

Development Control Committee 6 March 2024

Planning Application DC/22/0850/FUL - Brandon Remembrance Recreation Field, Skate Park, Victoria Avenue, Brandon

Date registered: 21 October 2022 **Expiry date:** 16 December 2022
EOT 08 March 2024

Case officer: Connor Vince **Recommendation:** Refuse application

Parish: Brandon **Ward:** Brandon Central

Proposal: Planning application - installation of reinforced concrete skate park

Site: Brandon Remembrance Recreation Field, Skate Park, Victoria Avenue, Brandon

Applicant: Mr John Kennedy

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

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Background:

This application has been referred to the Development Control Committee following consideration by the Delegation Panel. Brandon Town Council support the application.

Proposal:

1. The application seeks approval for the installation of a reinforced concrete skatepark, following the removal of the existing skatepark on an adjacent site to the north.

Application supporting material:

2. Application Form
Location Plan
3D Images
Proposed Site Plan
Civil Details
Flood Risk Assessment

Site details:

3. The application site is situated within designated countryside, approximately 220metres north of the settlement boundary for Brandon. The site is also north of Brandon Leisure Centre. The site is situated within Flood Zone 2 and adjacent to a water drain to the north. The site is adjacent to a Multi-Use Games Area (MUGA) and east of a Lime tree protected by tree preservation order.
4. **Planning history:** None relevant

Consultations:

5. Natural England: "No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A
6. Ecology & Landscape Officer: "The proposed site is located 0.9km for Breckland SPA but is within the 1500m buffer around components parts of Breckland SPA designated for Stone Curlew. The skate park site is located within the existing leisure site.
7. The proposals are unlikely to result in construction or operational disturbance given the distance of more than 500m from the SPA, and the proposals will not result in additional built development. Natural England has been consulted and has confirmed that they have no concerns in relation to statutorily protected nature conservation sites or landscapes. Based on the above likely significant effects on Breckland SPA can be ruled out.
8. Although the proposed site of the skate park is within the existing playing field area it is located within 2m of the adjacent ditch and there are

records of reptiles in the vicinity. The site is also partially within the great crested newt amber risk zone. An ecological impact assessment should be submitted to support the proposals.

9. Tree protection fencing should be provided for the adjacent trees to ensure there is no construction damage."
10. Suffolk Archaeology: "This site lies in an area of very high archaeological potential recorded on the County Historic Environment Record, in close proximity to known find spots/extant and excavated remains from the Terminal Palaeolithic to Post Medieval periods, (BRD 202, 267, 266, 248, 018). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
11. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 205), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed."
12. Suffolk Highways: "Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown"
13. Suffolk County Council Lead Local Flood Authority (LLFA): "A holding objection is necessary due to the increasing number of features located adjacent to the watercourse, they will have a cumulative effect on the flood risk within the area and therefore warrant further information being required for the LLFA to assess the application. Additionally, the applicant is proposing the use of infiltration-based features, but there is limited information provided for the underlying geology of the site."
14. Sports England: "No objection"

Representations: No letters of representation have been received.

15. Brandon Town Council: "Brandon Town Council supports this planning application; however Councillors raised the question of the access road needing repairs/upgrading to enable the facilities to be used fully."
16. **Policy:** On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.

17. The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

Forest Heath Core Strategy – CS2 Natural Environment

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM6 Flooding and Sustainable Drainage

Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Policy DM42 Open Space, Sport and Recreation Facilities

Other planning policy:

18. The NPPF was revised in December 2023 and is a material consideration in decision making from the day of its publication. Paragraph 225 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2023 NPPF that full weight can be attached to them in the decision-making process.

Officer comment:

19. The issues to be considered in the determination of the application are:

- Principle of Development, including Flood Risk
- Impact on character and appearance, including existing landscape features.
- Impact on Amenity
- Ecological Impacts
- Other Matters

Principle of Development, including Flood Risk

20. The site is located within land designated as countryside. Within such areas Policy DM5 supports the provision of essential small-scale facilities for outdoor sport and recreation, or facilities that support other uses of land which preserve the openness, appearance and character of the countryside.
21. The location of the proposed skate park is within the existing Remembrance Playing Fields. The wider site contains a number of features as would be expected at an outdoor facility of this nature, including grass and artificial playing pitches, children's play equipment, and an existing metal skate park. The application site is also close to Brandon Leisure Centre approximately 140 metres north-west
22. Policy DM42 recognises that open spaces close to residential areas can add significantly to the quality of life. Such areas help people take part in outdoor pursuits and the policy supports the provision and enhancement of recreational open spaces and facilities. The existing metal skate park has reached the end of its useful life expectancy, and this application seeks permission for a replacement facility. It is anticipated that the existing skate park will be removed. On the basis that this is a replacement for an existing facility that has reached the end of its useful life, it is considered that the proposal is 'essential' therefore meeting the in principle tests of DM5. Further substantial support is offered by the provisions of Policy DM42. The skate park will offer a facility for use by nearby residents, helping support a healthy and active lifestyle and helping improve the quality of life generally for those who use it.
23. On this basis, and on this narrow policy assessment, considerable weight in support of the proposal can be given.
24. However, before the principle of development can be established, consideration of flooding related matters must also be made. Policy DM6 states "Proposals for all new development will be required to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere." A Flood Risk Assessment has been provided in support of the proposal which suggests, albeit without modelling, that the site is located within Flood Zone 1. However, the site is actually located within Flood Zone 2 and this has been confirmed by the Environment Agency mapping. The site is also shown as being vulnerable to surface water flooding, as per the comments received from the Lead Local Flood Authority, via the increase in impermeable materials used for construction alongside the close proximity to water sources within flood zone 2.
25. Paragraph 165 of the NPPF states "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)." The NPPF also refers to 'all sources' of flooding, which includes surface water. So, regardless of whether or not this is Flood Zone 1 or 2, the site is susceptible to sources of flooding.
26. National Planning Guidance sets out the process to be followed in cases such as this, with the first step being to 'avoid' development in areas at

risk of flooding through the application of a sequential test. Guidance then explains that the aim of the sequential approach is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding.

27. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. Application of the sequential approach in the plan-making and decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so, and developers do not waste resources promoting proposals which would fail to satisfy the test. Other forms of flooding need to be treated consistently with river and tidal flooding in mapping probability and assessing vulnerability, so that the sequential approach can be applied across all areas of flood risk.

28. As per the government guidance, published by the Environment Agency and Department for Environment, Food and Rural Affairs, the Sequential Test should be applied to 'Major' and 'Non-major development' proposed in areas at risk of flooding, but it will not be required where:

- The site has been allocated for development and subject to the test at the plan making stage (provided the proposed development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future which would have affected the outcome of the test).
- The site is in an area at low risk from all sources of flooding, unless the Strategic Flood Risk Assessment, or other information, indicates there may be a risk of flooding in the future.
- The application is for a development type that is exempt from the test, as specified in footnote 60 of the National Planning Policy Framework.

29. It would appear that none of these exemptions apply in this case and no sequential test has been undertaken. Some minor development is exempted from the need for a sequential test, for example householder extensions and small non-residential extensions, or changes of use. This proposal does not meet any of these exemptions. In any event, and notwithstanding, the NPPF then says at Para. 173 that development should only be allowed in areas at risk of flooding where, in light of this (flood risk) assessment it can be demonstrated that it meets further provisions, but this is in any event on the proviso that it has first met the sequential test.

30. The further provisions that are also required to be met are as follows –

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

- (b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed; and
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

31. In this regard, the wider Playing Fields site contains ample areas outside of Flood Zone 2 but no assessment of these matters has been undertaken. It is therefore considered unlikely, were one to be undertaken, that the proposal would satisfy the Sequential Test. Even if there are no alternative suitable sites at lower risk of flooding, the proposal must then also pass an Exception Test. This Exception Test requires an applicant to demonstrate that the development will provide wider sustainability benefits (this might be the case here noting the nature of the use) AND that it can be safe for its lifetime without increasing flood risk elsewhere. This test is a moot point here however since the proposal must first have satisfied the sequential test, which given the ample space on the site outside of Flood Zone 2, is considered unlikely.

32. No formal comments have been received from The Environment Agency. The Environment Agency have confirmed informally, via email that the site is predominantly located within Flood Zone 2 of their flood map for planning and that the application falls within their flood risk standing advice and therefore they should not ordinarily need to be consulted. Therefore, it falls to the Local Planning Authority in any event to assess the matter of any sequential test and the wider implications for flooding (which, as explained above, has not been assessed in the submitted Flood Risk Assessment anyway) but a 'holding objection' has been received from the Lead Local Flood Authority (LLFA).

33. A holding objection is necessary due to the increasing number of features located adjacent to the watercourse, which will have a cumulative effect on the flood risk within the area and therefore warrant further information being required for the LLFA to assess the application. Additionally, the applicant is proposing the use of infiltration-based features, but there is limited information provided for the underlying geology of the site.

The holding objection was raised as a temporary position to allow reasonable time for the applicant and the LLFA to discuss what additional information is required to overcome the objection(s). This Holding Objection remains the LLFA's formal position until the local planning authority (LPA) is advised to the contrary. The LLFA have advised that if their position remains as a Holding Objection at the point the LPA wishes to determine the application, the LPA should treat the Holding Objection as a Formal Objection and recommendation for Refusal to the proposed development.

34. Additionally, the LLFA has also identified six matters upon which further details are required.

1. Submit a surface water drainage strategy that achieves the four pillars of SuDS and utilises above ground SuDS wherever possible for collection, conveyance, storage, and discharge, providing multi-functional and benefits. Features such as tree pits, kerbside raingardens, bioretention features etc all achieve the four pillars of SuDS and are suited to dense urban environments such as this site and should be further considered within the designs.
2. Within the flood risk assessment, there is no impermeable area included on page 6. Please update this to show the correct value.
3. As mentioned above, sufficient site investigation has not been conducted to demonstrate the nature of underlying geology. Further ground investigation including groundwater monitoring and infiltration testing is required.
4. Additional drawings are to be provided, this includes a contour plan to assess the topography of the site and the exceedance flow routes in the event of a failure in the SuDS system or should a storm occur which is greater than the design event.
5. Micro drainage (or equivalent) calculations should be provided of the drainage system.
6. It should be demonstrated that there is a minimum of 3m easement from the top of bank of any existing watercourses or surface water features either on or adjacent to the site to ensure access is available for any maintenance that may be required in the future.

35. This matter has been the subject of extended and detailed further consideration, in consultation and discussion with the applicant. This proposal is a valuable facility and officers have been keen to support it if at all possible. However, the applicant confirmed in December 2023 that they are not going to be able to provide the additional information that was requested and have requested that a decision be made on the proposal as it stands.

36. The existing skate park is located within Flood Zone 2, and will be removed, but is a facility that has been in place for some considerable period of time and no record exists of it ever having been granted planning permission. With no information before the Authority therefore that the proposal will not lead to increased flooding elsewhere, with no sequential test, and in light of all the factors above, all of which would apply in the event that a sequential test has been satisfied (it has in any event not been) and on which the submitted Flood Risk Assessment is silent, the uncertain flooding related implications remain a matter that weighs very significantly against the proposal in the balance of considerations.

Impact on character and appearance, including existing landscape features

37. Policy DM2 states proposals for all development should... "recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area." Moreover, policy DM13 states Development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.
38. Extensive comments have been received from the LPA's landscaping consultant in relation to the proposal. Whilst not explicitly objecting, the consultant has suggested further information is submitted in relation to a number of areas before permission is granted. Firstly, and as a technical matter that would need to be addressed regardless, the red line of the application site does not encompass the mounding surrounding the skate park. The red line would need to be amended to include this mounding, as well as any other elements of the proposal.
39. A common factor that is referred to by Public Health & Housing and our landscaping consultant is the requirement for a connecting footpath to the existing footpath that connects surrounding facilities to a central pathway to the south-west. The tree to the south-west of the park is now protected by virtue of a Tree Preservation Order. Concerns had previously been raised regarding the lack of Arboricultural assessment in relation to surrounding trees and, given the now protected status of this tree, it is likely that a relocation of the skatepark would be required to avoid any direct impacts to the aforementioned tree and any post-development resentment (potential future pressure for removal or works to the tree as a result of the development being approved). An Arboricultural Impact Assessment would be required to be submitted and subsequently reviewed by our consultant. It is then likely that a pre-commencement condition would be required for an Arboricultural Method Statement to be submitted.
40. Having liaised with the Landscape Consultant, the LPA have on balance determined that many of the elements requiring clarification/further information could be conditioned. This is setting aside the red line 'issue' that has been discussed above, that would need to include the bunding and a footpath to the adjacent footpath to the south-west of the site. In terms of bunding the LPA would need to know whether or not this is going to be the excess removed from the ground to create the space for 'the bowl' or if the soil was to be imported. Tree protection works in relation to the TPO tree can be conditioned as long as the proposals sit outside of the root protection area of the existing lime tree on site, which would need to be illustrated on the amended plan. Additional planting is encouraged and can be conditioned. In terms of hard landscaping the LPA would expect details of a connecting path to be provided including areas for people to sit and observe. Lighting can also be conditioned.
41. Technical details, including full drawings, specifications and sections would be required for the mounding surrounding the skatepark as this is an engineering operation for which planning permission is needed. Hard and Soft landscaping details, including proposed planting, can be conditioned. For clarification, the provision of CCTV, lighting, ecological enhancements, bin storage, etc could also be provided upfront, or conditioned.
42. The above has been presented to the agent, but no further details have been submitted. Based on insufficient information and fundamental plan

errors, the application cannot be supported in its current form. The proposal is therefore contrary to the provisions of DM2 and DM13 in relation to the above.

Impact on Amenity

43. Policy DM2 seeks to secure development proposals which do not have an adverse impact on existing or indeed proposed residential amenity. Furthermore, Policy DM14 requires that all applications where the existence of pollution is suspected (for example, in this case, noise from the utilisation of the adjacent skatepark, and play areas) to contain sufficient information to enable the Authority to make a full assessment of potential hazards. In this case no information has been submitted.
44. Public Health & Housing object to the application. It is considered that a Noise Impact Assessment is required to assess the potential impacts of the proposal, in combination with the surrounding recreational sites. The existing facilities are likely to make this location have a higher existing background noise level than it would if those existing facilities were not present, which in the context of the proposed development is a good thing i.e. the likelihood of an adverse impact is lowered where there is already a high background noise level because one measure of an adverse impact is through a comparison of a specific sound source with existing background levels. It is also considered necessary, to provide further context and information on the application/proposal itself, for a Planning Statement to be submitted.
45. The applicant has been made aware of the information required and requested by consultees. The LPA are of the understanding that the applicant does not wish to submit this information and would like the application to run its course.
46. Officers have assessed the site in relation to the closest residential properties to the site. The nearest residential property, 20 Church Road, is approximately 200 metres south of the application site, with Brandon Leisure Centre and the associated car park in between the two aforementioned sites. Having considered the comments above, noting the location of the proposed skate park, the LPA have not insisted on a Noise Impact Assessment to be submitted. However, the LPA have insisted on a Planning Statement which details the use, materials, the fact that the proposed skate park is replacing an older skate park that any third-parties or consultees would have sight of and comment on, in particular Public Health and Housing. Any approval would require the removal of the existing skate park. A Planning Statement has not been submitted and the LPA therefore consider insufficient information has been submitted in relation to policies DM2 and DM14.

Ecological Impacts

47. As required by the National Planning Policy Framework the LPA have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12.

48. The National Planning Policy Framework indicates that when determining planning applications, local planning authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged.
49. The proposed site is located 0.9km from Breckland SPA but is within the 1500m buffer around components parts of Breckland SPA designated for Stone Curlew. The skate park site is located within the existing leisure site.
50. The proposals are unlikely to result in construction or operational disturbance given the distance of more than 500m from the SPA, and the proposals will not result in additional built development based on the existing skatepark to the north being removed, albeit this is not within the red line of the proposed development site. Natural England has been consulted and has confirmed that they have no concerns in relation to statutorily protected nature conservation sites or landscapes. Based on the above likely significant effects on Breckland SPA can be ruled out.
51. Although the proposed site of the skate park is within the existing playing field area it is located within 2m of the adjacent ditch and there are records of reptiles in the vicinity. The site is also partially within the great crested newt amber risk zone. An Ecological Impact Assessment is therefore required, but has not been submitted by the applicant to support the proposal. As such, there is insufficient information before the Local Planning Authority in order to comprehensively assess the ecological impacts of the proposal. The application is therefore contrary to the provisions of policies CS2, DM10, DM11, DM12 and the NPPF.

Other Matters

52. Comments have been raised by the Town Council regarding the access road to the site, this being via the Leisure Centre, could be upgraded/repared in order for the proposal to be effectively accessed. Currently, the access road does not fall within the red line associated with the application, a matter that has been raised by the LPA. The Highway Authority have also raised no objections subject to a construction management plan being conditioned, but this does not include repairs to the access road. These repairs therefore fall outside of the scope of the application and cannot be considered or insisted upon.

Conclusion:

53. In conclusion, the proposed development is considered to be unacceptable due to the technical reasons regarding the red line denoting the extent of the application site, flooding concerns and insufficient information being provided in relation to noise, ecological and arboricultural matters. The proposal is therefore not in accordance with the referenced policies in the Forest Heath and St Edmundsbury Joint Development Management Policies Document 2015, the St Edmundsbury Core Strategy and the provisions of the National Planning Policy Framework.

Recommendation:

54. It is recommended that planning permission be **REFUSED** for the following reasons:

1. Paragraph 140 of the revised NPPF (2023) states "Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development and are clear about the approved use of materials where appropriate."

The red line application site plan attributed to the development does not encompass the entire development proposed, excluding mounding and pedestrian access to the site or connecting to a highway. There are therefore technical inaccuracies attributed to the presented drawings, which to give weight to in the planning process would be contrary to paragraph 140 of the NPPF.

2. The proposed site is within Flood Zone 2, whereupon the site is "vulnerable" to flooding. The site is also at risk from surface water flooding. The Flood Risk Assessment which has been submitted does not adequately take into account the context of the site and increased risks of flooding as a result of the proposed development, not outlining suitable mitigation measures to reduce the impacts of flooding on the proposed development; or considering safe access and egress from the proposed development in a flood event. Furthermore, no Exception or Sequential tests have been submitted. In the absence of an adequate Flood Risk Assessment, the applicant has failed to demonstrate that the proposal will not cause or exacerbate flooding on site or elsewhere contrary to Policy DM6 of the Joint Development Management Policy Document 2015 and provisions of the NPPF.
3. Policy DM13 states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value. The supporting text to the policy confirms that landscape features such as trees are essential components of the landscape, enhancing visual amenity.

The application includes mounding which is not encompassed by the red line application site plan attributed to the application. Furthermore, no Arboricultural information has been provided in relation to the protected Lime Tree to the west of the site. Although elements of Arboricultural impacts could be conditioned, the LPA have received insufficient information in order to comprehensively assess the likely Arboricultural impacts attributed to the proposal, noting the wider technical details. The proposal is therefore contrary to the provisions of DM13.

4. Policy DM2 seeks to secure development proposals which do not have an adverse impact on existing or indeed proposed residential amenity. Furthermore, Policy DM14 requires that all applications where the existence of pollution is suspected (for example, in this case, noise from the utilisation of the adjacent skatepark, and play areas) to contain sufficient information to enable the Authority to make a full assessment of potential hazards. In this case no information has been submitted.

A concrete skatepark is a noise generating proposal. No information, nor noise impact assessment has been submitted in support of the proposal, despite this being requested. Whilst it is noted from discussions with the applicant that the existing skatepark is to be removed, and noting that the nearest residential property, 20 Church Road, is approximately 200 metres south of the application site, with Brandon Leisure Centre and the associated car park in between the two aforementioned sites, no details of this have been submitted. The LPA considers insufficient information has been submitted in relation to policies DM2 and DM14 to demonstrate that there would not be an adverse impact on residential amenity.

5. Section 40 of the Natural Environment and Rural Communities (NERC) 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.”

The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.

Furthermore, The National Planning Policy Framework (NPPF, 2023) states that “the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ...sites of biodiversity or geological value...” and “minimising impacts on and providing net gains for biodiversity ...” (paragraph 174).

The LPA have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12.

Although the proposed site of the skate park is within the existing playing field area it is located within 2m of the adjacent ditch and there are records of reptiles in the vicinity. The site is also partially within the great crested newt amber risk zone. An Ecological Impact Assessment is therefore required. However, this has not been submitted by the applicant to support the proposal. As such, there is insufficient information before the Local Planning Authority in order to comprehensively assess the ecological impacts of the proposal. The application is therefore contrary to the provisions of policies CS2, DM10, DM11, DM12 and the NPPF.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0850/FUL](https://www.dorset.gov.uk/DC/22/0850/FUL)