

Application for approval of details reserved by condition.  
Town and Country Planning Act 1990  
Planning (Listed Buildings and Conservation Areas) Act 1990

**Publication of applications on planning authority websites.**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

**1. Site Address**

Number	<input type="text"/>
Suffix	<input type="text"/>
Property name	<input type="text" value="Former MOD Fuel Depot Site"/>
Address line 1	<input type="text" value="Hempsted Lane"/>
Address line 2	<input type="text" value="Hempsted"/>
Address line 3	<input type="text"/>
Town/city	<input type="text" value="Gloucester"/>
Postcode	<input type="text" value="GL2 5JN"/>

Description of site location must be completed if postcode is not known:

Easting (x)	<input type="text" value="381972"/>
Northing (y)	<input type="text" value="217628"/>

Description

**2. Applicant Details**

Title	<input type="text" value="Mr"/>
First name	<input type="text" value="Dan"/>
Surname	<input type="text" value="Rawlings"/>
Company name	<input type="text" value="Lioncourt Homes"/>
Address line 1	<input type="text" value="Apex Park, Unit 3"/>
Address line 2	<input type="text" value="Wainwright Road"/>
Address line 3	<input type="text"/>
Town/city	<input type="text" value="Worcester"/>

## 2. Applicant Details

Country

Postcode

Are you an agent acting on behalf of the applicant?  Yes  No

Primary number

Secondary number

Fax number

Email address

## 3. Agent Details

No Agent details were submitted for this application

## 4. Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Reference number

Date of decision (date must be pre-application submission)

**Please state the condition number(s) to which this application relates**

Condition number(s)

Has the development already started?  Yes  No

## 5. Part Discharge of Conditions

Are you seeking to discharge only part of a condition?  Yes  No

## 6. Discharge of Conditions

Please provide a full description and/or list of the materials/details that are being submitted for approval

## 7. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?  Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
- The applicant
- Other person

## 8. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes  No

## 9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date (cannot be pre-application)

04/01/2022



Our Ref: PE0020/SSi/ENV

Date: 13<sup>th</sup> December 2021

Development Control  
PO Box 3252  
Gloucester,  
GL1 9FW

Dear Sir or madam,

I am writing in connection to planning application 21/00358/FUL planning condition number 13 to present the results of a pre-commencement badger survey undertaken at Hempsted Lane in October 2021 and to outline the subsequent measures taken on site under a Natural England Badger Class Licence.

Planning Condition 13 requests that:

*Prior to the commencement of any works a pre-commencement a survey must be undertaken by a suitably qualified ecologist to confirm the presence/absence of badgers. If any signs of badgers are found during the pre-commencement check further survey work will be required to be undertaken and a mitigation strategy submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works within 30 metres of any sett. The mitigation strategy shall be implemented in full in accordance with the approved details.*

Reason To prevent the disturbance of protected species and the destruction of any sett tunnels within the site.

## **Introduction**

Harris Lamb Property Consultancy (HLPC) was commissioned by Lioncourt Homes to undertake a badger survey at the Old Hempsted Fuel Depot site hereafter termed the 'site' (see Figure 1 overleaf) in October 2021. Survey was undertaken by ecologist Stuart Silver MCIEEM and registered user under the Natural England CL35 Badger Class Licence.

The site is approximately 6.8ha in extent and is a former Ministry of Defence (MOD) fuel depot. The site is located c. 1km to the south-west of Gloucester city centre with the A430 and Hempsted Lane situated at the site's eastern end.



Previous badger surveys undertaken on the site during 2020 identified a badger sett located to the west of the site. The aim of the survey was to undertake an update survey of the whole site to confirm the status of known badger setts; identify any new setts and establish the following:

- Status and activity of any identified badger setts,
- Proximity of identified setts to the planned works
- Whether a badger development licence is required to close setts to prevent disturbance by the demolition or development works
- Determine the best mitigation measures would need to be employed.

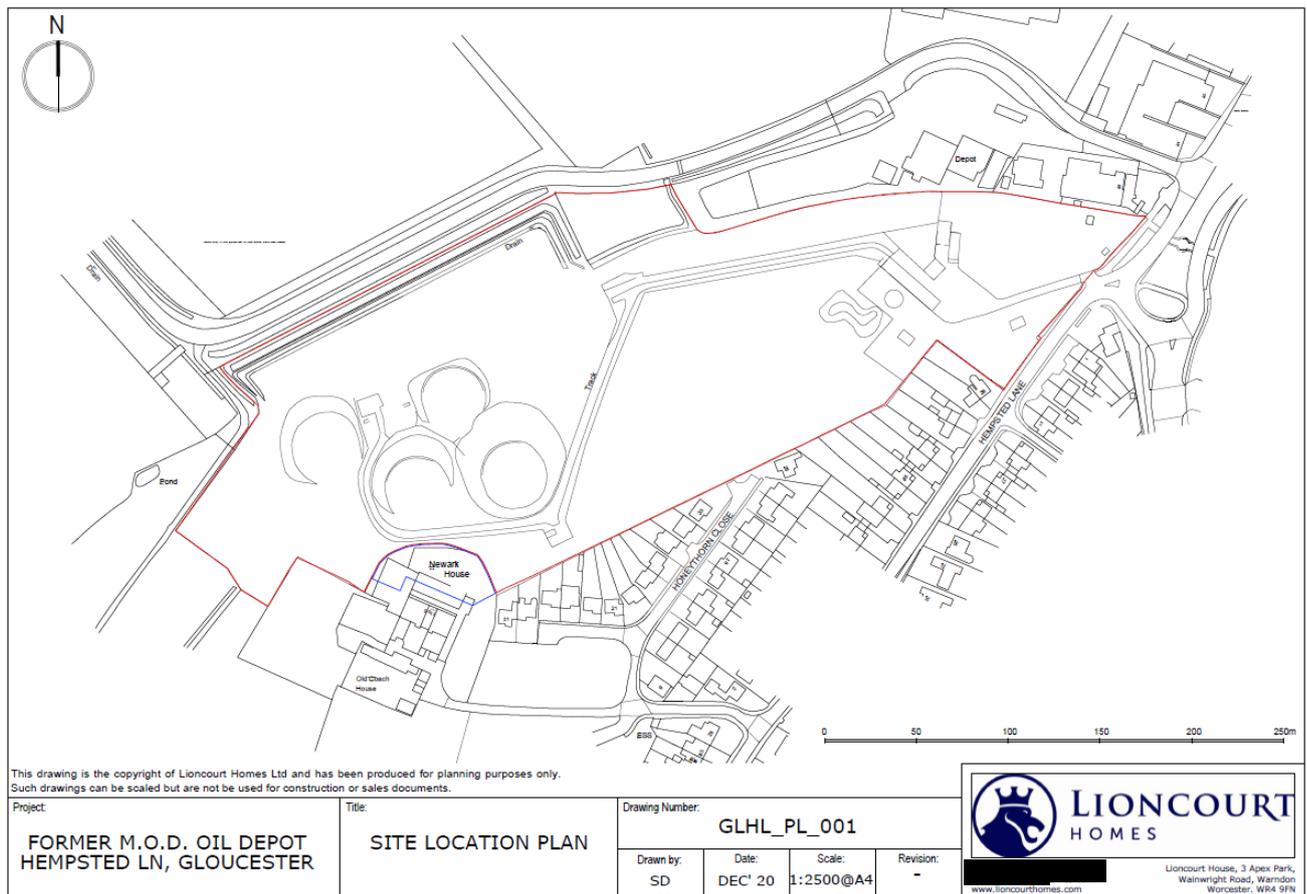


Figure 1: Site location (not to scale)

## Methodology

A detailed badger survey of the site was undertaken on the 21<sup>st</sup> October 2021 by a qualified and experienced ecologist and member of the Chartered Institute of Ecology & Environmental



Management (CIEEM). Survey methods followed best practice guidance from the Mammal Society<sup>1</sup>.

All badger setts found on site were recorded. During the survey, the level of activity associated with badger hole/s was graded into one of three categories as described below:

- **Well used** – clear of any debris or vegetation, are obviously in regular use and may or may not have been excavated recently.
- **Partially used** – Not in regular use and have debris such as leaves and twigs in entrance or have moss or other plants growing around entrance. Partially used holes could be in regular use after a minimal amount of clearance.
- **Appears disused** – Do not appear to have been used for some time and are partially or completely blocked.

Setts were also classified according to the four recognised types according to the Mammal Society guidance<sup>1</sup>, namely; Main Sett, Annexe Sett, Subsidiary Sett and Outlying Sett.

## Results

The surveys identified eight badger holes within the bank along the north western site boundary as previously identified in 2020. Four holes (3, 5, 6, and 7, Figure 2 below) were considered to be active due to the presence of fresh spoil and fresh bedding recorded. The other four holes (1, 2, 4, and 8) were considered to have been recently active but with no signs of current use recorded.

Due to their proximity to one and other, holes 1-7 are considered to be part of the same annex sett. As hole 8 is c. 30m from the next nearest hole, it is not considered likely to be directly linked to the annex sett and is considered to be a separate 1-hole outlier sett.

In addition to the annex and outlier sett recorded in the north western portion of the site, a further previously unrecorded single hole outlier (9) sett was also recorded to the east of the site immediately adjacent to the site entrance. There was no indication that the sett was in current use (lack of footprints, trail, bedding, smell etc.) but the spoil mound was un-vegetated and the sett may have been used in the past few months. The location of recorded badger setts are shown on Figures 2 & 3 overleaf and had the potential to become active and in use at any time.

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<sup>1</sup> Harris S, Cresswell P and Jefferies D (1989) Surveying Badgers, Mammal Society.

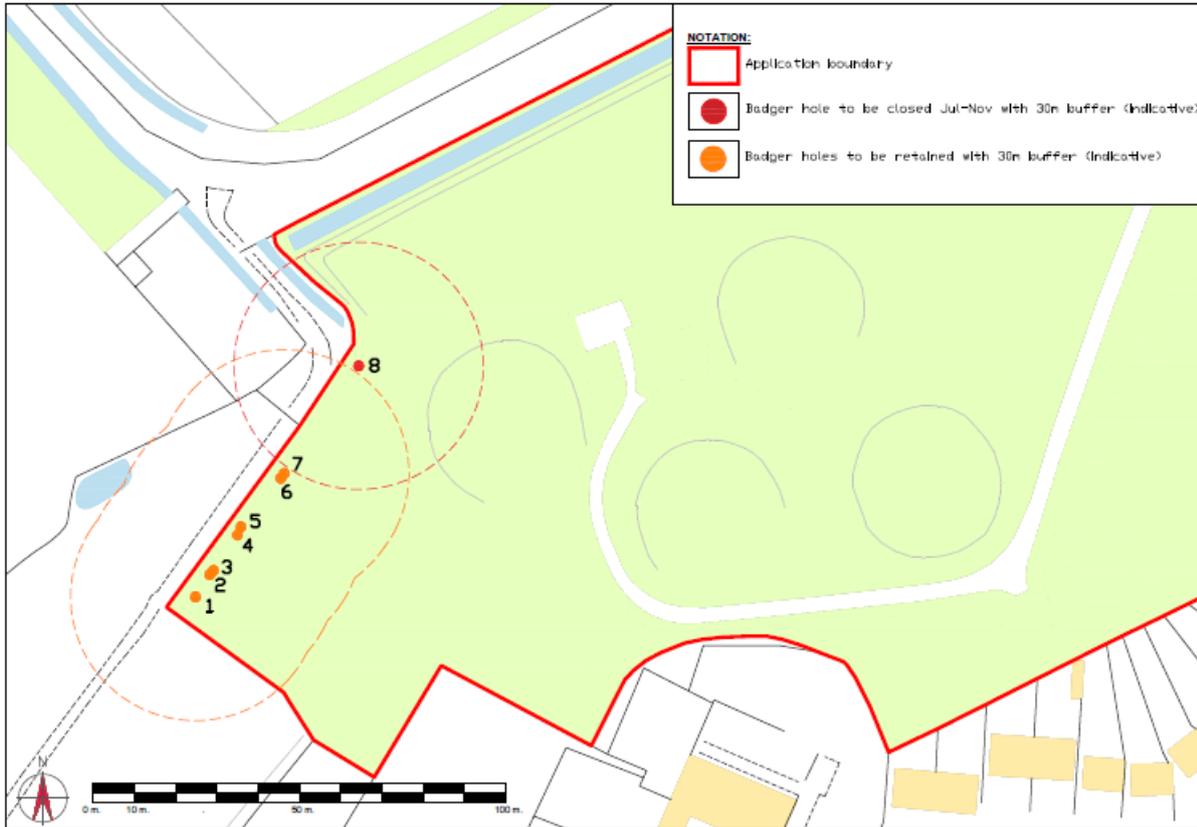


Figure 2 Showing badger setts to the west with 30 m buffer zones marked

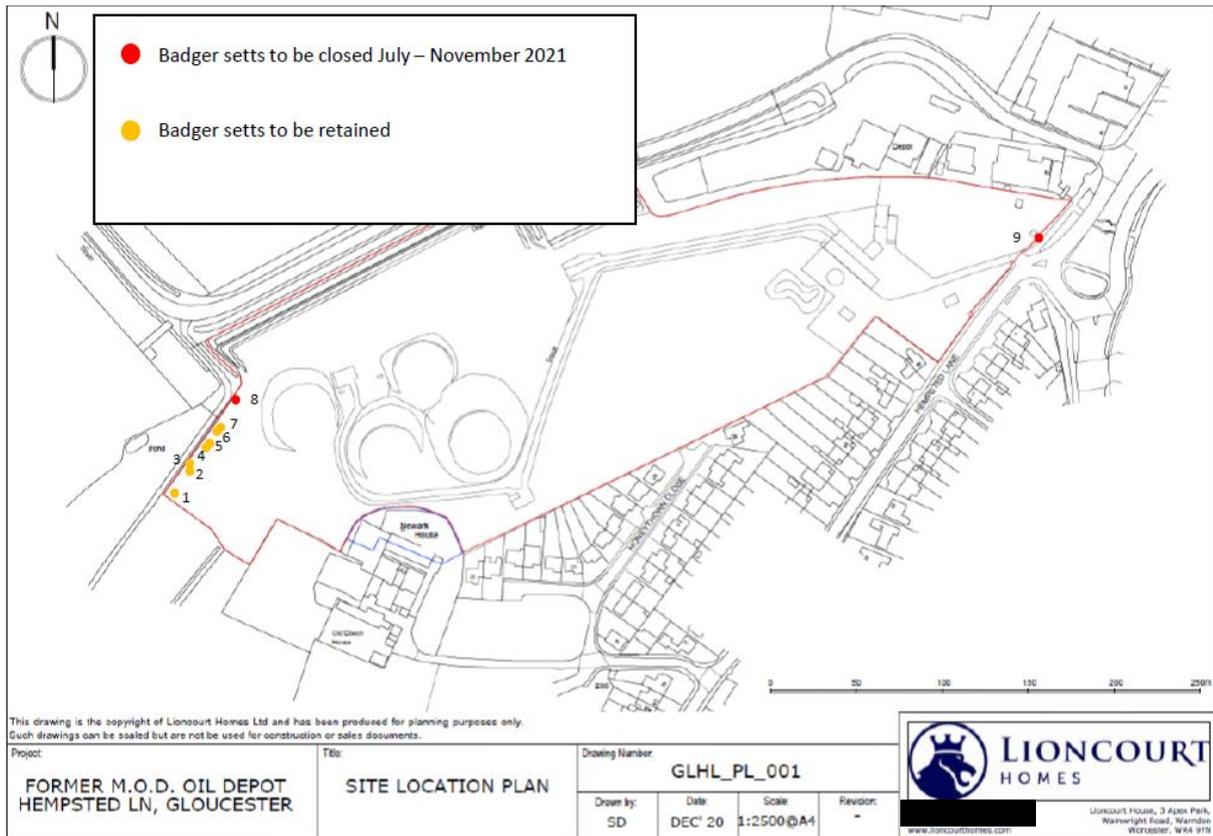


Figure 3: Location of identified badger setts on site with setts to be closed marked in red

### Impact Assessment

Development of the site includes the removal of underground fuel storage tanks and demolition of all buildings occurring on site. The single hole outlier sett (8) recorded to the west of site falls within close proximity to the most western of the reinforced concrete fuel tank which are to be demolished/removed. The removal of this tank has the potential to disturb badgers residing within sett 8 or cause damage to the sett through excessive vibration.

The single hole outlier recorded to the east of the site (9) is located within 3 m of a building due to be demolished as part of the approved development and this work has the potential to damage and disturb the sett given its close proximity.

To ensure badgers are not harmed or disturbed by the development works, it was advised that sett 8 and sett 9 were closed under a Natural England development licence. Setts can only be closed under licence between 1<sup>st</sup> July and 30<sup>th</sup> November.

As the demolition works are likely to start in Spring 2022, the badger setts require closure in 2021 under an approved Natural England licence. The closure of a sett takes a minimum of 22 days to



achieve, including the time to mesh over the sett and install badger gates, followed by a minimum monitoring period of 21 days.

### **Licensed Works Carried Out**

As the survey was undertaken in late October 2021 leaving little time to complete the closure works before the end of the badger licence window, a licence application was prepared and submitted to Natural England for the closure of setts 8 & 9. The application was made using the CL35 Badger Class licence by registered user Stuart Silver (user CL35-0127) and confirmation Natural England were satisfied with the submitted method statement and site registration was received on the 29<sup>th</sup> of October 2021.

The badger setts were excluded on the 3<sup>rd</sup> of November 2021 and monitoring was undertaken over a 21 day period with setts visited every 3 days. The setts were deemed to have been successfully closed on the 24<sup>th</sup> November and sett 8 was proofed against re-entry and sett 9 was destroyed. On completion of the demolition and any disturbing works within the western portion of the site, the exclusion/proofing measures to sett 8 will be removed and the sett re-opened.

All remaining setts are located over 45 m from the nearest demolition and construction works and are not considered likely to be disturbed by the development works as proposed. The development works should be undertaken in accordance with the Construction and Ecological Management Plan (CEMP) produced for the development to ensure the badger and their setts are sufficiently protected from the works.

All site personnel should be inducted and briefed about the on the site ecology and this should include instruction of precautions that are being taken for badger and the sett areas that should not be disturbed.

Heavy machinery, excavation works and storage of spoil shall be kept 30m away from setts at all times and a 30 m buffer zone around the badger setts should be clearly demarked on site to prevent incursion into the protected area.

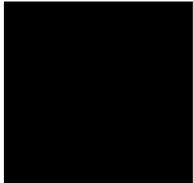
The development as a whole should be undertaken in accordance with current best practice and fuels and materials should be stored securely and well away from badger setts. All deep or flooded excavations made during the course of the development are to be securely fenced to ground level and securely covered overnight to ensure badgers and other mammals do not fall into excavations. Shallow excavations should have scaffold boards placed in one corner to act as an escape ramp should badgers fall in. Ramps are to be placed at a shallow angle to ensure animals can easily



climb out and 2 overlapped boards should be provided if required to create the required slope angle with boards placed hard up to the side of the excavation.

Should badgers be observed on site, or if there are any queries regarding site ecology, the assigned ecological clerk of works should be called for advice.

Yours sincerely,



**Stuart Silver** Bsc (hons), MCIEEM  
Principal Ecologist  
07780624939