

From: Chris Wood

Subject: Subject: Fwd: Response to points raised by Picture SRL at the GA2 hearing and report by ELMLAW Consulting dated 11th November 2020 which was submitted December 2020 on behalf of Picture SRL:

Date: 4 January 2021 at 12:44:10 GMT

Dear Mr. Berkeley,

Please find the attached comments from Development Coordinator, Nikki Hamilton, and others on behalf of Herts and Middlesex Badger Group, outlining our continued concerns and regarding the report raised at the hearing by ELMLAW Consulting for Picture SRL. Firstly, may we thank you for allowing us to reply to this report, which responds to issues but does not really address our actual concerns regarding proposed mitigation for the badger clans on this green belt site.

Badgers and the setts they live in are fully protected in the UK by the Protection of Badgers Act 1992 and by Schedule 6 of the Wildlife and Countryside Act 1981. Section 40 of the Natural and Rural Communities Act 1981 places a public duty on all public authorities in England and Wales to have regard, in the exercise of their functions to the purpose of conserving biodiversity. As I am sure you are aware, Badgers, therefore, are of material consideration when it comes to planning applications. As presented, this site plan, we believe breaches the Badgers Act 1992 as it will cause ongoing severe disturbance and cruelty to the badgers on-site before during, and after this development. We would ask you to apply the following principle from the NPPF that if significant harm to diversity resulting from a development cannot be avoided, mitigated, or, as a last resort, compensated for, then planning permission should be refused. Expecting these badger clans to become urbanised is not really badger mitigation, nor can we envisage badger

fencing down roads within an extensive development. It makes no sense so far.

<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#assess-the-information-provided-with-the-planning-application>

states mitigation should be to ensure developers

- remove or reduce the negative effects of their proposal
- show how they will carry out the mitigation measures

The mitigation strategy should:

- effective against the likely effects of the proposed development on the protected species
- adequate for the affected species
- reliable, carried out at the right time and completed in full.
- established sufficiently in advance of the development works to benefit the affected species
- measurable - a management and monitoring plan (if required) must be comprehensive and adaptable - it must make sure that it's possible to maintain and measure the population and geographical distribution of the species in the short and long term
- secured - legal agreements must be in place to make sure that the mitigation measures can be maintained in the long term

Nikki has endeavored to highlight concerns by use of maps with keys showing numbers of active setts, foraging areas, etc however the badger group is happy to arrange a visit with you regarding any issues we have raised.

Herts and Middlesex Badger Group have detailed knowledge of this site over many years, but have closely monitored badger activity since we became aware of the proposed development, in 2015. All those who have visited have shared similar concerns but we note with dismay that our

original requests that would have made this site viable have been ignored with the proposed development enlarged further since we surveyed 5 years ago.

We thank you again for allowing us to comment further as we are very keen that the welfare of these extensive badger clans be given more careful consideration.

If you require any further information or have questions, please contact us.

Yours sincerely,

Christine Wood
Chair

Herts and Middlesex Badger Group
Registered Charity 1076878
Affiliated to the Badger Trust