

COMMITTEE REPORT

Date: 9 June 2022

Ward: Rawcliffe And Clifton
Without

Team: West Area

Parish: Rawcliffe Parish Council

Reference: 22/00192/FUL

Application at: Clifton Park Treatment Centre NHS North Yorkshire And York
Bluebeck Drive York YO30 5RA

For: Installation of temporary theatre unit, storage cabin and
additional car parking

By: Ramsay Health Care UK Ltd

Application Type: Full Application

Target Date: 20 April 2022

Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal is for a temporary (3 years) operating theatre, storage cabin and additional car parking at Clifton Park Treatment Centre. The scheme is funded by the NHS and seeks to reduce patient waiting lists resulting from the Covid-19 pandemic.

1.2 The new buildings are of modular type construction and will link through to the existing building. They will sit within the existing car park. To accommodate the additional parking requirements, new parking spaces will be formed to the north of the site within an area of open space. The new store is of a similar form to a storage container.

1.3 The site sits within the general extent of the Green Belt. Much of the surrounding land is within Flood Zone 2 but the existing building and parts of the existing car parking are outside of it.

1.4 The existing buildings are a purpose built in-patient hospital (planning application 04/02895/FUL) operated by Ramsay Healthcare. There are 2 operating theatres, 24 beds, a day case unit as well as large out-patients department. Car and cycle parking is provided outside the hospital.

2.0 POLICY CONTEXT

2.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

2.2 For the purposes of this application the development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS). These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt.

2.3 The saved RSS policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

2.4 The Publication Draft Local Plan 2018 (the 'emerging plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019, Phase 2 took place in May 2022. In accordance with paragraph 48 of the NPPF the emerging policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012.

2.5 The most relevant policies of the emerging plan are:

SS2	The Role of York's Green Belt
D1	Placemaking
D2	Landscape and Setting
G12	Biodiversity and Access to Nature

GI4	Trees and Hedgerows
GB1	Development in the Green Belt
HW5	Healthcare Services
CC1	Renewable and Low Carbon Energy
CC2	Sustainable Design and Construction of New Development
ENV3	Land Contamination
ENV 4	Flood Risk
ENV5	Sustainable Drainage
T1	Sustainable Access
T7	Minimising and Accommodating Generated Trips

2.6 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. It does not form part of the statutory development plan and its policies carry very limited weight.

2.7 The most up-to date representation of relevant policy is the National Planning Policy Framework 2021 (NPPF). Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area.

3.0 CONSULTATIONS

Rawcliffe Parish Council

3.1 Object as a result of the loss of amenity space and impact on local residents and dog walkers from the development of the car park. The Parish Council consider that the scheme with new high galvanised fence looks unsightly.

Public protection

3.2 Provision of 2 electric vehicle charging bays and potential for 2 more in the future if required should be secured via condition.

Design, conservation and sustainable development (landscape)

3.3 An area Tree Preservation Order covers the site and a large tract of land beyond it. The trees affected by the proposal are unlikely to be subject to this order due to their relatively young age. Some trees are to be removed to enable the development. Two silver birch trees to be removed are of good quality they are not the main landscape feature which is a group of silver birch trees just beyond the

boundary and unaffected by the application. A horse chestnut, also to be removed, is not in good condition and could be replaced, while a flowering cherry plum is attractive but quick growing and could readily be replaced. Mitigating planting could be achieved and secured via condition.

3.4 The area of open grassland with scrub and trees around the perimeter, to the north of the treatment centre, is recognised as 'amenity' open green space in the CYC open space audit and therefore makes a valid contribution to the recreational value of the local green infrastructure. There is little curtilage to the north of the existing building and therefore the change in character from built form to meadow is quite abrupt. The new fence line would increase the curtilage and provide opportunity to create a softer transition. Despite this the proposal is for car parking which would bring the developed character further into the natural open space.

3.5 The meadowland to the north of the site provides a natural environment with a series of informal paths linking Shipton Road and Rawcliffe Meadows. The proposed car park extension would result in the removal of some tree cover, and would bring the hospital grounds to within very close proximity to the southern footpath. Due to the open character of the land, the development is also exposed to view from the other two routes. The main visual impact would be experienced by way of a loss to the depth of the natural environment and by bringing development of an urban nature closer to the eye. From Shipton Road there is good screening from the existing hedgerow and tree line. The existing fencing around the site is relatively subtle as a result of its grey colour, proposed fencing could copy this. Similarly lighting is proposed and will bring development further into the meadow however light is already emitted from the building and existing car park so additional impacts will be small.

3.6 Space for soft landscaping on site is minimal. The surrounding meadow appears to be within the ownership of the applicant and there could be scope for some limited tree planting here to reduce visual impact of the development.

Design, conservation and sustainable development (Ecology)

3.7 Conditions are recommended to provide biodiversity enhancements in line with the submitted Preliminary Ecological Appraisal and protect nesting birds.

Highways network management

3.8 The proposed car parking exceeds the guidance levels by 5 spaces overall. Given the location of this site, objections are not raised to this application on these

grounds. Conditions are recommended to secure cycle parking, a construction management plan and implementation of a travel plan.

4.0 REPRESENTATIONS

Neighbour notification and publicity

4.1 One letter of support received from the chief executive of York NHS Trust outlining the urgent need for the facility to deal with backlogs of patients waiting for surgery.

4.2 Three letters of objection have also been received. These raise the following concerns:

- Work has already started on site
- Impact on wildlife habitats
- Consultation with residents has not been undertaken
- Impact of lighting for car park on wildlife
- Insufficient screening of car park
- Materials and colour of car park fencing
- Noise from mobile unit
- Refuse bins should be of a colour to blend in with the landscape
- Local environment is being eroded

5.0 APPRAISAL

MAIN ISSUES

- 5.1 Green Belt
Landscape and visual impact
Highways considerations
Biodiversity
Flood risk and drainage
Other issues
Very special circumstances

GREEN BELT

5.2 For the purposes of s.38(6) Planning and Compulsory Purchase Act, the proposals should be assessed against the saved RSS Green Belt policies. Policies

contained within the National Planning Policy Framework are also material considerations.

5.3 The 2005 DCLP shows the site, and wider Clifton Hospital area, as Green Belt with Shipton Road forming the boundary. In contrast, recent amendments to the emerging Local Plan (Topic paper 1 Green Belt Addendum January 2021) show the developed area of Clifton Hospital to be outside the Green Belt with the boundary following the developed area. This results in part of the site (that occupied by the existing Clifton Park Treatment Centre and parking) as outside the Green Belt and the area to the north (proposed for new car parking) as within the Green Belt.

5.4 It is the Local Planning Authority's position that until a Local Plan for the City of York is adopted, development management decisions relating to proposals falling within the general extent of the Green Belt are made on the basis that the land should be treated as Green Belt. Therefore Green Belt policies set out within the NPPF apply to the determination of this development proposal.

5.5 Paragraph 147 of the NPPF states: 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 148 goes on to state: 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.

5.6 Paragraph 149 of the NPPF states: 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The proposed temporary operating theatre would not meet any of the defined exceptions set out within paragraph 149 of the NPPF. The new parking area represents a material change of use in the land and falls to be considered under paragraph 150 of the NPPF where such changes are appropriate provided they preserve openness and do not conflict with Green Belt purpose. The scheme should however be taken as a whole and, as a result the proposals would, in this context, be considered to amount to inappropriate development within the Green Belt.

IMPACT ON THE OPENNESS OF THE GREEN BELT

5.8 As set out in Paragraph 137 of the NPPF. One of the essential characteristics of Green Belts are their openness and their permanence. There is no definition of 'openness' in the NPPF. However it is commonly taken to mean the state of being free from development, the absence of buildings and relates to the quantum and extent of development and its physical effect on the site. Guidance in the National Planning Policy Guidance indicates that factors which can be taken into account when considering openness include, but are not limited to:

- Spatial and visual aspects
- Duration of the development and its remediability
- Degree of activity likely to be generated.

5.9 Policy GB1 of the emerging plan states that permission will only be granted for development where:

- i. The scale, location and design of development would not detract from the openness of the Green Belt;
- ii. It would not conflict with the purposes of including land within the Green Belt; and
- iii. It would not prejudice or harm those elements which contribute to the special character and setting of York.

5.10 There are unresolved objections to Policy GB1 that will be considered through the examination in public of the Local Plan and therefore it should only be afforded limited weight in the decision making process for the purposes of this application.

5.11 The site is currently partly occupied by a healthcare facility with associated parking and to the north is open meadow. The introduction of a temporary building within the existing built up part of the site would reduce openness both spatially and visually but this impact would be relatively small given the existing buildings on site. Impacts on openness from the proposed car parking to the north would be greater given that this land is undeveloped. Impacts would be reduced by the proximity to existing development, relatively secluded location, and temporary nature of the proposal. It is noted that the proposals are temporary and provision can be secured via condition to return the land to its previous state (ie car parking and meadow).

IMPACT ON GREEN BELT PURPOSES

5.13 The proposed development would be inappropriate development in the Green Belt. It would lead to a degree of harm to the openness of the Green Belt. Paragraph 138 of the NPPF sets out that the Green Belt serves five purposes. These are:

- a) To check the unrestricted sprawl of large built up areas;

- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict land and other urban land.

5.14. The primary purpose of the York Green Belt is to safeguard the special character and setting of the historic city as referred to in Policy YH9C of the RSS and Policy SS2 of the 2018 emerging local plan, although weight can only be attached to the latter. Topic Paper 1: Approach to defining York's Green Belt Addendum (2021) identifies that the developed area of the site serves no Green Belt purpose however the open land to the north is important for preserving the setting of the historic city, preventing unrestricted sprawl and safeguarding the countryside from encroachment. Development on this site would therefore cause harm to Green Belt purpose.

LANDSCAPE AND VISUAL IMPACT

5.15 The proposed operating theatre buildings and store would have little visual impact as they would be viewed in the context of the existing buildings.

5.16 The new car park area however introduces development into an area recognised as amenity open space and this land therefore makes a valid contribution to the recreational value of the local green infrastructure. While the existing building has little curtilage to the north resulting, currently, in a sharp change of character between the built development and open space, the new scheme will bring development further into the natural open space.

5.17 Despite this, views of the development will be limited. There are no formal public rights of way within the open space although a series of informal paths criss-cross the area connecting Shipton Road and Rawcliffe Meadows. These informal paths will be very close to the new car park and clearly visible resulting in a reduction in natural environment. From Shipton Road the existing hedge and trees provide good screen although there will be some oblique views through gaps in vegetation and during the winter months.

5.18 The proposed fencing is not overly prominent in the landscape and is appropriate. Similarly, lighting columns are proposed which would bring development further into the space particularly during the hours of darkness in the

winter. However light is already emitted from the existing buildings and car park and the additional impact would be small.

5.19 The proposed car park results in the loss of a small number of semi-mature trees of species which can be readily replaced if appropriate. The two main groups of silver birch (one within the site and one just outside) are to be retained. The proposal includes the creation of a native hedgerow to the north and east of the new car park.

HIGHWAYS CONSIDERATIONS

5.20 There are currently 54 car parking spaces (30 staff, 21 visitors and 3 disabled) on site including. The proposal results in the provision of 38 staff parking spaces, in the new car park to the north, 5 staff parking spaces to the west of the site, 25 visitor parking spaces and 3 disabled spaces. This is an over-provision of 1 space which is not considered significant given this location.

5.21 There are 10 existing bike stands on site providing parking for 20 bicycles. There is visitor cycle parking adjacent to the entrance and further covered cycle stands for staff to the west of the building. There is sufficient space around the visitor cycle parking to accommodate a range of bicycles. Submission of an updated travel plan prior to commencement, and annually reviewed, could identify whether further cycle parking was required following implementation of the proposals.

BIODIVERSITY

5.22 A preliminary ecological appraisal has been submitted to support the application. This discusses the need for biodiversity enhancements in accordance with paragraph 174d of the NPPF with an aim to providing biodiversity net gain. A biodiversity enhancement plan has been submitted and includes provision of a native hedge around the north and east of the car park, bat boxes, hedgehog holes in fencing and bird nesting boxes. These recommendations are secured via condition. The scheme would as a result be in accordance with the NPPF and policy GI2 of the emerging Local Plan.

5.23 There is potential for nesting birds on site there precautionary methods are recommended where vegetation removal is required during the nesting bird season. These are to be secured via condition.

FLOOD RISK AND DRAINAGE

5.24 The proposed car park is within Flood Zone 2 although the hospital itself is predominantly in Flood Zone 1. NPPF paragraph 168 notes that applications for minor development (non-residential extensions with a footprint less than 250m²) and changes of use do not require a sequential or exception test but should still meet the requirements of site specific flood risk assessments. The site is protected by flood defences.

OTHER ISSUES

5.25 A number of the issues raised in the representations have been covered above and are addressed by planning conditions. The scheme has been assessed by the Council's Ecologist and appropriate mitigation is considered to be secured.

5.26 Officers are aware that the temporary building is now on site and that work has begun on the construction of the car park to the rear. The applicant has been informed that any work undertaken prior to receiving planning consent takes place at their own risk, and attention has been particularly drawn to their responsibilities to nesting birds under the Wildlife and Countryside Act 1981.

VERY SPECIAL CIRCUMSTANCES

5.25 The proposed development represents inappropriate development in the Green Belt. Paragraph 147 of the NPPF explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 says when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.26 In this instance harm has been identified through inappropriateness, as well as some impact on openness and harm to Green Belt purpose.

5.27 The following considerations have been put forward to justify the proposal:

The proposal has solely been generated as a result of demand from the NHS due to a backlog of operations resulting from the Covid 19 pandemic. Clifton Park Hospital has a shortage of operating theatre space and its viability as a continuing health care provider is at risk if more cannot be provided. The hospital has been used much more by the NHS recently and this has heightened the demand for short-term residential health care on site. The initial request is for a temporary period of 3 years.

The new building will provide for the vast majority of orthopaedic elective surgery in the city with the remaining capacity being used to create additional day case capacity for urology patients. The theatre will enable the NHS Trust to protective surgical elective capacity from Covid-19 surges and winter pressures.

The new building will be sited within an area identified as not serving any Green Belt purpose and therefore removed from the Green Belt following adoption of the emerging Local Plan.

6.0 CONCLUSION

6.1 The above report outlines how the proposed development, subject to conditions, can be compliant with the NPPF with regards to impacts upon the highway network, sustainable travel, biodiversity, flood risk and drainage.

6.2 At present the site is considered to be within the general extent of the Green Belt. As a result the proposal is considered inappropriate by definition. Further harm has been identified as a result of the impact on openness of the new building and the proposed car park. The car park introduces development, albeit in a relatively modest form, into an area previously undeveloped and will therefore cause harm to the Green Belt purpose of safeguarding the countryside from encroachment.

6.3 Paragraph 148 of the NPPF requires that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. These other considerations take the form of a

known and urgent need for additional operating theatre capacity to address NHS waiting lists as a result of the Covid 19 pandemic. It is considered that this provides the justification to clearly outweigh the harm through inappropriateness, and other identified harm, as required by paragraph 148. The application is recommended for approval subject to planning conditions.

7.0 RECOMMENDATION: Approve

1 The development or works hereby permitted shall be discontinued and the land reinstated to its former condition at or before 3 years from the date of this decision.

Reason: To preserve Green Belt purpose and openness.

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Location plan

Proposed site plan 6687-P04 F

Proposed ground floor plan 6687-P05 E

Proposed elevations 6687-P06 A

Portastore elevations PSN6-171

Tree protection plan BA11219TPP P

Biodiversity enhancement plan (Dryad Ecology Dated May 2022)

Bird protection plan

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

4 No works shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include but not be limited to the following information:

- where constructing over existing tarmacked areas, showing how the existing building will be served without disruption to the highway network.
- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- a dilapidation survey jointly undertaken with the local highway authority
- the routing for construction traffic that will be promoted;
- a scheme for signing the promoted construction traffic routing;
- where contractors will park
- hours of operation (inc. deliveries);
- where materials will be stored within the site and
- contact details for the main contractor

Works shall be subsequently implemented in accordance with the approved details.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents or the safe and free passage of highway users

5 Protection of existing trees shown to be retained shall be in strict accordance with the approved Tree Protection Plan.

Reason: To safeguard the welfare of existing trees that are protected by a tree preservation order and/or make a significant contribution to the amenity of the development and/or area.

6 No vegetation removal shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority before such works commence

Reason: To ensure that nesting birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

7 Development shall be carried out in accordance with the recommendations of the Biodiversity Enhancement Plan (Dryad Ecology Dated May 2022) and any mitigation required by that plan shall be completed no later than the end of the first winter dormancy period following issue of this decision. Maintenance shall be undertaken in accordance with the schedules contained within the Biodiversity Enhancement Plan.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to

contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

8 Within 3 months of the date of this decision a Travel Plan, based on the '2021 - 2022 Travel Plan Clifton Park Hospital', shall be submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the approved Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly annual travel surveys, carried out for the 3 years of the development, shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure that traffic flows from the site can be safely accommodated and to promote the usage of sustainable means of transport.

9 Within 30 months of the date of this decision a revised biodiversity enhancement plan shall be submitted and approved in writing by the Local Planning Authority. The revisions will address the methods proposed, timescales and maintenance schedules for the reinstatement of the car park site to its original habitat. The approved details shall be fully implemented and maintained in accordance with the approved details.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

10 Prior to occupation, a "lighting design strategy for biodiversity" for the new car park shall be submitted and approved in writing by the Local Planning Authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and

locations and timescales set out in the approved strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that the introduction of artificial light does not mean that protected species active at night (bats) are disturbed or discouraged from using areas of existing habitat.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Requested further information in relation to biodiversity impacts

2. In the UK, due to the decline in bat numbers in the last century, all species of bat are protected by the Wildlife & Countryside Act (1981) as amended, Countryside and Rights of Way Act (2000) and the Conservation of Habitats and Species Regulations 2017 (as amended). Planning consent for a development does not provide a defence against prosecution under this act. Because of their protected status, it should be noted that if bats are discovered during the course of the work, all works must cease and Natural England must be informed immediately. It is an offence for anyone to disturb or handle a bat without the appropriate licences. This may cause some delay but should not prevent the work continuing, provided that due account is taken of their presence.

When designing external lighting its potential impacts on light sensitive species, such as bats, should be taken into account. Advice on lighting design for light sensitive species is available from the Bat Conservation Trust (2018) Bats and artificial lighting in the UK guidance:

<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>

3. The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring

hedgehog.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles.

<https://www.britishhedgehogs.org.uk/wp-content/uploads/2019/05/developers-1.pdf>

4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. As such habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Contact details:

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