

# UPDATE PAPER

## Southern Area Planning Committee

**Date:** Tuesday, 2<sup>nd</sup> November 2021

**Time:** 5.30 p.m

**Venue:** Main Hall, Crosfield Hall, Broadwater Road, Romsey,  
Hampshire, SO51 8GL

**Southern Area Planning Committee – 2<sup>nd</sup> November 2021  
Update Paper**

The purpose of the report is to provide information on planning applications which has been received since the agenda was printed.

Report of Head of Planning

**1. Background**

- 1.1 Reports on planning applications are prepared for printing on the agenda some 10 days before the date of the Committee meeting but information and representations received after that time are relevant to the decision. This paper contains such information which was received before 10.00am on the date of the meeting. Any information received after that time is reported verbally.

**2. Issues**

- 2.1 Information and representations are summarized but the full text is available on the relevant file should Members require more details. The paper may contain an officer comment on the additional information, amended recommendations and amended and/or additional conditions.

7. **20/01448/FULLS (PERMISSION) 03.07.2020** **10 – 78**  
SITE: Land west of All Saints Church, Church Lane,  
Awbridge, SO51 0HN **AWBRIDGE**

**CASE OFFICER:** Mr Paul Goodman

8. **21/00718/FULLS (PERMISSION) 01.04.2021** **79 - 127**  
SITE: Holly Lodge, Chilworth Road, Chilworth,  
SO16 7JZ **CHILWORTH**

**CASE OFFICER:** Mr Paul Goodman

<b>APPLICATION NO.</b>	20/01448/FULLS
<b>SITE</b>	Land West Of All Saints Church, Church Lane, Awbridge, SO51 0HN, <b>AWBRIDGE</b>
<b>COMMITTEE DATE</b>	2 November 2021
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## 1.0 INTRODUCTION

- 1.1 The Update Paper provides details of the Viewing Panel, additional representations, considerations in relation to parking provision and biodiversity and includes the recommendation of an additional condition.
- 1.2 A Viewing Panel was held on 29<sup>th</sup> October 2021 and attended by Cllrs, Cooper, Hatley, Bailey, Burnage, A Dowden, C Dowden, Jeffrey, Maltby, Parker, Ward and Warnes. Apologies were received from Cllrs Bundy and Gidley.

## 2.0 REPRESENTATIONS

### 2.1 **2 additional representations of Objection received following publication of the committee agenda**

- There appears to have been a distinct lack of community involvement or informed debate which had led to a bizarre assumption of tacit support. Surely a community-led Com9 application needs to demonstrate overwhelming support not lukewarm acceptable based on the influence of a few individuals?
- The community benefit seems very limited and not even immediate neighbours support the scheme.
- If the Council has any ethics oversight, it would be worthwhile reviewing this case before a permanent decision is taken.
- The application does not comply with the requirements of sections (a), (b) and (c) of policy COM9 of the 2016 RLP; although your case officer Paul Goodman concludes that it does comply his arguments are flawed and do not stand up to scrutiny. Several specific examples of non-compliance are cited below.
- Most requirements of TVBC's Planning Department's Pre-Application advice dated 10th June 2019 have not been met.
- The areas of non-compliance for both the above include, inter alia, the lack of robust and independent evidence to demonstrate the need for the graveyard extension and car park, failure to fully involve the community in the preparation of the proposal and demonstration of community support for it, height of the proposed dwellings and many more. This application has been driven throughout by Stratland Estates Limited and their agent, Paul Airey, with Fred Tucker, churchwarden, as the nominal applicant. It has not been developed and driven by the community.
- Contrary to section 6.10 of the Committee report and Paul Airey's letter of 26th February 2021, this application does not address the issues raised

by residents, as is clear from the numerous comments on the TVBC portal, and Paul Airey has refused to consider alternative community led options or to consider making the houses smaller or reducing their number. Although the community garden was removed it has been used to increase the gardens (and hence profitability) of the houses rather than being used to improve landscaping on the frontage to Church Lane. Any involvement of the community has been retrospective which is not permitted under COM9.

- The Committee report contains no analysis of the geographical nature of representations of support or objections to the scheme, nor content of the representations by geography. This needs to be done to give a full and clear picture. The report also fails to mention that the site and Church Lane on which it is situated is on the outskirts of the village, so the only people affected by the proposals are the people who live on Church Lane and churchgoers.
- The Committee report states in section 8.35 that “Policy COM9 has no viability component.....There is no requirement for the applicant to only propose a minimal amount of development that would generate sufficient funds to enable the community benefit.” This would seem to suggest that developer benefit does not need to be commensurate with community benefit, which is against the spirit of the COM9 policy, even if not the letter. The intentions of COM9 are solely to permit development to cross-subsidize the provision of community facilities, not to generate windfall profits. It is clear that this application offers substantial profit to Stratland Estates Limited in return for a detriment to local residents with only a small benefit to a small churchgoing community.
- The Committee report sets out at length in section 6.1 comments from the Awbridge Parish Council on representations by David Coggon, one of its own councillors. Nowhere does the Committee report set out David Coggon’s representations or even extracts from it. David Coggon’s paper dated 19th March 2021 on the TVBC portal needs to be included to achieve a balanced view.
- Reference is made in several places in the Committee report to a newsletter; the newsletter is not a parish or Parish Council newsletter but rather a monthly magazine produced by ADVA (The Awbridge District Village Association) chaired by Fred Tucker, the applicant . In addition the survey referred to in section 8.27 was managed by the applicant and distributed via ADVA by the applicant. This needs to be made clear.
- The report also needs to draw attention to the serious concerns expressed by both members of the public and legal counsel as to the validity of the questionnaire process.
- Section 5.1 bullet point 4 suggests there is a neutral view on the proposal – this is clearly not the case given the representations from Awbridge residents on the TVBC portal. Residents do not understand why TVBC would have expected views to be expressed 5 months later following publication of a short informal article in the ADVA newsletter (as mentioned above a newsletter controlled by the applicant).
- The Highways report in sections 8.51 to 8.55 fails to consider the impact of increased traffic on the main route to Romsey via Coombe Lane

(single track with passing places) generated by the large car park, and seems to have accepted without question that off-street parking for the church is required.

- Section 5.2 states that the relocation of the car park to the rear of the site is considered a significant improvement – but this was requested in the Pre-Application advice of June 2019 anyway. This is one of the few requirements of the Pre-Application advice which has been acted on, and this was only achieved after months of pushing by local residents.
- Section 8.47 to 8.50 on landscaping fails to include the recommendations for change from the Landscape Officer's report of 4th November 2020 (on portal 30th November 2020) which have not been implemented in this application. For example: "The scale of the three dwellings are also disproportionately dominant in relation to the modest size of the Church, Church Lane itself and the dwellings on the other side of Church Lane."
- There are many other misleading statements in the Committee report which are too numerous to include here but which need to be addressed to allow councillors to make an informed decision.

### 3.0 CORRECTIONS/CLARIFICATIONS

- 3.1 Correction to para 8.32 to delete the word 'under' from the first sentence as follows;

*Awbridge is classed as an undesignated area and therefore, Policy COM7 applies.*

- 3.2 Parts of the report erroneously refer to Policy COM09. For clarification all references to Policy COM09 should be read as Policy COM9.

### 4.0 PLANNING CONSIDERATIONS

#### 4.1 Parking Standards

For members information the level of parking provision that would be required for a new development of a place of worship of equivalent floor space has been undertaken. In order to comply with Policy T2 and equivalent new church would require approximately 28.7 parking spaces based on the existing floor area.

#### 4.2 Biodiversity & Protected Species

##### 4.3 Reptiles

For clarification it is confirmed that the required reptile receptor site being created as part of the proposed scheme has been retained following the revised proposals and is comprised of the areas to the southern boundary of the site outside of the residential garden areas. The mitigation measures and method statement for the relocation of reptiles has been approved by the Ecology and are secured by condition.

##### 4.4 Site of Importance for Nature Conservation (SINC)

As discussed at para 8.75 and 8.76 of the Officers recommendation the All

Saints, Awbridge SINC is vulnerable to dust pollution from construction occupational of the development. As a result the approved surfaces for the car park have been amended to limit dust emissions. However it is also considered appropriate to limited permitted development rights for any additional areas of hardstanding in order to retain control over surface materials in the interests of the SINC. As a result an additional condition (19) is proposed to impose the restriction.

## 5.0 ADDITIONAL CONDITION

**19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no hardstanding, other than that expressly approved by this permission or necessary for the purposes of burials, shall be installed within the car park or residential curtilages of the dwellings hereby permitted.**

**Reason: To ensure the favourable conservation status of protected species, the SINC and enhance biodiversity in accordance with Policy E5 of the Test Valley Revised Local Plan DPD.**

<b>APPLICATION NO.</b>	21/00718/FULLS
<b>SITE</b>	Holly Lodge , Chilworth Road, Chilworth, SO16 7JZ, <b>CHILWORTH</b>
<b>COMMITTEE DATE</b>	2 November 2021
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## 1.0 INTRODUCTION

- 1.1 A Viewing Panel was held on 29<sup>th</sup> October 2021 and attended by Cllrs, Cooper, Hatley, Bailey, Bundy, Burnage, A Dowden, C Dowden, Jeffrey, Maltby, Parker, Ward and Warnes. Apologies were received from Cllr Gidley.

## 2.0 CONSULTATIONS

### 2.1 Planning & Building (Ecology) – Comment:

- Following previous comments, dated 07.05.2021, further information has been submitted to address concerns previously raised.
- Further information regarding the proposed buffer has been provided, and it has been outlined that this buffer will be excluded from the curtilage of the properties on site.
- A landscape plan with further information regarding the mitigation planting has also been provided.
- Recommend conditions to required Construction Environment Management Plan, lighting details, accordance with the submitted ecology report, an ecological management plan and an informative note regarding dormice.

### 2.2 Planning & Building (Trees) – No objection, subject to condition.

## 3.0 CORRECTIONS/CLARIFICATIONS

- 3.1 For clarification the comments summarised at para 5.8 are those of Hampshire County Council (HCC) as the Lead Local Flood Authority (LLFA).

### 3.2 Correction to para 8.31 as follows;

However the Arboricultural Officer has concluded that the proposed dwellings provide acceptable separations from **existing** trees.

## 4.0 PLANNING CONSIDERATIONS

### 4.1 Biodiversity & Protected Species

- 4.2 As indicated at para 8.39 of the Officers Recommendation revised ecological information has been received to address previous points raised by the Ecology Officer. The revised information seeks to address the proposed buffer with the woodland Site of Importance for Nature Conservation (SINC), further details of



mitigation planting and replacement hedgerow planting.

#### 4.3 Bats

The additional planting has been proposed within close proximity to the removed hedgerow, and therefore suitable foraging and commuting habitats will be replaced and enhanced within the scheme. The Ecology Officer has confirmed that further bat activity surveys would not be required in this case, as suitable habitat will be retained and enhanced within the scheme.

#### 4.4 Dormice

Following previous comments relating to the presence of dormice within neighbouring woodland, previously outlined by Hampshire County Council (HCC) ecologists, the applicant's ecologist conducted another search which revealed no new records within the vicinity. It is outlined within the report that while no records were found, it is considered likely that a population is present within the woodland to the south and east of the site.

4.5 Dormice receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (as amended) (commonly referred to as the Habitats Regulations). While there is considered to be no reasonable likelihood of dormice being present and affected by the works, given the proximity of suitable habitat and the presence of dormice locally, the Ecology Officer has advised that the precautionary measures proposed within the ecological appraisal should be secured under planning condition. An additional note is also recommended.

4.6 Following consideration of the revised details the Ecology Officer has recommended a number of conditions. As a result conditions 13 (compliance with submitted ecology report), 15 (external lighting) and 18 (biodiversity enhancements) have been amended. Additional conditions in relation to are also recommended. An additional condition (19) to ensure the protection of designated site during construction works has been added.

#### 4.7 **Arboriculture**

As indicated in para 8.32 of the Officers recommendation the Arboricultural Officer requested some revisions to the originally submitted tree protection measures in relation to the access drive, specifically the extension of a route bridge to include a second area of conflict in proximity to B grade Beech tree (T18). The Arboricultural Officer also required further details regarding service installation and routing in relation to existing and new tree planting. Those details have now been received and the Arboricultural Officer has raised no further concern. The tree protection condition (3) has been updated to reflect the revised details. In addition the Arboricultural Officer has requested that details of any fencing adjacent the buffer zone with the woodland be secured. This requirement has been incorporated into the revised condition 18.

#### 4.8 **Drainage and Flood Risk**

As is stated in para 8.50 the application has been supported by a Detailed

Surface Water Drainage Arrangement and the LLFA have raised no objection to the drainage principles but have requested some further detailed information. As is stated in the Officer's recommendation it is considered that these details could properly be secured by condition. The wording of condition 12 has been amended to include reference to the specific standard of infiltration testing referenced in the LLFA response.

## **5.0 AMENDED RECOMMENDATION**

**Delegate to Head of Planning & Building for completion of a legal agreement to secure;**

- **Removal of nitrate mitigation land from agricultural production**
- **Future management of the nitrate mitigation land, and**
- **New Forest SPA contribution.**
- **Solent and Southampton Water SPA contribution.**
- **Affordable housing contribution.**
- **s106 monitoring fee**

**Then PERMISSION subject to conditions and notes**

- 1. The development hereby permitted shall be begun within three years from the date of this permission.  
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 2. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**
- 3. The development hereby approved shall be undertaken in full accordance with the provisions set out within the Arboricultural Impact Appraisal and Method Statement, Report reference number: AIA/AMS-KC/AH/HOLLY/001 Revision B and its accompanying Tree Protection Plan.  
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**
- 4. Tree protective measures installed (in accordance with the tree protection condition) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier.  
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with**

- Test Valley Borough Revised Local Plan policy E2.**
5. **All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective barrier.**  
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.
6. **No development shall take place above DPC level until full details of hard and soft landscape works have been submitted and approved. Details shall include-where appropriate: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The soft landscape proposals shall include details of soft boundary treatments to the outside edges of the site. The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.**  
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.
7. **The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.**  
Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.
8. **Any gates shall be set back at least 4.5 metres from the edge of the carriageway of the adjoining highway.**  
Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.
9. **Prior to the commencement of development full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.**  
Reason: In the interest of highway safety in accordance with Test

**Valley Borough Local Plan 2016 policy T1.**

10. There shall be no construction or demolition works, no machinery shall be operated, no processes carried out and no deliveries received or dispatched outside the following times: 07:30 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturday. In addition, no such activities shall take place on Sundays, Bank or Public holidays.  
Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.
11. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.  
Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016
12. Notwithstanding the submitted information no development shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and Lead Local Flood Authority. Details submitted for approval must include a technical summary, detailed drainage drawings and detailed drainage calculations. All infiltration testing shall be undertaken in accordance with BRE365 including multiple tests undertaken in succession and with locations / depths being commensurate with the proposed design. On approval development shall be undertaken in accordance with the approved details. Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include;
- a. Maintenance schedules for each drainage feature type and ownership.
  - b. Details of protection measures.
- Maintenance and protection measures shall be carried out in accordance with the approved details.  
Reason: To ensure a satisfactory form of development and in the interest of local amenities in accordance with Test Valley Borough Revised Local Plan 2016 policy E7.
13. Development shall proceed in accordance with the measures set out in Holly Lodge, Chilworth, Ecological Assessment (Peach Ecology, August 2021). Thereafter, mitigation and enhancement measures shall be permanently maintained and retained in accordance with the approved details, with photographic evidence provided to the Local Planning Authority within 6 months of occupation.  
Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with Policy E5 of the Test Valley Borough Council Adopted Local Plan 2011-2029.
14. No development shall take place unless or until an Environmental Management Plan has been submitted to, and approved in writing

by, the Local Planning Authority. The Environmental Management Plan shall cover the control of noise, dust and spoil during the demolition, site preparation and construction phases of development. The Environmental Management Plan shall include the provision of wheel washing, and any other suitable facility, to avoid the deposit of spoil onto the highway network. Work shall be undertaken in accordance with the approved Environmental Management Plan.

Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.

15. Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to first installing any such lighting before the building(s) is/are occupied. Lighting shall follow best practice guidelines outlined by the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK). Development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities of the area and to prevent disturbance to protected species in accordance with Test Valley Borough Revised Local Plan (2016) Policies E8 and E5.

16. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

521 – 0102  
1046-PSL-00  
1046-PSL-01 3  
1046-BINS-PL500  
1046-BINS-PL200  
1046-GATE-PL500  
1046-01-PL201  
1046-02-06-PL201  
1046-07-PL201  
1046-08-PL201  
1046-09-PL201  
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1046-08-PL500  
1046-09-PL500  
1046-07-PL500  
1046-GAR09-PL500  
1046-GAR02-06-PL500  
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1046-02-06-PL204  
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ITB11370-GA-005  
ITB11370-GA-002  
ITB11370-GA-001

**Reason: For the avoidance of doubt and in the interests of proper planning.**

17. **Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto. Development shall be undertaken in accordance with the approved details.**

**Reason: To ensure satisfactory relationship between the new development and the adjacent residential dwellings, and amenity areas in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and LHW4.**

18. **Prior to commencement, a detailed scheme of biodiversity enhancements to be incorporated into the development, and long term ecological management plan for retained, enhanced and created habitats on site, including the buffer areas, shall be submitted to and approved in writing by the Local Planning Authority. This should include details of fencing, planting plans, landscape plan and a long-term management plan (minimum 10 years). Development shall subsequently proceed in accordance with**

**the approved details, with photographic evidence provided to the Local Planning Authority within 6 months of occupation.**

**Reason: To enhance biodiversity and ensure protection of the adjacent woodland in accordance with NPPF and the Natural Environment and Rural Communities Act 2006 and with Policies E2 and E5 of the Test Valley Revised Local Plan DPD 2011-2029.**

- 19. Prior to commencement, a Construction Environmental Management Plan (CEMP), incorporating measures to avoid impacts on the adjacent designated sites, habitats and species shall be submitted to and approved in writing by the Local Planning Authority. This must include measures outlined within Holly Lodge, Chilworth, Ecological Assessment (Peach Ecology, August 2021), a precautionary method statement in respect to dormice, and a method statement for removal of non-native species, such as bamboo. Development shall subsequently proceed in accordance with any such approved details.**

**Reason: To protect notable locally designated sites, habitats and species in accordance with Policy E5 of the Revised Test Valley Local Plan DPD 2011-2029.**

**Notes to applicant:**

- 1. Please ensure that all development/works complies with the approved plans. Any changes must be advised and agreed in writing with the Local Planning Authority before they are carried out. This may require the submission of a new planning application. Failure to do so may result in enforcement action/prosecution.**
- 2. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
- 3. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.**
- 4. Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough,**

**careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.**

- 5. Dormice receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. All work must stop immediately if dormice are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.**