

From: Niall Mellan
Sent: Thursday, July 6, 2023 4:54 PM
To: Steven Gunn-Russell <Stevengr@whitepeakplanning.co.uk>
Cc: Haywood, Ben <Ben.Haywood@highpeak.gov.uk>; Claire Campbell <Claire.Campbell@wainhomes.co.uk>; Nick Brookman <Nick.Brookman@houriganplanning.com>; Marc Hourigan <Marc.Hourigan@houriganplanning.com>
Subject: FW: 2022.019 Dinting Vale HPK/2022/0456 - Response

Hi Steven

As requested yesterday please find below our response in [blue](#) to your email dated 30 June.

Regards

Niall Mellan BA (Hons) MSc MRTPI
Associate

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From: Steven Gunn-Russell <Stevengr@whitepeakplanning.co.uk>
Sent: Friday, June 30, 2023 1:08 PM
To: Niall Mellan <Niall.Mellan@houriganplanning.com>; Nick Brookman <Nick.Brookman@houriganplanning.com>
Cc: Rob White <RobW@whitepeakplanning.co.uk>; Haywood, Ben <ben.haywood@highpeak.gov.uk>; Haywood, Ben <ben.haywood@highpeak.gov.uk>
Subject: 2022.019 Dinting Vale HPK/2022/0456 - Response

Hi Niall,

Thank you for our meeting yesterday afternoon. I hope the inclusion of Libby from DWT was also helpful.

As mentioned, there are outstanding objections from Archaeology, Ecology (DWT), and the Arboriculturist. To confirm there are outstanding items which will require action in order to achieve a favourable recommendation: *As discussed yesterday, as a point of principle we are not going to be able to satisfy every consultee due to the site constraints and viability issues. We welcomed Ben's assurances that some planning balance would be applied going forward.*

1. Biodiversity net gain metric (this needs to account for trading rules). *This will be submitted tomorrow.*
2. Additional botanical survey report. *This has been completed and will be submitted tomorrow.*
3. Additional invertebrate survey report (needs to include Bumblebee mitigation retained on site or recreated within the design) *This has been completed and will be submitted tomorrow.*
4. Quadratic survey. *This has been completed and will be submitted tomorrow.*
5. Crime & design changes as discussed. *The comments are minor and easily resolvable. Amended plans will be submitted tomorrow.*
6. Risk Assessment and Method Statement (RAMS). *We accept this standard condition by Network Rail.*
7. Road link to remainder of housing policy site. *As discussed yesterday we are instructed that the applicant sought to bring the Council on board to develop the whole allocation during pre-application discussions but there was no interest. It is unreasonable to expect our scheme to determine the location of a potential future access to the remainder of the allocation, particularly as there are no current plans to develop this area and it is doubtful whether the remainder of the allocation is developable due to varying levels and tree cover. You were going to take this away and come back to us but this should not hold up the determination of our planning application.*
8. Archaeology - geophysical survey report currently inadequate, remaining site area to be surveyed subject to vegetation clearance to be agreed with DWT. *The applicant's archaeologist is going back on site next Tuesday to extend the survey. They are liaising with Steve Baker on this and we will report the findings next week.*
9. Additional information required for Flood Risk Assessment (see email on 28/06/23) with reference to drainage, swales, attenuation ponds, tree pits, etc. *A response will be submitted tomorrow.*
10. Trans Pennine Trail Partnership and Sustrans – changes requested. *We responded to the Trans Pennine Trail Partnership and Sustrans comments in our 19 May submission and we discussed this further in our meeting yesterday. In summary the applicant's position is that the requests for a cycle path from the site to the bridleway to the west do not meet the tests in the CIL Regulations i.e. it is not necessary to make the development acceptable in planning terms; it is not directly related to the development; and it is not fairly and reasonably related in scale and kind to the development. Furthermore, it is not viable to do so.*
11. The off-setting site location requires a 30-year management plan and BNG strategy, regarding proposals to create the habitats on the offsetting site, and future management. *As discussed yesterday, we are happy for this to be conditioned.*

Libby raised a question about the buffer of 10m or 30m – this is mentioned in sections 6, 7, 8, 11, 12, 15, and 16. Did you say these are ALL incorrect or just some of them? If incorrect this will need correcting. *This is a typo – it should be 10m. This has been updated in the DWT Response Letter which will be submitted tomorrow.*

I'm sure you will be considering how to accommodate/ enhance biodiversity on site. I think this could be achieved with a larger area of retained grassland in the southern portion of the site that would help mitigate both for the species on site and the habitats. It would give a

greater chance of survival for the large garden bumblebee and provide foraging habitat for birds, bats, badgers, amphibians etc. It would also reduce the total loss of habitat which is listed on the local Biodiversity Action Plan and qualifies as a Local Wildlife Site. As you will be aware the development must consider Policy EQ5, along with S1 and S5, with regards to biodiversity. [Noted however there is no intention to reduce the developable area further as it would not be viable to do so. The updated ecology information which will follow tomorrow should help demonstrate that there will be a net gain in biodiversity.](#)

The issue of highway access to the remainder of the housing allocation site was also raised (previously mentioned in January) – I would suggest that a suitable indicative location could potentially be agreed with transport and ecology. [As above.](#)

At our end I will continue to chase up consultees including:

- Highways
- LLFA
- Housing Policy
- Arboricultural – just arrived today, email forwarded. [We responded to you separately on this on 29 June \(see attached\). As requested, it would be helpful if we could get updated comments to reflect that there is no option for an alternative access.](#)

Regarding the Viability assessment addendum this was only submitted to the council on 23/06/2023. As such the viability consultant (Bruton Knowles) has had less than a week to-date to consider this. I think it is very unlikely that an assessment will be completed by next Friday. Also, some consultees are waiting for this before they reply. [BK will have had the addendum for two weeks as of tomorrow. It is not unreasonable to expect a private practice to respond within this timeframe, particularly as they are being paid to do so. We understand Ben is chasing a response from BK.](#)

I am sorry that this means the August committee is unlikely, but there remains quite a bit of missing information and outstanding objections that need to be considered. Additionally, we are yet to know if the outcome of the Viability assessment will result in further discussions for S106 planning obligations. As per the PPA please can you confirm by the close of Friday 7th June 2023 your request for the application to be decided at a later planning committee. The 11th September could be an option, although I am aware that the botanical/ invertebrate surveys alone could push this back to the October committee. [As discussed at our meeting, it was agreed that the door would be left open to progress the application to Committee ASAP. I guess the question for the LPA is whether on the basis of the submission to be made tomorrow and the archaeology work to be followed up on early next week whether the LPA is able to work with us with the intention of using all reasonable efforts to get this scheme on the agenda in August. For ours and the Applicants part it is not at all unusual for us to be working on resolving issues right up to the cut off point for the report to be finalised. I appreciate that you may not know whether that will be possible by tomorrow as you will need to consult certain parties again but it is the applicant's position that the scheme should be put to Committee in August if a favourable recommendation is going to be forthcoming. Perhaps we can agree to leave the door open on that subject and review the position again next week.](#)

Kind regards,
Steven

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