

16/0893

MH

Dawn Paton

From: Mark Hill
Sent: 02 February 2017 15:44
To: Planning
Subject: FW: Partial Discharge of Planning Conditions 4, 52, 60, 64, 76, 79 and 95 - NYM/2016/0893/CVC

Pls book in.
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From: Adam Key
Sent: 02 February 2017 15:41
To: Mark Hill
Cc: Chris France
Subject: Partial Discharge of Planning Conditions 4, 52, 60, 64, 76, 79 and 95 - NYM/2016/0893/CVC

Dear Mark

I write further to our recent meeting and discussions in respect of the above.

I have now had the opportunity to review the above discharge of conditions application and all the associated documentation available on line. As discussed, I have sought to approach this on the basis of making sure that the submitted information meets the requirements of the relevant condition and that any decision notices issues are correctly 'framed' to ensure that it is clear which conditions have or have not been discharged in whole or in part. I have not sought to replicate the role of the statutory consultees. I have set out my observations below.

Overarching Comments

As discussed, at the recent meeting, I will email NLP to suggest the setting up of a working Conditions Monitoring Schedule which we will all have access to.

On any decision notice issued, it needs to be clear either by way of the description or by way of an informative / notification or both, that this application relates only to the Phase 2 Works at Dove's Nest Farm as defined by the definition and table contained in the NLP letter of the 21st December 2016. A reference to the Phasing Plan 000-APP-ENV-PLN-004 would also be useful.

Condition Specific Comments

Condition 4 – The Phasing is in accordance with Phasing Plan 000-APP-ENV-PLN-004 which makes sense. Again any decision notice issued should reference this and make clear the discharge only relates to Phase 2 works at Dove's Nest Farm.

Condition 52 – The condition relates to Dove's Nest Farm (DNF) and Lady Cross Plantation. Any decision notice will therefore have to be clear that it relates to Phase 2 works at DNF only. The condition relates to a list of species, but the three submitted reports relate to Bats, Birds and Reptiles only. I assume that this is because a reduced scope has been agreed. We will need confirmation of this and am in the process of requesting it from NLP. Alternatively, the discharge could be in respect of the submitted species reports only. In addition, the NLP covering letter makes reference to a Badger report. I have not seen this as I assume it has been submitted on a confidential basis. I have not seen the response from the Ecologist (it is not online at the time of writing), but subject acceptance by the Ecologist and to the above, the submission would appear to meet the requirements of the condition.

Conditions 60 & 79 – Again any decision notice will therefore have to be clear that it relates to Phase 2 works at DNF only. Condition 60 also references Lady Cross Plantation so we need to be clear. The submitted information does seem comprehensive and I note that Environment Agency's response of the 30th January accepting the submitted Phase 2 information. The submission would therefore appear to meet the requirements of the conditions in so far as they relate to Phase 2.

Condition 64 – Comprehensive information has been submitted. My only query relates to whether the EHO has commented on the acoustic fencing and whether this will deliver the noise attenuation required. I know this will have been discussed at length during the application process, but there should be the double check. Also the condition does require a timetable for the installation and the submission states that it will be the first activity to be undertaken and will last for seven weeks. I wonder if this needs to be more specific or if some elements need to be done first. The condition requires the detail of temporary fencing, although I note that the black mesh fencing is being put forward as a permanent solution. Otherwise, this would seem in order.

Condition 76 - Again any decision notice will therefore have to be clear that it relates to Phase 2 works at DNF only. The submitted information is comprehensive in nature. I would draw your attention to the first bullet point where the condition prevents the movement of soil between the 1st October and 31st March unless otherwise agreed in writing. Para 4.1 of the FWS report states that the methods contained in the report includes moving soil within the period 1st October to 31st March. We just need some clarification on whether they are seeking this additional flexibility. I will seek this from NLP. The end of the condition relates to the seeding of the mounds and requires agreement of seed mix with the MPA. Para 4.9 of the FWS report sets out this detail. Again, I assume they are looking for this to be discharged as well.

Condition 95 - Any decision notice will therefore have to be clear that it relates to Phase 2 works at DNF only. I note the comments from the Archaeologist. The submitted information is comprehensive and would appear to comply with the requirements of the condition.

I will come back to you when I have heard back from NLP on the above.

Over the next couple of days, I will seek to go through the material associated with NYM/2017/0033/CVC

In the meantime, should you have any queries then please let me know.

Kind regards.

Adam

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