

**Land adjacent to Lodge Farm, Wood Lane, Nailstone**

**Application to Vary Condition 5 of Planning Permission 20/00020/FUL**

**Supporting Statement.**

**Background.**

Condition 5 of planning permission 20/00020/FUL states:

*Prior to the commencement of any development on site the mitigation measures as outlined in the Great Crested Newt Mitigation Strategy (Middlemarch Environmental, November 2019) shall be implemented in full and retained on the site at all times during the construction of the proposed scheme.*

The Great Crested Newt (GCN) Mitigation Strategy requires the whole site to be fenced off and a programme of fencing, trapping and translocation of any GCN's that may be found on the site.

The extent of the proposed works required by the GCN Mitigation Strategy – particularly the excessive length of the access road leading to the site of the proposed storage containers – plus the time of the year where ecological consultants are in short supply, has resulted in some difficulty in getting the full extent of the required GCN Mitigation Strategy completed before the permission has to be commenced.

The approved development has to be commenced by 24th June 2023 and this application seeks to enable this to take place. This will require condition 5 to be amended via a s73 Minor Material Amendment application, to allow a phased development so that the development can be commenced. Any future works outside of the first phase, would still require further GCN Mitigation to be agreed before works on the wider site could be commenced.

**Current Proposal.**

Advice has been sought from the client's ecological contractor (JM Ecology) as well as Leicestershire CC (Ecology Unit), to establish a methodology to enable the site to be commenced. The following is therefore proposed:

1. Carry out the development on a much smaller area of the site to allow the development to be commenced. This will involve the digging out of a small part of the proposed bellmouth at the site entrance and the laying of kerbstones and hardcore.
2. These works will be carried out in full accordance with the submitted "Non-Licensed Precautionary Method of Works for GCN" (JM Ecology)
3. Amend Condition 5 of planning permission 20/00020/FUL **as shown in red** below:

*Prior to the commencement of any development on site, **or if the development is phased that particular phase of the approved development**, the mitigation measures as outlined in the Great Crested Newt Mitigation Strategy (Middlemarch Environmental, November 2019), **or any subsequently agreed Precautionary Method of Works (GCN) or other agreed Mitigation Strategy**, shall be implemented in full and retained on the site at all times during the construction of the proposed scheme.*

The above proposal would enable the development to be commenced, but would ensure that any further works outside this immediate area would subsequently still have to comply with the agreed GCN Mitigation Strategy or any agreed alternative (when the development of any future phases is carried out).

This would ensure the level of protection is maintained for any GCNs, if they are present on or in the vicinity of the Phase 1 construction site.

### **Further Information to Support the Current Application.**

Before this application was submitted, discussions with Sarah Postlethwaite of Leicestershire CC Ecology Unit occurred, and she raised no objection to the principle of this approach.

Subsequent discussions have also taken place between JM Ecology and Leicestershire CC Ecology Unit, regarding the mechanics of the “Non-Licensed Precautionary Method of Works for GCN” to be submitted.

A provisional “Precautionary Method of Works for GCN” produced by JM Ecology has been submitted with this application.

Early discussions with Lesley Keal at Hinckley & Bosworth BC planning department has also taken place, and she is aware of the issues surrounding this application.

### **Conclusion.**

It is considered that this approach provides a pragmatic approach that will ensure that no adverse impact on any possible GCN habitat will occur as a result of the proposed works to implement this planning permission. All works will be supervised on-site by a qualified ecologist.

All other pre-commencement conditions attached to planning permission 20/00020/FUL have been formally discharged, and this needs to be reflected in the subsequent decision.