

From: [Johnston, Christopher](#)
To: [Planning Comments \(SMDC\)](#)
Subject: FW: SMD/2023/0580 Dane Heights, Clay Lake, Endon, Staffordshire, ST9 9DD Outline Permission with details of access (all other matters reserved) for erection of a detached dwelling (resubmission of SMD/2020/0615)
Date: 19 December 2023 12:21:14

From: Planning For Nature <>
Sent: Monday, December 18, 2023 2:42 PM
To: Johnston, Christopher <>
Subject: SMD/2023/0580 Dane Heights, Clay Lake, Endon, Staffordshire, ST9 9DD Outline Permission with details of access (all other matters reserved) for erection of a detached dwelling (resubmission of SMD/2020/0615)

Dear Chris

Although the application has previously been granted planning permission, no Ecological information is available of the Site, and of potential Ecological Impacts. The existing building's close proximity to woodland (immediately adjacent the site boundary), which is highlighted as a priority habitat on DEFRA's Magic Maps, and close proximity to ponds within the woodland (as shown in the location plan), means there could be opportunities for protected species such as roosting bats, great crested newts and nesting birds within or immediately adjacent to the Site.

We therefore recommend the LPA requests a Preliminary Ecological Appraisal prior to determining the application.

This is in keeping with Circular 06/05, paragraph 99, which states that,

*"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 the planning permission is granted, otherwise all relevant 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**, with the result that the surveys are carried out after planning permission has been granted."*

The LPA also has a duty to conclude that the application has met the three tests regarding protected species, which are:

Test 1

There must be a licensable purpose for which licences can be granted. The reason for the licence must relate to one of several purposes specified in regulation 44(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended).

Test 2

There must be no satisfactory alternative.

Test 3

The proposed action must not be detrimental to maintaining the species at 'favourable conservation status'.

Without understanding the baseline conditions, it is likely not possible to determine the above tests. Potential impacts need to be understood at the outline stage, to determine if ecology matters can be mitigated for onsite/within the scheme. These matters may then influence the final design within the reserved matters application.

Kind Regards,

Amy Trewick BSc (Hons) ACIEEM

Planning consultations- please send to planning@staffs-wildlife.org.uk



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