there will be an issue with visiting the site tomorrow. Thanks.

I look forward to hearing from you.

Kind regards

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From: Jon Imber <
Sent: 13 January 2022 09:34
To: Neil Thompson <Neil.Thompson@southderbyshire.gov.uk>
Subject: FW: Grange Farm, Netherseal

Morning Neil,

I hope you are keeping well.

Is there any update on this one please?

Kind Regards

Jon Imber MRTPI
Director