



Appeal Decision

Site visit made on 29 January 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal Ref: APP/D1265/W/23/3320598

Land North of Old Pound Court, Bourton, Dorset SP8 5ST

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Kitching on behalf of Hall & Woodhouse Ltd against the decision of Dorset Council.
 - The application Ref P/OUT/2021/05444, dated 8 December 2021, was refused by notice dated 26 October 2022.
 - The development proposed is the erection of 3 dwellings, new vehicular and pedestrian access and associated parking (outline application to determine access, layout & scale only).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 dwellings, new vehicular and pedestrian access and associated parking (outline application to determine access, layout and scale only) at land North of Old Pound Court, Bourton, Dorset SP8 5ST in accordance with the terms of the application, Ref P/OUT/2021/05444, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development given above is taken from the Decision Notice. It reflects amendments that were made to the scheme at application stage, including the reduction in the number of dwellings proposed from 7 to 3, and the application was determined on this basis.
3. I have used the address on the Decision Notice, which was also used on the appeal form, as it more accurately describes the location of the development.
4. The application was made in outline with access, layout and scale sought for approval.
5. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes. There has been no change to the legal designation and policy status of these areas. References in my decision will therefore be to the National Landscape, for the avoidance of doubt this will apply to the Cranborne Chase and West Wiltshire AONB.
6. A revised version of the National Planning Policy Framework (The Framework) was published with immediate effect on 19 December 2023. Both parties have had an opportunity to comment on the revised Framework in their submissions

and so have not been prejudiced by this change. I have thus had regard to the latest version of the Framework in determining this appeal.

Main Issues

7. The main issues are:

- whether the proposed development would be in a suitable location having regard to the development strategy;
- the effect of the proposed development on the character and appearance of the area including upon the setting of the Cranborne Chase and West Wiltshire National Landscape; and
- whether the proposed development would preserve the setting of the nearby listed buildings, including the Church of St George.

Reasons

Suitability of location

8. The appeal site is located beyond the settlement boundary for Bourton in both the North Dorset Local Plan Part 1, adopted January 2016 (the LP) and the made Bourton - Dorset Neighbourhood Plan 2016-2031, made September 2017 (NP) and is therefore in the countryside in planning policy terms. Policy 2 of the LP states that outside of the defined settlement boundaries of the large villages, which includes Bourton, the remainder of the district will be subject to countryside policies where development will be strictly controlled both to protect the intrinsic character and beauty of the countryside and provide development in the most accessible locations to support thriving rural communities. Policy 20 of the LP states that development will only be permitted in the countryside providing it is of a type appropriate to the countryside or there is an overriding need for it to be located there. In addition, Policy 1 of the NP restricts development to within the settlement boundaries.
9. The proposal for market housing outside the settlement boundary would be contrary to Policies 2 and 20 of the LP and Policy 1 of the NP and would therefore not be in a suitable location having regard to the development strategy. I saw at my site visit that even though the appeal site is beyond the settlement boundary it is within a convenient distance of local facilities and services, including the church and school, which are accessible by means other than the car.

Character and appearance

10. The appeal site comprises an area of open pasture intersected by a hedge which lies to the rear of the residential properties fronting Old Pound Court and New Road. The land rises away from the boundaries of the neighbouring dwellings towards an area of mature woodland to the rear of the site, which together with a side boundary hedge provides a degree of containment to the site. The land to the either side and to the rear of the appeal site and beyond is largely undeveloped and rural in character.
11. The appeal proposal seeks the construction of three detached dwellings of a maximum of 2 storeys, to be located on the lower section of the site immediately adjoining the edge of the settlement. Access to serve the

development is proposed via Old Pound Court, a cul-de-sac of modern detached dwellings set in fairly generous plots.

12. The location of the site on the edge of the existing built development and within the surrounding rising land is such that the site has a sense of enclosure which, in the main, restricts longer distance views of the site. It would nevertheless be visible from the public rights of way network in the vicinity where it would be seen at a low level in the landscape and against the backdrop of the existing residential development, and in short distance views towards the site, including from the neighbouring residential properties.
13. Glimpsed views of the site are also possible between the existing residential development fronting New Road in views towards the rising open countryside beyond the settlement. These views provide a visual link to the surrounding rural landscape. Indeed, the view across the appeal site from the rear of the adjoining properties towards the higher ground is identified as an important view in the NP; *Map 2 – Important Views as Defined in the Village Design Statement*. The Strategic Landscape and Heritage Study for North Dorset (dated October 2019) highlights important characteristics of the area including the distinctive linear settlement pattern of the village and views from the undeveloped higher land, as well as the wooded skyline.
14. The appellant's LVIA¹ includes an assessment of landscape character and visual effects of the proposed development. The site falls within the Blackmore Vale and Vale of Wardour National Character Area. Its use as pastureland and presence of hedges to the field boundaries are typical characteristics of this landscape. In terms of county landscape character, the south-eastern part of the site is located within the Clay Vale landscape character type and the north-western section falls within the Limestone Hills landscape character type. The appeal site and its surroundings display many of the characteristics of these landscape types, including flat to gently undulating or bowl-shaped clay landform, flanked and defined by surrounding limestone, chalk and/or greensand hills and ridges, a patchwork of small to medium sized fields, woods or ribbons of trees and dense trimmed hedgerows, as well as steep wooded slopes.
15. The LVIA identifies the site as having medium/high landscape sensitivity as it comprises a locally valued undesignated rural landscape with some intrinsic quality and is reasonably tolerant to changes from the proposed development type. While it acknowledges that the short-term effects would be more significant, the LVIA sets out that longer term, landscaping of the site would help to lessen the landscape impact. However, planting is likely to take some time to establish so as to have any meaningful effect, and while this would soften the effects of the development, the proposal would nevertheless change the landscape character of the immediate area and diminish the distinct rural character and appearance of the site.
16. Given the proposal would entail development on the lower part of the slope, it would maintain the overall undeveloped nature of the rising land in the wider context. Due to its height and position, the development would not interfere with the skyline, and by allowing views over and through it, the development would maintain a visual connection between the built up part of the village and the rising open countryside beyond. Moreover, due to the scale of the

¹ Landscape and Visual Impact Assessment by Hyland, Edger, Driver. Ref. HED. Job no.1392 dated 12.7.22

development, it would not have a significant effect on the inherent features of the landscape character type and would largely maintain the hedged field pattern. The position and arrangement of the development would not be significantly at odds with the residential development at Old Pound Court, as well as other development set to the rear of frontage buildings on this stretch of New Road and would therefore reflect the linear form of the settlement.

17. The proposed layout is such that the development itself, including the shared driveway, would not extend substantially further beyond the position of the existing rear boundaries of the neighbouring properties in Old Pound Court. However, it would nonetheless represent a visible encroachment into the existing undeveloped green space. Despite the orientation and size of the development, the visual impact of the proposed dwellings, including the associated access, areas of hardstanding and other residential paraphernalia, upon the rural appearance of the site and immediate area would be considerable. The development would also encroach into the 'important view' across the site identified in the NP. For these reasons, the development would give rise to landscape harm, however, this would be moderate given the visual effects of the proposal would be somewhat localised.
18. The appeal site is located outside of the Cranborne Chase and West Wiltshire Downs National Landscape (the NL), the LVIA indicates the boundary of which is approximately 630m to 750m away. The Framework sets out that great weight should be given to conserving and enhancing the landscape and scenic beauty in NL's and requires that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. The LVIA concludes that the existing landform and woodland mean there are no views of the site to and from the NL and as such, due to the physical and visual separation there would be no significant effects on the NL or its setting. Given my observations on site, I have no reason to disagree. Moreover, given the scale of the development, and residential nature, it would not have any tangible effect on the tranquillity of the area.
19. For the foregoing reasons, while the proposal would conserve and enhance the landscape and scenic beauty of the NL and its setting, it would harm the character and appearance of the area. In that regard it would fail to accord with Policies 4 and 24 of the LP in so far as they seek to protect landscape character and require development to be designed so as to improve the character and quality of the area in which they are located. It would also conflict with Policies 1, 2, 3 and 10 of the NP which require new development adjoining or close to the rural edges of the village to create a sensitive transition between village and countryside, to maintain the settlement character and to respect the surrounding environment, both built and natural, and the aims of the Framework in relation to achieving well-designed and beautiful places that conserve and enhance the natural environment and recognise the intrinsic character and beauty of the countryside.
20. The Council's refusal reason also refers to Policy 10 of the NP, which sets out that every effort shall be made to ensure that the green spaces between housing and the views into the countryside, which the Green Fingers provide, are preserved to retain the intrinsic character of the settlements identified in the Village Design Statement. However, the officer's report indicates that the site is not within this designation, it is therefore unclear from the Council's submissions as to how the alleged policy conflict would arise.

Setting of the listed buildings

21. The Grade II Church of St George is located on New Road not far from its junction with Old Pound Court. The significance of the listed building is derived from its architectural detailing and its social and cultural importance to the local community as a place of worship. The church has an intentionally prominent position on the main thoroughfare and therefore a presence in the village. It is experienced within a setting of residential development of varying ages and architectural styles that has evolved around it as the village has grown. I have had special regard to the desirability of preserving the setting of the listed building and attach considerable importance and weight to the desirability of avoiding harmful effects on its significance as a designated heritage asset.
22. In views towards the church and its tower, including longer distance views from the surrounding public footpaths and fields, the proposal would be seen in the foreground of the existing more recent built development which largely obscures views of the lower part of the listed building. This arrangement, together with the overall scale of the development, which would be modest in height and would represent only a minor incursion into the undeveloped countryside, would not obscure the views of the church tower, or diminish the status of the church. Moreover, whilst the development may be visible in views from the top of the tower, it will be seen as a very modest component of the surrounding residential development. Consequently, in this context, the proposal, including landscaping of the site, would have no tangible effect on the setting of the listed building and the contribution this makes to its significance as a heritage asset.
23. There is a group of Grade II listed buildings on Woolcott Lane, including Woolcotes (Russell House), Ingleside, house immediately south of Ingleside, and Church View, 1-6 Woolcott Lane, a short distance from the site. The former Red Lion Public House, which fronts New Road, is also a Grade II listed building. Although the Council has raised no concerns regarding the impact of the proposed development on these designated heritage assets, I am required to have special regard to the desirability of preserving the setting of the listed buildings. The listed buildings on Woolcott Lane sit within a largely rural landscape. However, due to the scale and nature of the development and its position some distance from these buildings, I am satisfied that the setting and significance of the listed buildings would not be adversely affected. Moreover, there is nothing before me to suggest a functional and/or historic link between the site and the listed buildings, including the former Red Lion Public House, which is separated from the site by intervening buildings.
24. While I acknowledge concern regarding the effect of the development on the listed buildings, there is no substantive evidence that the additional traffic generated by the development, including construction vehicles, would cause damage to them, including the former Red Lion Public House, which is located close to the entrance to Old Pound Court and therefore the entrance to the site.
25. For the foregoing reasons I conclude that the proposal would preserve the setting of the Church of St. George and the other listed buildings nearby and would not undermine their significance as heritage assets. In these regards it would accord with Policy 5 of the LP in so far as it requires development proposals affecting a heritage asset (including its setting) to be assessed

having regard to the desirability of sustaining and enhancing the significance of that asset and the aims and objectives of Section 16 of the Framework in respect of the historic environment.

Other matters

26. I acknowledge interested parties' comments regarding the type of housing proposed, in particular the size and tenure, which may not meet the need for smaller, more affordable units in the area. However, my attention has not been drawn to any specific policy requirement in that regard. Furthermore, I understand that the dwellings of the size proposed would contribute to the overall mix in North Dorset overall.
27. A Biodiversity Plan was submitted as part of the application which identifies the site as an area for foraging bats and the presence of dormice, which are a protected species. There is no substantive evidence to contradict the contents of the plan and these matters can be dealt with by a suitably worded condition. The appeal submissions indicate that the majority of the hedgerows and trees would be maintained, and the proposed dwellings accommodated on the site without significant effects on these biodiversity features. The Council's submissions indicate that while the appeal site is within the catchment of the River Stour, there are no known issues in terms of nutrient levels, and the site is not within the relevant impact risk zones.
28. While I understand the ground is quite often saturated, the site is within Flood Zone 1 and is at less than 25% risk of groundwater flooding. The Council's Lead Local Flood Authority has raised no objection to the proposal subject to a planning condition to secure a surface water drainage scheme. There is no substantive evidence that an appropriate surface water strategy could not be designed to ensure that surface water runoff from the development could be appropriately managed and disposed of in a way that would not increase flood risk elsewhere.
29. Concerns have been raised regarding highway safety as a result of increased traffic generation from the development, as well as construction traffic. However, the Highway Authority has raised no objection to the proposal given the likely modest increase in traffic from only 3 dwellings and the extent of the visibility at the junction of Old Pound Court and New Road. Based on this assessment and given my observations of the access arrangements at my site visit, I have no reason to reach a different view.
30. Interested parties have raised concern regarding the effect of the development on the living conditions of the occupiers of neighbouring properties in terms of outlook and privacy. However, given the separation distance between the proposed dwellings and the adjoining properties, subject to the provision of appropriate boundary treatment and the final design of the scheme, which is reserved for future consideration, there is no compelling evidence that the development would give rise to harm to the living conditions of the occupiers of the neighbouring properties.
31. There is no compelling evidence that the proposal would lead to undue pressure on existing infrastructure and services including schools, doctors, and roads, or that the loss of agricultural land would have any meaningful effect on food production.

32. I note concern that the granting of permission for the appeal scheme would set a precedent for future similar development, which would further erode the character of the area. However, no directly comparable sites to which this might apply were put forward. In any case, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.
33. It has been brought to my attention that planning permission was previously refused by the Council for residential development on the site and that similar applications have been refused elsewhere. However, I have assessed the appeal proposal on its own merits based on the evidence before me.
34. The Council's acceptance of the amended plans during the determination of the planning application is not determinative to the appeal.

Planning Balance

35. I have found that the proposed development would not be in a suitable location when judged against relevant LP and NP policies and would cause moderate harm to the character of the countryside.
36. The revised Framework at paragraph 226 releases certain local planning authorities from the obligation to identify a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of their housing target. This applies to those which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. For qualifying local planning authorities, the requirement is to identify a supply of specific deliverable sites sufficient to provide a minimum of 4 years' worth of housing against the housing requirement instead of a minimum of 5 years.
37. The Council alleged in this instance that due to its circumstances in plan making, it should only have to demonstrate a 4 year supply of housing land. I have had regard to the evidence before me and while I acknowledge that the Council has a plan that has passed through Regulation 18 stage that has not been formally withdrawn or abandoned, it will not be progressed and adopted in that form. A revised Local Development Scheme sets out how a new-style plan will be prepared starting in November 2024 and extending for a 30 month timetable. The new plan will use some of the evidence and background information already gathered but will start again from the beginning with new consultation leading, to all intents and purposes, to a new plan. Therefore, I conclude that the Council needs to demonstrate a 5 year housing land supply.
38. I note that the Inspector on appeal reference APP/D1265/W/23/3323727 (the 2023 appeal) reached a similar conclusion. In addition, the Council confirm that the Inspector hearing appeal reference APP/D1265/W/23/3336518 has confirmed in their note from the Case Management Conference that it does not benefit from the provisions of paragraph 226 of the Framework. While these have not been determinative, they reinforce my findings based on the evidence before me.
39. The Council has stated that its published housing land supply position is equivalent to 5.02 years. The Inspector in the 2023 appeal considered the

published position in some detail in their decision. They found that numerically, the established position is just 9 units above the required 5 year supply. On the evidence before them they found that the Council could not demonstrate a 5 year housing land supply and the Council concedes that is an important consideration.

40. The evidence before me from the appellant relates to 3 housing sites which they consider are not deliverable. One of those sites is the same as one considered by the Inspector on the 2023 appeal². While I cannot be sure I have the same evidence, they considered that the site should not feature in the deliverable supply at all, but even taking an optimistic view that approval may be forthcoming soon, the 40 units forecast for 2026/27 should be removed.
41. The evidence before me on this scheme, suggests that while there is a reserved matters application currently being considered by the Council, there are unresolved design and highways issues which have been ongoing for a lengthy period with no sign of resolution. There is nothing before me to suggest when the reserved matters application would be concluded and approved, and then if work would commence within 2 years, so as to contribute to the 5 year supply position in a meaningful way. I concur therefore with the Inspector on the 2023 appeal that these proposed dwellings are unlikely to be delivered within the proposed timescale in the Council's forecast and they should not be included in the supply figures. This site in itself, given that at least 40 dwellings should be removed from the alleged land supply, is sufficient to reach the conclusion that the Council is unable to demonstrate a 5 year housing land supply. Therefore paragraph 11 d) of the Framework, which indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, falls to be considered.
42. While 3 new houses would not greatly improve the overall total supply, given the current circumstances, notwithstanding the recent construction of new dwellings within the village, such additional provision would be valuable. Consequently, in this context, this weighs heavily in favour of the scheme. There would also be economic benefits during the construction phase of the development and long-term benefits to local expenditure when the dwellings are occupied, through the use of local services and facilities. Although weight to be attributed to such benefits would be limited due to the modest scale of the development.
43. I therefore find that the overall adverse impacts of the development do not significantly and demonstrably outweigh the benefits of 3 additional homes when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies and paragraph 11 d) indicates that permission should be granted. In this case it is a material consideration which outweighs the conflict with the development plan as a whole and indicates that planning permission should be granted for development that is not in accordance with it.

Conditions

44. The conditions set out in the accompanying schedule are based on those suggested by the Council in their appeal statement should the appeal be

² Lower Bryanstone Farm, Blandford St Mary

allowed. Where I agree the conditions are necessary, I have amended the wording, in the interests of precision and clarity, and to comply with advice in the Planning Practice Guidance (PPG). In addition to the standard condition controlling the timescale within which the development must commence, a condition is required to specify the relevant plans, in the interests of certainty.

45. Given the proximity of the site to neighbouring dwellings a condition to restrict hours of construction works, including deliveries, is necessary to protect the living conditions of the occupants of the surrounding dwellings during the construction phase. A condition requiring the submission and approval of a Construction Traffic Management Plan is necessary in the interest of highway safety. These details are required prior to the commencement of the development so as to ensure safety throughout the construction period.
46. A condition is imposed to agree a surface water drainage strategy to ensure surface water from the proposal is disposed of appropriately and does not exacerbate the risk of flooding elsewhere. This is worded as a pre-commencement condition as surface water drainage is an integral part of the development that may affect how it is constructed.
47. In the interests of highway safety, a condition is necessary to secure the construction of the access and parking to serve the development, I have consolidated the 2 conditions suggested by the Council so as to avoid repetition. To encourage the use of sustainable transport modes, details of cycle parking is necessary, as suggested by the Highway Authority.
48. Despite my findings in relation to the effects of the development on the setting of the NL, I understand that development located on the edge of a NL should comply with International Dark Sky Reserve criteria and that any external lighting should comply with Environmental Zone 1 of the lighting zones established by the Institute of Lighting Professionals in 2011 and updated in 2021. Consequently, and given the position of the site on the edge of a rural settlement, a condition to agree details of any external lighting is necessary in the interests of the character and appearance of the area.
49. A condition to require a detailed Arboricultural Method Statement, in accordance with the submitted tree protection plan, is necessary to safeguard the existing landscape features which are to be retained as part of the development. It is a pre-commencement condition because any recommendations therein need to be implemented before work on site can take place.
50. In order to conserve and enhance protected and priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the Framework, a condition is necessary to ensure the development is carried out in accordance with the details contained in the submitted Biodiversity Plan. However, as the Biodiversity Plan is based on earlier surveys from 2021, I have imposed a condition to require updated surveys as part of a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity), as well as a Landscape and Ecology Management Plan (LEMP) to ensure the ongoing maintenance of such features. These conditions are pre-commencement conditions because the

protection measures and mitigation need to be agreed before any works on site take place.

Conclusion

51. For the foregoing reasons, the appeal is allowed.

E Worley

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance and landscaping, (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 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 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: drawing number 17117.22 A Location Plan, drawing number 17117.36 A Site Section and Sketch View and drawing number 17117.32A Site/Block Plan.
- 5) Prior to the commencement of the development hereby approved a Construction Traffic Management Plan and programme of works shall be submitted to and approved in writing by the local planning authority. The Plan shall include:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) wheel washing facilities.

The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.

- 6) Demolition or construction works shall take place only between 08.00 to 18.00 Monday to Friday and 08.00 to midday on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) Prior to the commencement of the development hereby approved a scheme for the surface water drainage for the development shall be submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for its implementation. The development shall be carried out, and the drainage maintained and managed, in accordance with the approved details and shall be retained in perpetuity thereafter.

- 8) Prior to the first occupation of the development hereby permitted, the access, driveway, turning and parking areas shown on drawing number 17117.32A Site/Block Plan shall be constructed and surfaced with materials, the details of which shall be submitted to and approved in writing by the local planning authority. These areas shall be kept clear of obstruction and available for such use in perpetuity thereafter.
- 9) The development hereby permitted must not be occupied until a scheme showing precise details of the proposed cycle parking facilities is submitted and approved in writing by the to the Local Planning Authority. The approved scheme must be constructed before the development is occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.
- 10) Prior to the installation of external lighting on the site, details of the design, location, and the intensity of illumination of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Only the approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.
- 11) No site clearance, preparatory work or development shall take place until a detailed scheme for the protection of the retained trees (as shown on drawing number 5227-7-22 Tree Survey and Tree Protection Plan dated 6.7.22) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved prior to work commencing on site. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 12) All biodiversity mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Biodiversity Plan dated 28 July 2022.
- 13) Prior to the commencement of the development, a construction environmental management plan for Biodiversity (CEMP (Biodiversity)) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - a) Update ecological surveys for relevant habitats and species, update surveys shall follow national good practice guidelines.
 - b) Risk assessment of potentially damaging construction activities.
 - c) Identification of biodiversity protection zones.
 - d) Practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats and protected species during construction.
 - e) The location and timing of sensitive works to avoid harm to biodiversity features.
 - f) The times during construction when specialist ecologists need to be present on site to oversee works.

- g) Responsible persons and lines of communication.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

14) Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be retained, created, and managed on site.
- b) Ecological trends and constraints on site that might influence management.
- c) Proposals for ecological enhancements for habitats and species, including methods of creation/establishment.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period) covering a plan period of at least 30 years.
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.
- j) Full biodiversity metric assessment to demonstrate that the proposed ecological measures on site will deliver a net gain for biodiversity.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details and management prescriptions implemented across the site for the plan period.

*******end of conditions*******