

APPLICATION NO: F/YR16/1059/F

SITE LOCATION: 30 Park Lane, Whittlesey, Peterborough,

UPDATES

Further comments have been received from the following:

- 1. Tom Langton, Ecologist (commissioned by Dr Dodwell, 7 Horsegate, Whittlesey) and Dr Dodwell.**

Further to James Fishers(JF) reply to my letter of 24th March on behalf Drs D. and F. Dodwell, I have been asked to respond on key points where I believe Mr Fisher's advice may have left your Council and the applicant exposed.

Para 5.9: Ecology: 1. JF confirms that GCN will be vulnerable to death and injury within the construction working area that he believes should be unfenced, despite the simple safety measure.

Para 5.9: Ecology: 2 JF is confusing the words survey and appraisal which have strict and very different meanings.

Para 5.9: Ecology: 3. The site may be small scale but that does not mean the impact will not be big due to the ratio of impact to size.

Para 5.9: Ecology: 4. The garden is being significantly impacted by the proposal. Nowhere is it indicated in writing or drawing that that garden will not be impacted by the building work. Where is the drawing if this is the case?

Para 5.9: Ecology: 5. It is not possible to appraise an absent survey and suggest conditions might be appropriate. The correct procedure is to determine the Conditions and then do the assessment. Otherwise there is no audit to what is being expected or prevented. This is a red line legal issue. Any proposal must contain clear undertakings and conditions must be set in detail based upon survey and appraisal before any permission may be considered.

Para 5.9: Ecology: 6. The view on EPS licensing is therefore spurious and unsafe.

Para 5.9: Ecology: 7. No proper assessments and calculations have been provided.

Para 5.9: Ecology: 8 (first bullet). Size measurement s have not been provided as is a standard requirement

Para 5.9: Ecology: 8 (second bullet). This is, I believe a two story extension. Shade estimates have not been made and cannot be wished away. A heavily

shaded pond will lose its value as a GCN feeding site and possible breeding site (unproven due to lack of survey).

Para 5.9: Ecology: 8 (third bullet). The comment on future level of use does not make sense.

I strongly advise you to take advice on this matter as these are important points of procedure and the failure to provide a survey and full appraisal having asked for one and anecdotal views in the place of standard calculations are significant material considerations.

In addition a further statement has been received from Mr Langton, a copy of which is appended to this update.

Officer Response: James Fisher will be attending Committee should members have any questions.

2. No 1 Horsegate

The occupier of No 1 remains concerned about the parking situation. He has supplied a photograph of a car parked on the pavement to the front of No 30 on two separate occasions.

Officer response: It cannot be confirmed that the owners of the two cars were visiting No 30. Parking is to be provided on site to satisfy requirements for this proposal and also the highways officer with regard to highway safety.

3. No 9 Horsegate

Most of the concerns have already been covered. But this neighbour feels that back garden development has already been carried out to a maximum in the vicinity.

Officer response: The proposal is for an extension to the side/ rear of the dwelling, rather than back garden development.

5. Agent

Paragraph 2.2 of the report should read “ample onsite parking” not “ample offsite parking”.

Officer response: agreed

Resolution: Grant as per the recommendation in the Agenda on page 34.

BY POST AND EMAIL TO J THOMAS FOR FDC PLANNING MEETING 26
APRIL 2017

From : TL@langtonuk.co.uk
Date : 24/04/2017 - 12:24 (BST)
To : alwayscominghome2@btinternet.com
Subject : RE: 30 Park Lane - rough draft

Dear Fiona,

Please find attached my thoughts for the planning meeting. My main concern is that the Council grants permission, newts get killed and the police wildlife crime unit get called in. Then the paperwork mess would create a very difficult situation for everyone.

Regards, Tom

Tom Langton
BSc Hons Ecol. M.IENE, FSB

Director and senior consulting ecologist.
Herpetofauna Consultants International
Triton House, SUFFOLK-UK IP199AE

**Wildlife and Planning statement: Application FY16/1059/F
FDC planning meeting Wed 26 April 2017-04-24**

The summary Officers Report begins by suggesting that this is primarily a disabled provision of some urgency. If granted, however, the disabled person will need to relocate for approaching half a year. This is actually a matter of building a large extension in one of the few remaining parts of Whittlesey with recognised historic character: a Conservation Area with high biodiversity value.

FDC officers have rejected previous plans for a new dwelling at this site, with loss of wildlife value a material consideration. The current application actually has a larger footprint in terms of wildlife habitat impact and destruction than the previous plan.

There has been an oversight in trying to move towards allowing 'something smaller'. There has not been a logical, or correct approach to the provisions for great crested newt, *Triturus cristatus* a declining and strictly protected species, by the F.D.C. / P.C.C. Wildlife Officer, James Fisher. This is required under the Wildlife and country side Act 1981 and subsequent legislation relating to European protection for this species that is still fully in place.

Mr Fisher had quite properly objected and required a revised biodiversity report, to accurately report great crested newt and other wildlife, as well suitable habitat.

He also objected and required a survey for his analysis and in order for him to properly assess the site. But he then conceded his position to the applicants, and so neither of these things has materialised. As a result Mr Fisher has not been able to provide his own assessment. His position now relates only to the avoidance of killing during site-clearance only and not the much longer 'build' period. He has now omitted even to refer to the great crested newt in his document.

Because of the lack of information, the conditions provided by Mr Fisher are an ambiguous and loosely worded overview that is an enforcement officer's worst nightmare. Monitoring and enforcement is made almost impossible due to the vagaries of the applicant's text. The Conditions should have been identified and signed off on as a clear stand-alone checklist. This is actually a legal pre-requisite in such circumstances.

Mr Fisher has not required the garden to be fenced off during construction, in order to prevent pollution (dust/spray/trampling) or death and injury to great crested newts, as is required by law. Newts and other animals which move around all the time during their active season and are likely to be killed during machine and construction work, are normally kept back by a simple cheap polythene and sticks fence. This could be a Condition but needs to be founded upon a basic survey.

The result of permission on the basis suggested would be bad practice and high risk, and contrary to local information provided; evidence that could easily and cheaply have been supplemented by a local surveyor,

By capitulating on his objections and requirements, such that there is now no adequate survey and appraisal, Mr Fisher has mistakenly exposed all concerned to new risk. He has cited this to be a small scale population impact. Small scale wildlife populations are much more easily damaged than larger ones, and the animals impacted, (whether newts, hedgehogs or bats) can actually be damaged to the point of localised extinction by small scale unregulated and ill-defined actions, as are proposed.

Further, Mr Fisher has not dealt properly with the vital matter of shading of the application site pond that will be cast by the new construction. Cutting down trees is no answer and cannot mitigate the loss of afternoon sun. There are legal precedents that would be raised with the Planning Inspectorate and others if this permission is granted without this evidence.

Provision of suitable housing for the disabled is of course a high priority and to be supported. However this matter is not about that and the Council should to recognise the distinction. All that is being asked for, and all that officers have been reminded about at every stage in this process, is the correct procedures for the specially protected wildlife interest present, sharing space in the collection of local gardens, via a simple stand-alone survey and appraisal, and an accurate biodiversity report. This application is incomplete without them and the proper views and safeguards based on them. It should not be approved.

We have proposals that do not cover even the aspects that Mr Fisher himself required. We believe that this could give rise to immediate enforcement action and that granting permission on this basis would be an unsafe decision, likely to cause all parties further delay, cost and inconvenience during the remainder of this year and next.

Decisions should only be taken once a clear plan, based upon clear evidence is produced.

Tom Langton

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