

**Minutes of a Meeting of  
Boughton Malherbe Parish Council Planning Committee  
Monday 16<sup>th</sup> June 2014 at 7.00pm, in Grafty Green Village Hall**

Present: Cllr Ron Galton, Chairman  
Cllr Mike Hitchins  
Cllr Tony King  
Cllr Barbara Pearce  
Cllr Robert Turner

Christine King, Clerk

1 member of the public

1. Approval of Minutes of the Planning Meeting on 15<sup>th</sup> April 2014:  
having been previously circulated, the Minutes were approved and signed as a correct record.
2. Declarations of Interest in items on the Agenda - None
3. Consider the following Applications:

**(i) MA/14/0736 Three Chimneys, Woodcock Lane, Grafty Green ME17 2AX**

Demolition of existing and replacement with new dwelling

Cllr Galton proposed approval of this Application, Cllr Turner seconded, unanimous agreement. However, as there is a pond within 50 metres of the property Boughton Malherbe would wish to see an Ecological Survey carried out. It was noticed that on the application form that parking is marked as 'zero' when there is parking for at least 4 vehicles.

**(ii) MA/13/1466 Woodcock Farm, to consider the following comment from the Planning Officer and make/revise decision:**

*"As with most material considerations within planning, every constraint or issue applicable to a site is assessed and given weight depending on its relevance/impact to a particular planning proposal. The same basis applies to matters of ecology, with the need to survey land for the presence of species relative to the proposal and the impact upon ecology itself. I appreciate the point raised and I acknowledge that in most cases survey are undertaken, however, this would concern larger proposals and in most cases would not concern a householder development, certainly were these distances are involved. I am not suggesting ecology is not an important or material consideration, but I do not consider a survey to be necessary in relation to this householder proposal and at the distances involved. In any case, should this be requested from the agents. They are likely to challenge the need for this at a planning appeal (against non-determination) which I do not consider could be defended"*

After much thought and discussion, Boughton Malherbe Parish Council concluded that its understanding of the rules is that there is no discretion allowed when it comes to protected species, as in this case of a pond where great crested newts could be present inside the specified distance limit from the proposed development.

An important consideration, also, is that all applications within our Parish should be considered using the same criteria and to follow the view of the planning officer in this case would be to adopt a different standard from the one used for previous, and future, householder applications. This may constitute the adoption of double standards and could have serious consequences.

For these reasons our position remains unchanged. Should MBC be minded to approve this application without an Ecological Survey, Boughton Malherbe Parish Council would wish it to go to Planning Committee. The below site was referred to and quoted from.

<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/faq.aspx#q3>

3.1. Many species receive legal protection under various Acts of Parliament and Regulations. The presence of a protected species is a material consideration (Paragraph 98 [Circular 06/2005](#) ) when a planning authority is considering a development proposal and as such, where impacts upon a protected species are likely to result from a development, surveys must be provided to support a planning application.

3.4. The Circular goes on to state that where there is a reasonable likelihood of protected species being present and affected by a development the surveys should be completed and any necessary measures put in place, through conditions and/or planning obligations, before the permission is granted.

3.5. In addition to the guidance within the NPPF, Section 40 of the Natural Environment and Rural Communities Act (2006) states that :

*‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’.*

Section 40(3) also states that *‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.*

3.6. All competent authorities, when exercising their functions must have regard to the requirements of the Directives<sup>2</sup> (See regulation 9(3) of the Habitats Regulations). Planning Authorities are competent authorities and are exercising a function in deciding whether or not to grant planning permission.

**4. Annual Return 2013/14**

It was resolved to sign off the Annual Return, and Robert Turner and Christine King duly signed in the appropriate boxes.

**5. Further Information**

The following cheques were signed:

000416	Robert Turner, KCC Lunch on 27th May	£82.90
000417	AoN Insurance	£373.59

The meeting closed at 7.30pm