

Hi David,

From my perspective we must remember that biodiversity is a material consideration, and whilst I agree a condition for a licence somewhat duplicates the process as NE will require this post permission and prior to the development starting, we as the LPA must be satisfied that the development is being undertaken lawfully. If we don't have the approved licence how are we going to know that?

I also strongly suspect NE won't provide answers as to whether a licence is needed as that's technically the consultants job to ascertain and for us to assess.

Hopefully I've understood this correctly.

Kind regards

James

James Mansfield ACIEEM
Interim Principal (County) Ecologist
Somerset Ecology Services,
Economy and Planning,
Somerset County Council,
PP B2S 1,
County Hall,
Taunton,
TA1 4DY

M: 07960 335239

E: james.mansfield@somerset.gov.uk



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From: David Kenyon <david.kenyon@southsomerset.gov.uk>

Sent: 08 March 2023 10:09

To: Megan Belanger <megan.belanger@somerset.gov.uk>

Cc: James Mansfield <james.mansfield@somerset.gov.uk>

Subject: FW: 22/03560/OUT - Land South Of Bowden Road Templecombe

Megan

The attached link to the Government's guidance for LPAs on protected species and development seems to indicate that licences are separate matters from the planning process although interestingly there is the phrase *"You must be satisfied that if a licence is needed it's likely to be granted by Natural England or Defra before you give planning permission."*

How many times have we actually approached NE to ascertain this fact before granting planning permission? Maybe we (SES and LPA) start putting the onus on developers to contact NE and for the developer to provide written proof as to whether a licence is needed and whether it will be granted before the LPA issues any decision?

[Protected species and development: advice for local planning authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/protected-species-and-development-advice-for-local-planning-authorities)

Dave

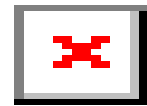
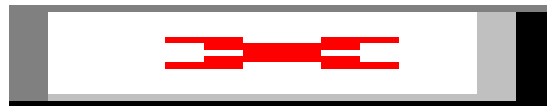
David Kenyon
Development Management Specialist

Service Delivery

South Somerset District Council

✉ +441935462462 ✉

✉ southsomerset.gov.uk ✉ [@southsomersetDC](https://www.southsomersetdc.gov.uk) ✉ [@SouthSomersetDistrictCouncil](https://www.southsomersetdc.gov.uk)



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From: David Kenyon

Sent: 08 March 2023 09:58

To: Megan Belanger <megan.belanger@somerset.gov.uk>

Cc: James Mansfield <james.mansfield@somerset.gov.uk>

Subject: FW: 22/03560/OUT - Land South Of Bowden Road Templecombe

Megan

Following receipt of your comments and recommended conditions in respect of this current outline application, the email below has been received from the agent which challenges some of the conditions that you have recommended. Could you please let me have your comments, in particular whether you are aware of any appeal decision where an Inspector has supported the use of a planning condition to require a NE licence before a development commences?

Regards

Dave

From: Olivia Davis <OliviaDavis@boyerplanning.co.uk>
Sent: 22 February 2023 16:59
To: David Kenyon <david.kenyon@southsomerset.gov.uk>
Cc: Jemma Shorrocks <JemmaShorrocks@boyerplanning.co.uk>
Subject: RE: 22/03560/OUT - Land South Of Bowden Road Templecombe

Hi Dave,

Further to my email below, we've now had chance to review the Ecologist feedback (attached for reference) in full and having received advice from EAD (consultant Ecologists), the Applicant is happy to accept the imposition of the recommended conditions 1, 2, 3, 4, 6 and 7. However, we consider condition 5 to be somewhat onerous and a duplicate of the already requested information via conditions 2 and 3. I've extracted the wording of the condition below for ease of reference:

Ecology Condition 5:

Because there were several Badger setts identified on site, no works with heavy machinery should occur within 30m of a badger sett, and no general construction should occur within 20m of a sett, without a licence from NE. As such, the following condition is required:

The works, including groundworks and vegetative clearance, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a copy of the licence issued by Natural England pursuant to The Protection of Badgers Act 1992 authorising the development to go ahead; or*
- b) a statement in writing from the ecologist to the effect that he/she does not consider that the development will require a licence.*

Reason: A pre-commencement condition in the interests of a UK protected species and in accordance with Somerset District Council Local Plan - Policy EQ4 Biodiversity.

In light of the above, we have made the following observations:

- Firstly, given the imposition of conditions 2 and 3, we consider that all due diligence is undertaken and agreed via the CEMP, ensuring that all works / heavy machinery is carried within the required separation distances to any Badger setts. This, coupled with a subsequent report prepared Ecological Clerk of Works in accordance with condition 3 would effectively ensure all works are carried out are in accordance with CEMP and / or License issues by NE.
- Secondly, in terms of the LPA receiving a copy of the NE Licensing, as this is a legally-binding document for the developer by a separate body to planning, there is no obligation for a copy to be procedurally 'submitted and approved' by the planning authority via 'discharge of condition' application. However, the Applicant is happy to agree (as an informative to the Decision Notice) that any future License (should a License is required) is presented at any given time, if requested by Planning Officer(s).

Given the above, we consider that the requirements of condition 5 can be successfully dealt with by condition 2 & 3, and the NE Licensing system. As such, we would suggest that the need for condition 5 falls away and respectfully request that the imposition of condition is reconsidered.

In summary, we therefore suggest the following 5 ecology conditions are imposed to any future permission:

- Accept: **Condition 1:** Prior to Commencement: Lighting Strategy
- Merge and Accept: **Condition 2 & Condition 6:** : prior to commencement: CEMP Biodiversity and A Risk Avoidance Measures Method Statement (RAMMS)
- Accept: **Condition 3:** prior to occupation of each phase: certification by ECW that CEMP has been satisfied
- Accept: **Condition 4:** Landscape and Ecological Management Plan
- Accept: **Condition 7:** prior to commencement: Biodiversity Enhancement Plan (BEP)

We would of course welcome your thoughts on the above and look forward to hearing from you.

Many thanks
Olivia

Olivia Davis

Senior Planner

Boyer

t 02921 670588 **m** 07546 406 167

From: Olivia Davis <OliviaDavis@boyerplanning.co.uk>

Sent: Tuesday, February 21, 2023 4:06 PM

To: David Kenyon <david.kenyon@southsomerset.gov.uk>

Cc: Jemma Shorrocks <JemmaShorrocks@boyerplanning.co.uk>

Subject: RE: 22/03560/OUT - Land South Of Bowden Road Templecombe [Filed 21 Feb 2023 16:06]

Good afternoon Dave,

I hope all is well with you?

It's good to see that the application has received further consultation responses over the past week or so, and that the feedback to the application remains broadly positive.

To keep you in the loop, we have reviewed all the responses and are actioning the following as a result of some of the comments received:

- **Highways:** the Framework Travel Plan is being amended and will be submitted later this week.
- **Landscape:** the comments are being reviewed and amendments to the scheme will be progressed / additional information as requested will be submitted shortly.
- **Drainage:** suds comments in relation to wet basins is being explored and we will feedback on this point in full asap.
- **Ecology:** the suite of recommended conditions are being reviewed and we will respond in full asap.

As an aside, it's our understanding that we are awaiting comments from:

- Abbas and Templecombe Parish Council;
- SSDC Strategic Planning
- SSDC Housing
- Wessex Water
- County PROW

- County Education Authority
- Somerset Waste.

Are you able to advise when consultation concludes for this application please?

As previously mentioned, we are increasingly eager to set up a call with you to discuss the progress of the application to date and to update you on the expression of interest we've had from Templecombe GP Surgery regarding the community area. If you could let us know your availability, perhaps throughout early March time, it would be very much appreciated.

Many thanks
Olivia

Olivia Davis

Senior Planner

Boyer

t [02921 670588](tel:02921670588) **m** [07546 406 167](tel:07546406167)

From: Olivia Davis <OliviaDavis@boyerplanning.co.uk>

Sent: Tuesday, February 14, 2023 2:01 PM

To: Jemma Shorrock <JemmaShorrock@boyerplanning.co.uk>; David Kenyon
<david.kenyon@southsomerset.gov.uk>

Subject: RE: 22/03560/OUT - Land South Of Bowden Road Templecombe [Filed 15 Feb 2023 08:32]

Good afternoon Dave,

Further to Jemma's email below, we wondered if you'd yet had chance to review the planning statement and supporting material for the above application and if so, whether you have any initial comments? Sorry if it seems as though we're chasing, it's just we're keen to have a discussion with you to discuss the proposal in more detail and update you on the positive interest / conservations we've had in relation to the proposed community use.

If you could let us know when you're available for a quick Teams meeting or phone call, we'd appreciate it.

We look forward to hearing from you.

Many thanks
Olivia

Olivia Davis

Senior Planner

Boyer

t [02921 670588](tel:02921670588) **m** [07546 406 167](tel:07546406167)

From: Jemma Shorrock <JemmaShorrock@boyerplanning.co.uk>
Sent: Thursday, February 9, 2023 9:11 AM
To: Olivia Davis <OliviaDavis@boyerplanning.co.uk>; David Kenyon
<david.kenyon@southsomerset.gov.uk>
Subject: RE: 22/03560/OUT - Land South Of Bowden Road Templecombe

Morning Dave,

Further to Olivia's email below, we were just discussing the application internally and we are wondering what the best number is to reach you on to talk through the outstanding consultee responses and the potential to meet with you virtually to discuss any concerns you may have relating to technical matters?

We look forward to hearing from you.

Kind regards,

Jemma

Jemma Shorrock
Associate Director
Boyer
t [02921 670 070](tel:02921670070) **m** [07902 103 754](tel:07902103754)

From: Olivia Davis <OliviaDavis@boyerplanning.co.uk>
Sent: 07 February 2023 12:22
To: David Kenyon <david.kenyon@southsomerset.gov.uk>
Cc: Jemma Shorrock <JemmaShorrock@boyerplanning.co.uk>
Subject: 22/03560/OUT - Land South Of Bowden Road Templecombe [Filed 07 Feb 2023 12:22]

Dear Dave,

I hope all is well with you.

Following validation of the outline application, we have been closely monitoring the consultee responses received to date and are in the process of review / actioning any amendments required however, overall, there appears to be no objections in principle and/or any unresolvable concerns expressed. We note consultation is still ongoing and that the determination date for the application is 14th April however, we wondered whether you would be available for a virtual meeting to discuss the proposal in more detail and run through any comments you may have in the meantime? If you could provide us with a few suggested dates with your availability over the next week or so, we'll look to agree a date and time which best suits you.

Please don't hesitate to get in touch should you have any initial comments in the meantime.

We look forward to hearing from you soon.

Many thanks

Olivia
Olivia Davis
Senior Planner

T [02921 670588](tel:02921670588)
M [07546 406 167](tel:07546406167)
L [linkedin.com/boyer](https://www.linkedin.com/company/boyerplanning/)
W [boyerplanning.co.uk](https://www.boyerplanning.co.uk)
A Third Floor, Park House, Greyfriars Road, Cardiff, CF10 3AF



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