

## Adam Bennett

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**From:** Adam Bennett  
**Sent:** 10 November 2020 11:41  
**To:** Mike Garrity  
**Cc:** Anna Lee  
**Subject:** Land to N of Crown Road, Marnhull - Application Ref. 2/2018/1124/OUT  
**Attachments:** 2/2018/1124/OUT: Land North Of Crown Road, Marnhull; RE: Land to N of Crown Road, Marnhull - application 2/2018/1124/OUT

Hi Mike,

I understand that the Applicant Mr Lewis has been in contact with you in relation to this application. We are keen, as he has noted to see this moved forwards bearing in mind the significant period of delay that has been encountered in the determination of this application.

We have worked proactively with your officers throughout the consideration of the application to respond to queries and address concerns and we have provided a number of significant amendments and alterations to the scheme. We have however been stuck in a position of inaction now for a number of months and as Mr Lewis has no doubt informed you, repeatedly missed opportunities for this matter to be considered by the planning committee.

We were most dismayed that, on 14<sup>th</sup> October, concerns were again raised in respect of Ecology impacts of the development. This was a matter which we discussed with the local authority approximately of 24 months prior in October 2018 and we had, in our view, reached a position of agreement in respect of. I have been in constant contact with the Council in respect of this application and following up whether there were any outstanding matters with your Officers. I have attached correspondence from 10<sup>th</sup> September 2020 with your officers confirming that the technical matters had in their view been addressed.

For this matter to come up again at a time when ecological surveys are incapable of being undertaken on the land is frustrating. We have confirmed a commitment to undertake these surveys and we have submitted a full ER and BMEP which sets out a worst case scenario approach and a full pattern of mitigation assuming that species are present on the site, given that the survey work cannot occur at this time of year. This was the strategy originally submitted to the Council and we had understood had been agreed in 2018. This was followed up with the Council repeatedly in respect of whether there remained any technical concerns in respect of the site and none were raised. You will I am sure understand why this is therefore disappointing.

We are not against doing surveys, the point is however that doing the surveys will not change the mitigation – if it did, it would only lessen it, not increase it. This is the fundamental and important point here, the scheme allows for the species to be there and will ensure no harm. The surveys can be done, and there is no issue with that, they should not however be a barrier to or delay determination because they will only confirm the mitigation position we propose is needed, or that it is in excess of what is needed. If the latter, this is a boon for biodiversity and a clear benefit.

With reference to Paragraph 175 of the Framework, the LPA should apply the principle that if significant harm resulting from development cannot be avoided, adequately mitigated or as a last resort compensated for, then permission should be refused. In this case we have proposed full mitigation for any and all biodiversity interest. There are significant net gains to be attributed to the new trees, new hedgerow habitat, and enhancement of the existing which will result from the development, taking a piece of maintained grassland and providing new habitat. We have hundreds of meters of new hedgerow and in excess of 100 new trees, 3m buffer zones from all existing hedgerows on site and we are making a compensation contribution in respect of the loss of grassland resulting from the development. I set out the position in an earlier email to the Council which I again append for reference.

If there is a fundamental position here that you will not issue a permission without the survey work, then I can see no issue with taking it to committee with a recommendation to delegate power to grant permission subject to the

carrying out of the additional survey and completion of the s106 – it will need to be delegated in respect of this later matter anyway. That way we are not incurring further delay here without a clear determination.

This is not our preference, we see no reason why the matter cannot be determined with a condition to provide this information – it is an outline consent, and these points are not insurmountable. The presence of species will not preclude development, it will only require the mitigation which we have already proposed.

We would like a Zoom/Teams call with you and your colleagues to go through this. I would appreciate confirmation of suitable dates to allow this to occur. I am conscious of the timeframe now before the Planning Committee and the need for this to be resolved ASAP so that we do not miss this next meeting and incur further delays here.

Thanks in advance.

Kind Regards

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