



Committee and date

South Planning Committee

12 February 2019

Development Management Report

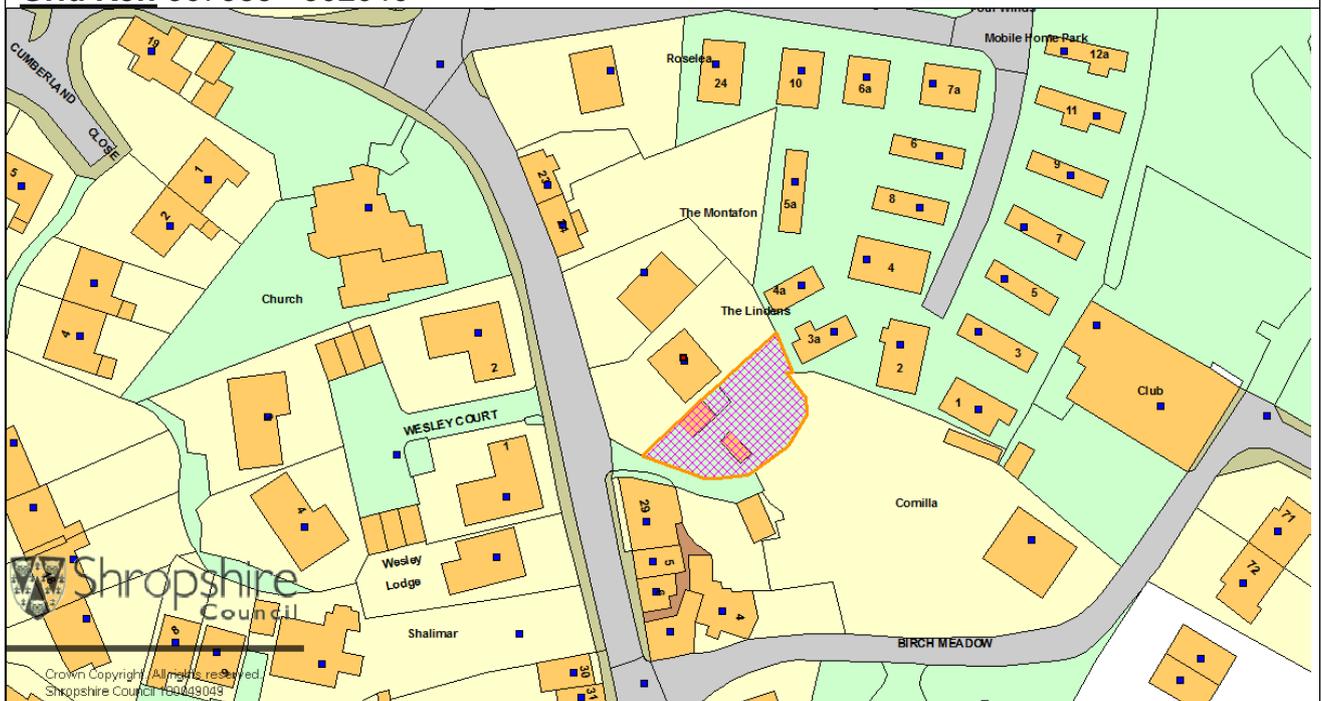
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 17/04603/OUT	Parish:	Broseley
Proposal: Outline application (all matters reserved) for the erection of one detached dwelling		
Site Address: Proposed Dwelling Adj. The Lindens Duke Street Broseley Shropshire TF12 5LS		
Applicant: Mr Donald Patter		
Case Officer: Emma Bailey	email: planningdmse@shropshire.gov.uk	

Grid Ref: 367385 - 302046



Recommendation:- Permit, subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks outline planning consent for the construction of one dwelling on land adjacent to the dwelling known as The Lindens, with all matters reserved.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located within the settlement boundary of Broseley. It is currently used as residential garden in connection with The Lindens, and is accessed from a private shared unmade track directly off of Duke Street. Residential development predominantly surrounds the site, with a static caravan site beyond the rear boundary behind a tall evergreen hedge.

2.2 The site lies just outside of the Broseley Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Town Council view is contrary to the officer recommendation. The Chair and Vice- Chair of the South Planning Committee, in consultation with the Principal Officer, consider that the material planning considerations raised on this site immediately adjacent to the Conservation Area warrants consideration by Committee.

4.0 COMMUNITY REPRESENTATIONS

Please note that all comments are available to view in full on the Shropshire Council website.

4.1 Consultee Comments

4.1.1 Broseley Town Council

Object: the development would add to housing density on the narrow street and breaches policy H5 of the Town Plan:

H.5 Within the Conservation Area proposals for additional dwelling(s) within the boundary of an existing plot (National Planning Policy Framework para. 53 refers) will not be supported unless the new structure:

1) meets the criteria set out in H.3 and H.4.

2) can be provided without a negative impact on the sight-lines of adjoining properties and/or on overall density of provision.

Any development in the garden of The Lindens would be in view of the road and Councillors consider the site to be within the Conservation Area.

(Officer comment: It is not possible to apply policies specific to developments within the Conservation Area to sites outside of it).

- 4.1.2 Shropshire Council (Trees)
Recommend informative if minded to approve.
- 4.1.3 Shropshire Council (Regulatory Services)
No comments to make.
- 4.1.4 Shropshire Council (Affordable Housing)
No affordable housing contribution required.
- 4.1.5 Shropshire Council (Highways)
No Objection, but have requested some additional information. See paragraph 6.3.9 below.
- 4.1.6 Shropshire Council (SUDs)
Recommend conditions and informatives if minded to approve.
- 4.1.7 Shropshire Council (Archaeology)
No comments to make.
- 4.1.8 Shropshire Council (Conservation)
No objection raised at this stage.
- 4.1.9 The Coal Authority (re-consulted)
Recommend condition if minded to approve.

4.2 **Public Comments**

- 4.2.1 Neighbour letters were sent, a site notice was displayed opposite the application site and a press notice was placed within the Shropshire Star newspaper. Two letters of representation have been received at the time of writing this Report, objecting to the development. The key points raised by objectors that are material planning considerations are listed as follows:

- Land stability/ground works
- Noise
- Right to light/air
- Overshadowing
- Overlooking
- Asbestos/land contamination concerns
- Overdevelopment of the site
- Access and parking provision
- Loss of green space
- Design

The following points raised by objectors that are not material planning considerations and cannot be considered as part of the determination of this planning application are listed as follows:

- Property values
- All matters relating to the construction phase
- Boundary matters

5.0 THE MAIN ISSUES

- Principle of development
- Design, scale and character of the development
- Letters of representation
- Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan ‘unless material considerations indicate otherwise’.
- 6.1.2 Paragraph 11 of the revised National Planning Policy Framework (2018) builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- 6.1.3 The National Planning Policy Framework (‘NPPF’) has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given weight in the determination of planning applications.
- 6.1.4 Policy CS1 ‘Strategic Approach’ of the Shropshire Council Core Strategy and Policy MD1 ‘Scale and Distribution of Development’ of Shropshire Council’s Site Allocations and Management of Development (SAMDev) Plan seeks to steer new housing to sustainable locations described as Market Towns, Key Centres, Community Hubs and Clusters. This is repeated throughout Policies CS3 ‘The Market Towns and Key Centres’, CS4 ‘Community Hubs and Clusters’, CS5 ‘Countryside and Green Belt’ and CS11 ‘Type and Affordability of Housing’ of the Core Strategy. Community Hubs and Clusters were designated as part of the adoption of the SAMDev Plan in 2015.
- 6.1.5 Broseley is a designated Market Town/Key Centre, as defined in Core Strategy Policy CS3 and Policy MD1 ‘Scale and Distribution of Development’ of Shropshire Council’s Site Allocations and Management of Development (SAMDev) Plan (2015).
- 6.1.6 Policy CS1 ‘Strategic Approach’ of the Shropshire Council Core Strategy (2011) states that sustainable development is supported in Key Centres.

This is expanded upon within Policy CS3 'Market Towns and Key Centres', where it is specified that development within Brosley should balance environmental constraints with meeting local needs.

- 6.1.7 Policy CS10 'Managed Release of Housing Land' further examines the need for the Council to keep the availability of housing land under review to maintain a continuous supply of suitable sites to deliver the overall housing target over a five year period. Priority is given to the re-use and development of sustainable brownfield sites. This is further examined within Policy MD3 'Delivery of Housing Development'.
- 6.1.8 Policy S4 'Broseley' of the SAMDev Plan identifies that Broseley will have a growth of around 200 new dwellings up to 2026. New housing development shall be small scale to reflect the local character and meet the design principles within the Broseley Town Plan.
- 6.1.9 Given that the site is identified as being a sustainable location within the Broseley development boundary, and is in a predominantly residential area, the principle of a dwelling in this location is acceptable, subject to further material planning considerations.

6.2 **Design, scale and character of the development**

- 6.2.1 SAMDev Policy MD2 'Sustainable Design' and Core Strategy Policy CS6 'Sustainable Design and Development Principles' require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. Furthermore, development is required to preserve and enhance the amenity value of the wider area to which it relates including the safeguarding of residential and local amenity.
- 6.2.2 Paragraph 127 of the revised NPPF reinforces that developments should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'.
- 6.2.3 This is an outline planning application where all issues are to be dealt with as Reserved Matters. No details regarding the potential design of the dwellings has therefore been submitted, however it is referred to as a 'coach house'. An indicative layout plan has been provided which demonstrates that one modestly sized detached dwelling with vehicular access and on-site parking can be provided on the application site.
- 6.2.4 Subject to the receipt of an appropriately designed scheme, which would be appraised at the reserved matters stage, Officers are of the opinion that the site is capable of being developed for the purposes of one dwellinghouse, without causing harm of the character and appearance of this part of Broseley, or harm to the setting of the Conservation Area.

6.3 Letters of representation

6.3.1 At the time of writing this Report, two letters of representation have been received, objecting to the development. Please note that all responses are available to view in full on the Council's website. The key points raised are briefly considered in turn below.

6.3.2 Land stability/ground works

The Coal Authority have been consulted for their specialist advice as part of this application, who have acknowledged that the development lies within a High Risk Area. An objection by The Coal Authority was therefore initially lodged.

A Coal Mining Risk Assessment report has been subsequently submitted in support of the application and The Coal Authority has been re-consulted for their comments. Within these comments, the Coal Authority has withdrawn its objection subject to the imposition of a condition on any approval notice.

Matters relating the construction process/ground works would be dealt with at the Building Regulations stage of the development.

6.3.3 Noise

The site is surrounded by residential development. The principle of one additional dwelling in this location is therefore unlikely to result in significant amounts of noise or activity over and above the existing situation. Shropshire Council's Regulatory Services team have been consulted as part of this application, who have no comment to make. It is however considered to be reasonable to limit construction hours on site, in the interests of the amenity of nearby occupiers. A condition limiting construction hours would be applied to any approval notice.

6.3.4 Right to light/air

These comments are noted. As discussed earlier in this Report, this is an outline application where no details have been submitted for approval in relation to the design or size of the dwelling or the layout of the site. An indicative plan has been provided to demonstrate how the site could be developed, but this is not for approval. The Council takes Human Rights legislation into account in arriving at a recommendation for all planning applications.

6.3.5 Overshadowing

As discussed earlier in this Report, this is an outline application where no details have been submitted for approval in relation to the design or size of the dwelling or the layout of the site. An indicative plan has been provided to demonstrate how the site could be developed, but this is not for approval.

The agent has confirmed that the proposed dwelling would not exceed

one-and-a-half storeys, and this would be conditioned on any approval notice to preserve neighbour amenity at this early stage. In any event, dwellings in the immediate locality are predominantly two storeys in height and as such the risk of overshadowing to neighbours would not be significant. This is in addition to Officers considering the path of the sun in relation to the orientation of nearby dwellings and the caravans at Fourwinds Caravan Park to the north-east of the application site.

6.3.6 Overlooking

This is an outline application where no details have been submitted for approval in relation to the design or size of the dwelling or the layout of the site. An indicative plan has been provided to demonstrate how the site could be developed, but this is not for approval.

Shropshire Council does not have any specific separation distance guidelines and as such each application is considered on a case by case basis. While indicative, the proposed site plan drawing submitted by the agent demonstrates that it would be possible to comfortably orientate a modestly sized dwelling so that it sits at an oblique angle to the windows of neighbours. As such, Officers are of the opinion that the proposal would not have an unacceptable impact on the residential amenities of nearby occupiers by reason of overlooking.

6.3.7 Asbestos/land contamination concerns

Shropshire Council's Regulatory Services team have been consulted as part of this application, who have no comments to make on potential land contamination issues. Any risk of asbestos would need to be dealt with outside of the planning process.

6.3.8 Overdevelopment of the site/loss of green space

This is an outline application where no details have been submitted for approval in relation to the design or size of the dwelling or the layout of the site. An indicative plan has been provided to demonstrate how the site could be developed, but this is not for approval.

Officers consider that the indicative layout plan provided demonstrates that a modest one-and-a-half storey dwelling could be achieved on site without constituting overdevelopment of the plot. In addition, the amount of garden space that would be available to The Lindens if the site was split into two would also be acceptable and not out of character with the sizes of gardens of dwellings in the locality.

6.3.9 Access and parking provision

This is an outline application where no details have been submitted for approval in relation to the design or size of the dwelling or the layout of the site. An indicative plan has been provided to demonstrate how the site could be developed, but this is not for approval.

It has been confirmed by the agent that the site would be accessed via an

existing shared driveway. Shropshire Council's Highways team have requested additional information relating to the submitted plan, however as this is indicative only it would be unreasonable to ask for such details at this stage. The creation of such parking areas may be permitted development in any event and not require planning permission.

6.3.10 Design

This is an outline application where no details have been submitted for approval in relation to the design or size of the dwelling or the layout of the site. An indicative plan has been provided to demonstrate how the site could be developed, but this is not for approval. The design of the dwelling would come forward at Reserved Matters stage.

6.4 **Other matters**

6.4.1 Affordable Housing

Paragraph 63 of the revised NPPF (July 2018) advises that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas, where policies may set a lower threshold of 5 units or fewer. This site is not within a designated rural area and is for the construction of a single dwelling. As such an affordable housing contribution is not required.

6.4.2 Trees

It is noted that there are a number of trees and a hedgerow within close proximity to the application site, and that some of these trees are protected by the adjacent Broseley Conservation Area designation. Any subsequent Reserved Matters application will be required to deal with the issue of landscaping, particularly the retention or removal of trees and hedgerow.

7.0 **CONCLUSION**

7.1 Based on the information submitted against the above considerations, the proposal as amended is considered to be acceptable and accords with the principal determining criteria of the relevant development plan policies.

7.2 Approval is therefore recommended subject to conditions.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 **Risk Management**

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e.

written representations, hearing or inquiry.

- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 **Human Rights**

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 **Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 **Financial Implications**

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
 CS3 - The Market Towns and Other Key Centres
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD3 - Managing Housing Development
 MD13 - Historic Environment
 Settlement: S4 – Broseley

SPD Type and Affordability of Housing
 CS11 - Type and Affordability of housing

Broseley Town Plan (2013 – 2026)

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OWMV63TD07V00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Supporting Statement

Coal Mining Risk Assessment Report

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Simon Harris

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the design and external appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. This permission does not purport to grant consent for the access, layout, landscaping, scale, design and external appearance shown on any of the deposited plans and documentation submitted with application.

Reason: To enable the Local Planning Authority to consider these matters when the reserved matters are submitted; as the application is made in outline with all matters relating to access, layout, landscaping, scale, design and external appearance reserved for later approval.

5. Construction works shall not take place outside 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to maintain the amenities of the area.

6. Before development commences a scheme of intrusive site investigation shall be undertaken to assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity. A report of the findings arising from this intrusive site investigation, including the results of any gas monitoring, and a scheme of proposed remedial works and how these will be implemented shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved report.

Reason: The site lies within a defined Development High Risk Area for unrecorded underground coal mining features and hazards.

7. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

8. Before above ground works commence a full scheme of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include drainage plans and calculations. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner and to minimise the risk of surface water flooding and flood risk elsewhere as a result of the development.

9. Prior to first occupation/use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority and subsequently installed. The following boxes shall be erected on the site:

- A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. In determining the application the Local Planning Authority gave consideration to the following policies:

National Planning Policy Framework
National Planning Practice Guidance

Shropshire Council Core Strategy policies:

CS1 - Strategic Approach
CS3 - The Market Towns and Key Settlements
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of Housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan policies:

MD2 - Sustainable Design
MD3 - Delivery of Housing Development
MD13 - Historic Environment

Type and Affordability of Housing SPD

Broseley Town Plan (2013 - 2026)

3. TREES INFORMATIVES

The applicant is advised to seek specialist arboricultural advice (in accordance with BS5837:2012 Trees in relation to design, demolition and construction) to ensure important/offsite trees are not adversely affected.

Further guidance can be found here: Trees and planning policy - guidance notes
<https://www.shropshire.gov.uk/environment/trees-woodlands-and-hedges/trees-and-planningpolicy-guidance-notes/>.

4. HIGHWAYS INFORMATIVES

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or

- authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
- undertake the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details:

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>.

Please note: Shropshire Council require at least 3 months notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

5. DRAINAGE INFORMATIVES

1. The application form state that the surface water drainage from the proposed development is to be disposed of via soakaways. However, no details and sizing of the proposed soakaways have been provided. Percolation tests and soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

2. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area:

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. Curtilage means area of

land around a building or group of buildings which is for the private use of the occupants of the buildings.

3. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

4. On the Surface Water Flood Map, the site is at risk of surface water flooding. The applicant should ensure that the finished floor level is set above any known flood level or at least 150mm above the ground level.

5. Consent is required from the service provider to connect into the foul main sewer.

6. ECOLOGY INFORMATIVES

Bats informative

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

Nesting birds informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

If during construction birds gain access to the building and begin nesting, work must cease until the young birds have fledged.

General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

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