



22 September 2026

For the attention of Mr Stuart Malcolm, Case Officer

**RE: Application DM/25/3067 — Land West of Kings Business Centre, Reeds Lane, Sayers Common —
SUPPLEMENTARY REPRESENTATION**

Dear Mr Malcolm,

I wrote on 19 August 2026 objecting to this application and requesting refusal. It remains undetermined, and I ask that this note be placed on the file and taken into account before it is. It is confined to two matters — the NatureSpace response of 27 August 2026 and the Parish Council's objection of 7 September 2026 — and does not repeat the grounds already before you.

1. NatureSpace's response of 27 August 2026

My letter recorded that the district's great crested newt licensing body had **twice** found the applicant's evidence insufficient. It has now done so a **third** time, in its most detailed response yet. Reviewing the applicant's *Consultation Response: NatureSpace GCN Comments* (Ecology Solutions), it rejected every basis on which waterbodies had been excluded:

- **Pond P2 — 30 m west, HSI 0.66, still unsurveyed.** On the reliance on macrophyte cover and a modest HSI: shading "cannot be used as a proxy to determine GCN absence, neither could a poor HSI."
- **The transferred negative.** The applicant applied P1's negative eDNA to P2. NatureSpace answers with the applicant's own meta-population reasoning: "a negative result of one pond cannot be erroneously applied to another pond because of their close proximity."
- **Ponds P3–P6, excluded on size.** Breeding preference does not establish absence — "it would be an offence to impact a waterbody which is used by GCN for other means" — and the fish and waterfowl predation said to rule out large ponds is "a presumption" that "has not been assessed or confirmed by the applicant."
- **The claimed dispersal barrier.** The kerbed access said to sever the western ponds does not: "these curbs drop off not far after either side of this entrance. There are routes around this minor obstacle."
- **Ponds P11 and P15 — new evidence.** A **positive GCN eDNA record from 2023, a little over 500 m north-east of P11.** P11 lies within 250 m of the site, P15 only 175 m away with "direct and continuous connectivity to the suitable habitat on site."
- **Reptile data as a substitute.** Supplementary in some circumstances, but "in this instance where there is such a lack of primary GCN data, we do not feel this sufficient."

Its conclusions are unqualified: survey effort "is considered to be below what should be expected for a development of this size"; "GCN absence data for two ponds and one ditch out of a total 24 ponds cannot build an accurate picture of GCN presence within the landscape"; and "further information is required to demonstrate that the impacts to GCN and/or their habitats have been sufficiently assessed and that appropriate protections are in place for the species."

The consequence is as set out in my letter, now on a stronger footing. The presence of a European Protected Species must be established before permission is granted, survey being left to condition only in exceptional circumstances (ODPM Circular 06/2005, para 99). With the objection of the body to which the Council has delegated comment on this species outstanding at the point of decision, the Council cannot discharge its duty under regulation 9(3) of the Conservation of Habitats and Species Regulations 2017, and a grant would be contrary to those Regulations, to NPPF policy N2(2) and to District Plan Policy DP38. This is not a matter capable of resolution by condition within NPPF DM6(1)(a).

2. Matters from my 19 August representation that remain unaddressed

Nothing placed on the file since 19 August touches the following. I do not repeat them; they are identified by their paragraph numbers in that letter, and I ask that each be addressed in the officer's report.

1.2 — the ecological baseline and its currency against the CIEEM advice note. **1.3** — bat survey effort, the barbastelle registrations, the loss of T2/T09 without inspection, and the indicative-only lighting strategy. **1.4** — the 13.23% on-site net **loss** of habitat units, the unsecured off-site compensation, and the anti-degradation baseline under paragraph 6 of Schedule 7A to the Town and Country Planning Act 1990. **1.5** — the absence of breeding bird and invertebrate survey, reptile effort stopping at six visits of the seven-visit standard, and the competency and quality of the Ecological Assessment.

Place Services' response of 26 August 2026 addresses landscape only and does not bear on any of these.

3. The Parish Council's objection of 7 September 2026, and its policy basis

On 7 September the Parish Council resolved that it "stand[s] by all previous comments submitted and on the basis of those comments, MSDC should refuse this application." Its operative objections are therefore those of 7 January and 3 June 2026. Each has a home in the development plan, and I set the correspondence out so it can be weighed under section 38(6):

Parish Council ground	Policy
Number of dwellings; inappropriate density; layout and spacing; no room to adapt or extend over time	DP6 Settlement Hierarchy; DP26 Character and Design; DP27 Dwelling Space Standards
Poor housing mix; absence of private flats	DP30 Housing Mix
Drainage, sewerage and water supply not adequately addressed by the water and utility companies; flood risk, adopting the representation and photographic record from 1 Kingsland Cottages	DP20 Securing Infrastructure; DP41 Flood Risk and Drainage; DP42 Water Infrastructure
Roads, cycleways, footpaths and active travel provision; public transport infrequency; parking below the 161 spaces identified as necessary; absence of local employment	DP20; DP21 Transport; DP22 Rights of Way and other Recreational Routes; DP28 Accessibility
Noise impacts	DP29 Noise, Air and Light Pollution
GP and NHS provision at or beyond capacity, no mitigation proposed	DP20 Securing Infrastructure
No adopted District Plan; no demonstrable five-year supply; no coordination between developers; non-compliance with the Emerging Master Plan	NPPF DM4(2) — prematurity

The Parish Council has now objected three times and asked for refusal.

4. Requests

1. That this note be placed on the file and reported to members.
2. That the application not be determined while NatureSpace's requirement for further information remains unmet.
3. That if the applicant submits further great crested newt information in answer to NatureSpace, that material be publicised for comment before the application is determined. It would be the evidence on which the decision turns, and it would arrive after every consultation window on this application had closed; it should not be resolved as a private exchange between the applicant and the consultee.
4. That the matters at section 2 be addressed in the officer's report.
5. That I be notified of the committee date, if the application is referred, as I wish to register to speak.
6. That receipt be acknowledged.

Yours sincerely,

