

Appeal Decision

Site visit made on 10 May 2017

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 June 2017

Appeal Ref: APP/J1860/W/16/3164875

Ivy Barn, Beauchamp Lane, Callow End, Worcestershire WR2 4UG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by B Hodgkiss Constructions Ltd against the decision of Malvern Hills District Council.
 - The application Ref 15/01524/OUT, dated 10 November 2015, was refused by notice dated 12 October 2016.
 - The development proposed is outline application for the erection of 2 no. detached dwellings.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 2 no. detached dwellings at Ivy Barn, Beauchamp Lane, Callow End, Worcestershire WR2 4UG, in accordance with the terms of application Ref 15/01524/OUT, dated 10 November 2015, subject to the attached schedule of conditions.

Procedural Matter

2. The declaration in the planning application form is dated 10 November 2015, though a different date of 19 October 2015 is referred to as the date of the application on the Council's decision notice, which is repeated in the appeal form. I have used the date from the planning application form in the banner heading above.
3. The application is in outline only with all detailed matters reserved for future consideration except for access. I have dealt with the appeal on that basis, treating the plans relating to the reserved matters as illustrative.
4. The South Worcestershire Development Plan (SWDP) was adopted on 23 February 2016, after the original application was received, but it is apparent that the application was considered and determined by the Council on the basis of the SWDP. The appellant has had the opportunity to comment on relevant SWDP policies in the course of the appeal.

Main Issues

5. The main issues are:
 - whether the proposed development would be in a suitable location, given that the appeal site is outside any development boundary; and,
-

- whether adequate arrangements are made for the disposal of surface water from the site without increasing the likelihood of pluvial flooding in the area.

Reasons

Suitability of location

6. The appeal site is located on the northern side of Beauchamp Lane, not far from its junction with Upton Road (B4424), the main road that runs through the rural village of Callow End. It is proposed to construct two dwellings on an area of agricultural land, described as a paddock, to the east of the existing dwelling at Ivy Barn, utilising a shared access from the lane. The site is grassed and largely screened from the lane by an established hedgerow, though there would be views of it from the entrance. There is residential development along much of the south side of Beauchamp Lane going north eastwards but development on the north side is much more limited comprising Ivy Barn, Ivy Stables and Ivy Farm with agricultural fields beyond.
7. Policy SWDP 1 of the SWDP sets out the Council's overarching sustainable development principles whilst policy SWDP 2 comprises its development strategy and settlement hierarchy. It aims to focus most new housing on Worcester and other urban areas and to strictly control development in the open countryside, which is defined as land beyond any development boundary. The proposal does not meet any of the exceptions, such as dwellings for rural workers, specified in the policy
8. Callow End is identified as a Category 2 settlement in the SWDP, which means that, when assessed, it had at least two key services and access to daytime public transport. Although the appeal site is outside the development boundary, which runs along Beauchamp Lane, it is immediately adjacent to it, and policy SWDP 2 anticipates some market and affordable housing in Category 2 villages.
9. The Blue Bell Inn public house is almost opposite the turning into the lane and the Council advises that a shop and post office are approximately 225 metres from the site with a school about 600 metres away. There are bus stops nearby and it is a relatively short walk or cycle along the B4424, which has pavements on both sides, into the main hub of the village, which, according to the appellant, also benefits from a Village Hall and Church. The proposal would be in accord with SWDP policy SWDP 4, part A, which advises that, amongst other things, proposals must demonstrate that they minimise the demand for travel and offer genuinely sustainable travel choices, as occupiers would not be dependent on the private motor car.
10. The Council Officer's report accepts that the site is not 'isolated' in terms of paragraph 55 of the National Planning Policy Framework (the Framework)¹, and states that: *'Whilst the proposal is a departure from Policy SWDP 2 being outside the development boundary should the proposal comply with other policy considerations the location of development would not constitute a reason in its own right having regard to the aims of the NPPF and easy walk to facilities and services.'*

¹ Published 2012

11. Four recent appeal decisions², in the Malvern Hills District Council area, are cited by the appellant in support of the proposal. In the Brookend appeal, concerning the demolition of existing buildings and erection of four dwellings, the Inspector decided that, although the proposal was outside the development boundary and did not meet any of the policy SWDP 2 exceptions, its relatively small scale and benefits outweighed any harm. Furthermore, he did not consider that the scheme would jeopardise the strategy, set out in policy SWDP 2, to focus most development on urban areas.
12. An Inspector expressed similar reasoning with regard to SWDP 2 in another appeal decision, concerning Land Adjoining Brookmead, which also involved a proposal for four new dwellings. Appeals at Tansy Cottage and The Garden House involving proposals outside the development boundary, but adjacent to it, and in conflict with SWDP 2, were also allowed. There are similarities between the proposals in those appeal decisions and the appeal before me and I find their line of reasoning persuasive
13. Local residents objecting to the proposal have suggested that the particular characteristics of the sites in the above appeals differ from the site subject to this appeal. Whilst there are always likely to be site specific differences, that does not undermine the consistent and comparable basic reasoning that runs through the appeals. That reasoning indicates that the location of a site outside a development boundary is not necessarily, of itself, sufficient for a proposal to be refused. Rather it depends on the particular circumstances of each case.
14. In any event, in the Garden House appeal, for example, it is said that '*the site is surrounded by residential properties to its north, east and west with an open field to the south....*' Although there are fields to the north and immediate east, the appeal site at Ivy Barn is also adjacent to residential properties to the west and opposite residential development to the south, which extends north eastwards.
15. My attention has also been drawn to a number of other appeals in the District Council area, which were refused. Copies of the decisions have not been provided and I do not have full details of the particular circumstances that led to them being dismissed, although edited extracts are quoted in the joint objection submission from some local residents. The fact that there are other appeal decisions with different outcomes, illustrates that individual appeals are decided on their own particular merits. I have determined the appeal before me on its own merits.
16. Although included in the reasons for refusal, the Council Officer's report concluded that '*the location of development would not constitute a reason for refusal in its own right*'. Moreover, no adverse effect on the character and appearance of the area or the countryside was identified.
17. I agree with the Council that the site is not isolated and find that, given its location close to the village, the proposal would help to enhance or maintain the vitality of a rural community, in accord with Paragraph 55 of the Framework. There would also be an economic contribution during the construction period and subsequently from future occupiers. Socially, future

² APP/J1860/W/15/3135877, APP/J1860/W/16/3155541, APP/J1860/W/16/3152030 and APP/J1860/W/16/3153506

occupiers would also potentially participate in the local village community. There would be a contribution to the supply of housing. Whilst I recognise that the Council advises that it can demonstrate a robust five year housing land supply, that measure represents a minimum requirement rather than a cap. The development would amount to only two houses but all contributions have some value. Cumulatively, these factors do weigh in favour of the proposal.

18. In environmental terms, the proposal would involve development on a relatively small area of agricultural land. However, it is located next to other residential development within a field boundary, and its location close to the village with its services and facilities together with the availability of public transport would mean that future occupiers would not be wholly reliant on private car use. That is also in favour of the proposed development.
19. The proposal would breach SWDP policy SWDP 2, part C, as the site is just outside the development boundary and it fails to meet the exceptions in the policy. However, any harm to the countryside would be minimal given the limited size and location of the site, abutting the development boundary. Therefore, I conclude that the clear benefits of the scheme would outweigh the conflict with policy SWDP 2 and that the proposed development would be in a suitable location. Consequently, it would not be contrary to the overarching sustainable development principles in policy SWDP 1 or the objectives of the SWDP as a whole, which are consistent with the Framework.

Surface water drainage and flood risk

20. The Council's second reason for refusal concerns a lack of certainty about a suitable means of disposal for surface water without increasing the risk of flooding elsewhere. Whilst the site itself is within Flood Zone 1, the lowest risk of the principal flood zone categories, it is acknowledged that Beauchamp Lane leading to the site entrance is subject to pluvial flooding. According to the Council the risk of surface water flooding is defined as 'high' on the Environment Agency's (EA) pluvial flood map, meaning that the chance of flooding is greater than 1 in 30 years.
21. A previous outline application for two houses on the site was refused on various grounds, including the lack of a Flood Risk Assessment (FRA) and ultimately dismissed on appeal.³ Although the Inspector did not consider the site would be materially at risk of flooding, the Inspector was concerned about whether there would be a safe route from the site to the main road, in the event of a flood. A site specific FRA was submitted with the current proposal. It also concludes that the site itself is at low risk, in part due to its elevated position, and points out that there is no historical evidence of the main site itself having flooded. I see no reason to disagree with that conclusion.
22. Paragraph 100 and 103 of the Framework both emphasise the need to ensure that development does not increase flood risk elsewhere. It is accepted that Beauchamp Lane, which lies at a lower level than the appeal site, is identified as at risk of surface water flooding. However, the FRA advises that, with appropriate sustainable drainage systems in place, the developed site runoff would not exceed the existing greenfield rate, thereby not increasing the flood risk to the adjoining lane or land.

³ Refs: 14/00761/OUT and APP/J1860/W/14/3001591

23. The initial overall view of the South Worcestershire Land Drainage Partnership (SWLDP) was, although they made some comments about aspects of the report, that the FRA conclusions and recommendations were acceptable in the context of an outline application, subject to a condition requiring a scheme for surface water drainage being submitted for approval prior to commencement of the development.
24. An 'Independent Assessment of Flood Risk and Drainage', commissioned by local residents, questions aspects of the FRA. It concludes that the level of surface water flooding on Beauchamp Lane could be deeper than the 0.3 metre depth suggested in the FRA. It says that levels could range from 0.517 metres for a 30 year event and 0.622m for a 100 year event to 0.815 metres for a 1000 year event. It also questions whether a sustainable drainage system (SUDS) would be a realistic option and suggests that the only other available option of discharging to the highway drain in Beauchamp Lane is unlikely to be acceptable to the highway authority.
25. Whilst the appellant's environmental consultants, who produced the FRA, refute much of the alternative assessment, the Council ultimately refused the application due to a lack of certainty on the issue. The appellant has subsequently provided a Drainage Strategy (DS) with the appeal documentation which concludes that with a combination of SUDS measures in place, the developed site runoff will not exceed the existing rate. Consequently, although it advises that further consideration will be necessary at the detailed design stage, it finds that there would be no change in flood risk to the adjacent road or nearby properties.
26. The Council have not commented on the DS. Some Local residents, in a joint objection submission, have questioned the DS and noted that it suggests use of some SUDs methods previously discounted in the original FRA. However, no alternative expert assessment has been provided. It is acknowledged that percolation tests have been carried out on site to inform the DS. However, the local residents' submission expresses misgivings about the methodology employed in carrying out those tests.
27. I appreciate the concerns of some local residents who have experienced flood events as a result of flooding on Beauchamp Lane. However, I also note that some other residents in the area have suggested that the flood events on the road are occasional and relatively low level. It is also clear that there is a dispute between the relevant experts and associated issues regarding methodology and base data. Overall however, I consider that the issue of surface water drainage could be made subject to a suitable condition, as originally suggested by the SWLDP.
28. As referred to above, in the previous appeal and in the absence of an FRA or further evidence, the Inspector was concerned about whether there would be a safe route for people to exit the site to an area of safety. Local residents say that the level of an actual flood in 2007 was in excess of 0.4 metres and that the depth would be greater for 100 year and 1000 year events.
29. The FRA, supplemented by a further response from the appellant's environmental consultant, concludes that with a maximum flood depth of 0.3 metres at the site entrance shown on the EAs pluvial maps, occupiers of the appeal site could either remain there on elevated ground until the flood subsided or, if necessary, would be able to wade, paddle or drive through the

relatively shallow, slow moving water. Whilst the consultant expresses doubt about the levels of flooding suggested in the local residents' report, he does not consider the risk to future occupiers to be significant and argues that, in any case, maximum flood levels would only be for sustained for relatively short periods.

30. In the circumstances, a reasonable precautionary approach can be taken by including a further condition requiring a Flood Plan setting out safe exit and access arrangements in the event of a severe flood event, for approval by the local planning authority prior to the occupation of any dwelling.
31. Overall, I conclude that the additional evidence provided with this outline application and appeal satisfies the requirements of SWDP policies SWDP 28 and SWDP 29, subject to suitable conditions for certainty.

Other Matters

32. I am conscious of the scale of response from members of the local community to the proposal, some in support but many objecting. In addition to the issues already dealt with above, a number of other matters have been raised by objectors.
33. The Inspector, in the appeal already referred to regarding a similar outline proposal on the site, carefully examined the effect on the settings of the grade II listed buildings, The Mercers, opposite the site, and Stanbrook Abbey, standing majestically on elevated ground some distance away. The Inspector concluded that the proposed development would, subject to careful consideration at the reserved matters stage and bearing in mind its limited scale, not harm the settings of the listed buildings.
34. I have also fully considered the evidence presented with this appeal. It was apparent from my site visit that although I understand a section of hedgerow has been removed in the vicinity, the lane and a high hedge separate the appeal site from The Mercers. There is also planting on the boundary of The Mercers. Views along Beauchamp Lane towards The Mercer, even taking into account the slightly elevated position of the appeal site, would not be significantly affected. Furthermore, as indicated in the previous appeal decision, a reasonable separation distance between The Mercers and the new buildings could be achieved at the reserved matters stage.
35. The side elevation of The Mercers abuts the lane, at a slight angle, whilst its principal windows to the front and rear face north-east and south west, respectively. Therefore, views from the listed towards the appeal site would, in any event, be likely to be relatively oblique.
36. It is suggested that the introduction of lighting, traffic and hardstandings would compromise the tranquil setting of The Mercers and Stanbrook Abbey. The additional traffic generated by just two dwellings along a lane with extensive existing development on its southern side, would not have a significant detectable impact on The Mercers or the more distant Stanbrook Abbey. Any external lighting could be considered at the reserved matters stage and internal lighting would have a negligible effect and be dissipated by the hedge.
37. Having observed Stanbrook Abbey from various vantage points along the lane and from the associated public footpaths, the development would be in the field of vision looking towards the Abbey from some viewpoints. However, given the

listed building's elevated position above the village and the context and backdrop of existing buildings, views towards and from the Abbey would not, subject to careful attention at the reserved matters stage, be adversely affected. Overall therefore, I do not consider that the settings of either of the grade II listed buildings would be harmed.

38. It is also suggested, in the joint submission from local residents, that the proposal would cause substantial harm to Ivy Farm, which is referred to as a non-designated heritage asset, although the precise nature of that harm is not explained. As Ivy Barn is already a dwelling and Ivy Stables forms either an annexe or dwelling, I am satisfied, that subject to careful consideration at the reserved matters stage, there is no valid reason to suppose that harm will be caused to Ivy Farm by a limited development to the east.
39. I have already referred to the limited level of traffic likely to be generated by two houses and note that the highway authority have not objected, subject to suitable conditions. Therefore, in the absence of substantive evidence to contrary, I do not accept that the level of additional traffic is likely to cause a potential hazard at the junction with the main road. Whilst flooding affects the lane it is already used as an access to a number of existing properties. In the absence of any compelling evidence to the contrary, I do agree that the level of further traffic would be likely to prove problematic.
40. The Council advise that a section of hedgerow has been removed since the previous appeal and that the removal of a further small section may be required to facilitate the visibility splay. Whilst any loss of hedgerow is regrettable, that needs to be balanced against the requirement for a sufficient visibility splay to the east. Overall, I find that I agree with the Council that, if necessary, the removal of a small section of hedgerow would not have a significant adverse effect on the character and appearance of the area.
41. Comments have also been made about the need for affordable housing in the village. That is a wider question for the Council and national policy to address. Government policy advises that contributions to affordable housing should not normally be sought on sites proposing 10 dwellings or less. The effect on habitats and biodiversity has been considered in a Habitat Survey, supplied by the appellant, which found that there would be no significant effect on any protected species. Therefore, I share the Council's view that there would be no significant impact in that respect.

Conditions

42. Although the Council provided a brief list of headings, it did not supply a comprehensive list of suggested conditions. I have, however, gleaned some from the responses of relevant consultees and added my own. The Council have confirmed that the suggested conditions are acceptable and the appellant has only questioned the necessity for a condition dealing with contamination.
43. A condition requiring the submission of reserved matters is necessary as the proposal is in outline only. A plans condition is included for certainty. Conditions regarding visibility splays and parking and turning areas are appropriate in the interests of highway safety.
44. Conditions requiring a Construction Management Plan and limiting the hours of construction are necessary to minimise disruption and to protect the living

conditions of occupiers of neighbouring properties during construction. Conditions relating to surface water drainage and a Flood Plan are necessary to ensure that the proposal would not exacerbate flood risk or endanger future occupants. A condition is also necessary to ensure that appropriate sewage arrangements are made.

45. A condition regarding contamination is appropriate because the site has an agricultural history. The advice from Worcestershire Regularity Services and in the Framework is that a preliminary risk assessment is required to establish if any contamination issues are likely to exist.
46. An archaeology condition is required because the site is located in an area which may potentially contain archaeological remains. Conditions regarding landscaping are appropriate to ensure that it is comprehensively dealt with at the reserved matters stage.
47. In their list of condition headings, the Council suggested limiting the buildings to single storey. As no reason was given for the condition and I cannot identify a justification, it is not included. Conditions removing permitted development rights were suggested but the National Planning Practice Guidance advises that such conditions should only be used in exceptional circumstances. As no clear evidence to justify such a condition has been given, I have not included it.

Conclusion

48. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathan Tudor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (1:1250); BHCL/08/2014; BHCL/09/14; BHCL/10/2014 (Existing Levels); insofar as they relate to access.
- 5) Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway (measured perpendicularly) for a distance of 33 metres to the east along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed

- to grow on the triangular area of land so formed which would obstruct the visibility described above.
- 6) The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plans, together with secure cycle storage have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to, and approved in writing by, the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.
 - 7) No part of the development hereby approved shall begin until a Construction Management Plan to include details of:
 - i. parking for site operatives and visitors
 - ii. areas for site operatives' facilities
 - iii. parking and turning for delivery vehicles
 - iv. areas for the storage of plant and materials
 - v. wheel washing equipmentshall have been submitted to, and approved in writing by, the local planning authority. The approved plan shall be implemented throughout the construction period.
 - 8) Prior to the commencement of the development hereby approved a scheme for surface water drainage shall be submitted to, and approved in writing by the local planning authority. Prior to the submission of the scheme an assessment shall be carried out into the potential of disposing of surface water by means of a sustainable drainage (SuDS), and the results of this assessment shall be submitted to and approved by the local planning authority. If infiltration techniques are used then the plan shall include the details of field percolation tests. There shall be no increase in surface water run-off from the site compared to the existing pre-application greenfield run-off rate up to a 1 in 100 year storm even plus an appropriate allowance for climate change. The scheme shall provide an appropriate level of run-off treatment. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and /or surface waters;
 - ii. include a timetable for its implementation;
 - iii. provide a management and maintenance plan for the lifetimes of the development which shall include robust arrangements to secure the operation of the scheme throughout its lifetime.
 - 9) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
 - 10) Prior to the commencement of development, a flood plan setting out details of the safe access and exit of occupants during a severe flood event shall be submitted to and approved in writing by the local planning

authority and the scheme shall be implemented in accordance with the approved details prior to the occupation of any dwelling.

- 11) Unless otherwise agreed by the local planning authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until Parts 1 to 6 have been complied with:
- i. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the local planning authority. The risk assessment must be approved in writing before any development takes place.
 - ii. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the local planning authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
 - iii. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the local planning authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
 - iv. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the local planning authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - v. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority.
 - vi. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the local planning authority prior to the occupation of any buildings.

- vii. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the local planning authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the local planning authority prior to the occupation of any buildings.
- 12) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - a) The programme and methodology of site investigation and recording.
 - b) The programme for post investigation assessment.
 - c) Provision to be made for analysis of the site investigation and recording.
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 13) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 12 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 14) The landscaping scheme submitted in accordance with condition 1 shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 15) All planting, seeding or turfing comprised in the landscaping scheme submitted in accordance with condition 1 and 14 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 16) Demolition or construction works shall take place only between 07:30 to 19:00 Monday to Friday and 07:30 to 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.