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[REDACTED] March 2023 13:32

To: Section 62A Applications <section62a@planninginspectorate.gov.uk>

Cc: [REDACTED]

Subject: RE: S62A/22/0006 Berden Hall Farm, Ginns Road, Berden

In relation to the appeal for the above site last week. Please see below for the suggested wording of a condition in relation to Great Crested Newt and a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity).

1. PRIOR TO COMMENCEMENT ACTION REQUIRED: SUBMISSION OF A COPY OF NATURAL ENGLAND MITIGATION LICENCE FOR GREAT CRESTED NEWT

"Any works which will impact the breeding or resting place of Great Crested Newt, shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."*

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

2. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*
- i) Containment, control and removal of any Invasive non-native species present on site*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

In addition, if a Badger licence is required then the below condition should be added, however, if impacts can be avoided, which is what seemed to be the case described at the hearing, this will not be necessary.

1. PRIOR TO COMMENCEMENT ACTION REQUIRED: SUBMISSION OF A COPY OF THE MITIGATION LICENCE FOR BADGERS

“The following sett closure shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or*
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”*

Reason: To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

Kind regards,

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