

A38 Derby Junctions

TR010022

Volume 6

**6.3 Environmental Statement
Appendices**

**Appendix 8.19: Letters of No
Impediment from Natural England**

Regulation 5(2)(a)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

April 2019

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

A38 Derby Junctions Development Consent Order 202[]

6.3 Environmental Statement Appendices

Appendix 8.19: Letters of No Impediment from Natural England

Regulation Number	Regulation 5(2)(a)
Planning Inspectorate Scheme Reference	TR010022
Application Document Reference	6.3
Author	A38 Derby Junctions Project Team, Highways England

Version	Date	Status of Version
1	April 2019	DCO Application

Date: 29 March 2019
Our ref: 2019-39944-EPS-NSIP1
(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)

Paul Nagra, Highways England Project Manager
Highways England, Floor 5, Two Colmore Square, 38
Colmore Circus, Birmingham, West Midlands, B4 6BN



Sent by e-mail only

Dear Mr Paul Nagra.

DRAFT MITIGATION LICENCE APPLICATION STATUS: DRAFT APPLICATION

LEGISLATION: THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010
(as amended)
NSIP: A38 Derby Junctions.
SPECIES: Bats.

Thank you for your subsequent draft bat mitigation licence application in association with the above NSIP site, received in this office on the 20/09/2019. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. Please note that there will be no charge for the formal licence application determination, should the DCO be granted, or the granting of any licence.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely

Alexandra Brown

Tel: 02082257535

E-mail: alexandra.brown@naturalengland.org.uk

Annex - Guidance for providing further information or formally submitting the licence application.

Important note: when submitting your formal application please mark all correspondence 'FOR THE ATTENTION OF OF Alexandra Brown

Submitting Documents.

Documents must be sent to the Customer Services Wildlife Licensing.

Changes to Documents –Reasoned Statement/Method Statement.

Changes must be identified using one or more of the following methods:

- underline new text/strikeout deleted text;
- use different font colour;
- block-coloured text, or all the above.

Method Statement

When submitting a revised Method Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively three paper copies. The method statement should be submitted in its entirety including all figures, appendices, supporting documents. Sections of this document form part of the licence; please do not send the amended sections in isolation.

Customer Feedback – EPS Mitigation Licensing

To help us improve our service please complete the following questionnaire and return to:

Customer Services, Natural England, First Floor, Temple Quay House, 2 The Square, Bristol, BS1 6EB.

Fax: 0845 6013438 or email to wildlife@naturalengland.org.uk

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/default.aspx>



Natural England Reference Number (optional):	Please tick to	Consultant	<input type="checkbox"/>
	indicate your role:	Developer (Applicant/Licensee)	<input type="checkbox"/>

1. How easy was it to get in contact with the Wildlife Management & Licensing team of Natural England?

Difficult (1)

☐

OK (2)

☐

Easy (3)

☐

Very Easy (4)

☐

If 1 please specify who you initially contacted in relation to your issue/enquiry?

2. Please tell us how aware you were (BEFORE you contacted us) of wildlife legislation and what it does/does not permit in relation to your enquiry?

Unaware (1)

☐

Very Limited Awareness (2)

☐

Partially Aware (3)

☐

Fully Aware (4)

☐

3. How would you rate the service provided by Natural England?

	<i>Poor</i> 1	<i>Fair</i> 2	<i>Good</i> 3	<i>Excellent</i> 4	<i>Not applicable</i>
Ease of completion of application	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice provided by telephone (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Our web site (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarity and usefulness of published guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helpfulness and politeness of staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Advice and clarity of explanations provided during Method Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice and clarity of explanations provided during Reasoned Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speed of process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Overall service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

If 1 or 2 to any of the above please specify why:

4. Was your issue/enquiry resolved by the activity authorised under licence or advice provided by us?

Fully

☐

Partially

☐

Unresolved

☐

If not fully resolved please state what you think could have been done instead (note legislation affects which actions can be licensed):

5. Was there a public reaction to any action taken under the licence or as a result of our advice?

Positive support

☐

No reaction

☐

Negative reaction

☐

6. Would you use a fully online licensing service if it could be made available in the future?

Definitely

☐

Possibly

☐

Unlikely

☐

No

☐

7. Do you have any further comments to make or suggestions for improving our service, if yes please specify (continue comments on an additional sheet if necessary). If you are happy to be contacted at a later date to explore possible improvement options, please tick this box ☐ and ensure your Natural England reference number is at the top of this page.

Date: 26/03/2019
Our ref: 2019-39555-SPM-NSIP1
(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)

Paul Nagra, Highways England Project Manager
Highways England, Floor 5, Two Colmore Square, 38
Colmore Circus, Birmingham, West Midlands, B4 6BN



Sent by e-mail only

Dear Mr Paul Nagra

<p>DRAFT MITIGATION LICENCE APPLICATION STATUS: DRAFT APPLICATION LEGISLATION: The Protection of Badgers Act, 1992 (as amended) NSIP: A38 Derby Junctions SPECIES: Badger.</p>
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Thank you for your subsequent draft badger mitigation licence application in association with the above NSIP site, received in this office on the 20/02/2019. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the issues, described below, which have been identified within the current draft of the method statement which will need to be addressed prior to formal submission of the licence application. I discussed these with Hannah Procter via e-mail correspondence on the 28/03/2019 where it was confirmed that the necessary amendments would be made. Please do ensure that the Method Statement is revised to include these changes prior to formal submission. For clarity these include:

- There should also be site assessments prior to works commencing to ensure sett status has not changed and NE should be provided updated details of sett status and locations.
- Grid reference, sett type and current state of use must be supplied for each sett within 30m of the development. If a main sett is found to be present within 30m of the

development boundary where heavy machinery is to be used it must be closed and an artificial sett constructed in a suitable location. Light machinery (wheeled vehicles) and digging will be permitted within 20m of a sett.

Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. Please note that there will be no charge for the formal licence application determination, should the DCO be granted, or the granting of any licence.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

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Alexandra Brown

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