

Recommendation Report for

REF NO: CM/7/20/PD

LOCATION: Ryebank Lodge
Gravetts Lane
Climping
BN17 5RF

PROPOSAL: Prior notification under Schedule 2, Part 3, Class Q for the change of use of agricultural building to dwelling (C3).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Change of use of existing brick, timber-clad and stone agricultural barn into a 2 bedroom dwelling house. The footprint and form of the existing barn would remain. External alterations would comprise a replacement timber entrance door and the insertion of six panels of glazing to the front/eastern elevation, and the addition of 3 rooflights to the front/eastern roof slope. The elevations would remain as brick, timber clad and the existing southern elevation which is in stone would be clad in timber. The roof would remain as tiled. The plans do not clearly indicate a parking and garden area, however, the block plan shows an area of hardstanding to the front of the barn that could be used for parking, and the red line site boundary encompasses an area to the rear of the barn which could be used as a private garden area.
SITE AREA	0.01 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	100 dph.
TOPOGRAPHY	Predominantly flat.
TREES	Mature trees on and around site. Not in Conservation Area and no TPOs. None likely to be affected by the proposed development (change of use and minor external alterations).
BOUNDARY TREATMENT	Unenclosed but with tree cover to frontage with road and farmland to sides and rear.
SITE CHARACTERISTICS	The site consists an agricultural barn on farmland situated on a country lane.
CHARACTER OF LOCALITY	Rural farmland. The site is within the designated Countryside. To the north east is Ryebank House, a residential

property/farmhouse. Farm buildings and silos to the south east of the site. To the west is Hobbs New Barn and paint-balling facility. To the south is the coast.

REPRESENTATIONS

None from local residents or Parish Council.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A.

CONSULTATIONS

WSCC Strategic Planning
Environment Agency
Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS:

No objection. Proposals not considered to result in a material increase/change in character to traffic in vicinity of the site, and no highways safety concerns. Appears to be sufficient space to accommodate car parking. Provision of secure and undercover cycle parking should be secured (planning condition to be applied).

ADC ENVIRONMENTAL HEALTH:

No objection raised with regard to noise impacts or contamination risks, subject to conditions. Given nearby paintballing facility and farm activity, suggest planning condition for proper insulation of converted dwelling to protect future occupants from noise disturbance. Also suggest, given the previous use of the building with a petrol tank underneath, and potential for contamination that this needs to be risk assessed by a suitably qualified, independent professional and the full potentially contaminated land condition should be applied. Also recommend condition regarding asbestos.

ENVIRONMENT AGENCY:

Flood Zone 1 - no comments to make.

ADC DRAINAGE:

No objection.

If the applicant seeks to connect to the foul sewer this connection should not include surface water drainage (due to inundation issues in the nearby Lidsey Water Treatment Catchment Area).

If the applicant wishes to drain surface water to the nearby watercourse they will require land drainage consent - informative can be applied.

Given that there is no change in impermeable area no surface water/drainage conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and matters addressed in 'Conclusions' section of this report.

POLICY CONTEXT

Designation applicable to site:

Countryside

Flood Zone 1

WSSC Mineral Consultation Area (Arun Waste Services)

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PERMITTED DEVELOPMENT BACKGROUND:

This application is to be determined under the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in respect of:

(a) A change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order; or

(b) Development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

The principle of the development is not in dispute. Class Q allows for the change of use (and the associated limited building operations) except where (as set out in Q.1):

(A) the site was not used solely for an agricultural use as part of an established agricultural unit:

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

(B) in the case of -

(i) a larger dwellinghouse (100m²-465m²), within an established agricultural unit

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

(C) in the case of -

(i) a smaller dwellinghouse (less than 100m²), within an established agricultural unit

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

(D) the development under Class Q (together with any previous development under Class Q) within an

established agricultural unit would result in either or both of the following -

- (i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
- (ii) the cumulative number of separate dwellinghouses having a use falling within Class C3(dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

(E) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

(F) less than 1 year before the date development begins -

- (i) an agricultural tenancy over the site has been terminated, and
- (ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

(G) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit -

- (i) since 20th March 2013; or
- (ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

(H) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

(I) the development under Class Q(b) would consist of building operations other than:

- (i) the installation or replacement of:
 - (aa) windows, doors, roofs, or exterior walls, or
 - (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house; and
- (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(I)(i);

(J) the site is on article 2(3) land;

(K) the site is, or forms part of:

- (i) a site of special scientific interest;
- (ii) a safety hazard area;
- (iii) a military explosives storage area;

(L) the site is, or contains, a scheduled monument; or

(M) the building is a listed building.

In addition, the curtilage must comply with the interpretation provided at Part 3, Paragraph X of the GPDO 2015 which states that: "curtilage means, for the purposes of Class Q, R or S only-

- (i) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or
- (ii) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,

.... whichever is the lesser";

Where a proposal is permitted development in accordance with the above, Class Q (paragraph Q.2 (1)) states that an application must be made to determine whether or not the prior approval of the Council will be required. The Council can only have regard to the following impacts:

- (a) Transport and highways impacts of the development;
- (b) Noise impacts of the development;
- (c) Contamination risks on the site;
- (d) Flooding risks on the site;
- (e) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order, and
- (f) The design or external appearance of the building,

The Order also states that the provisions of Paragraph W shall apply in relation to any application. Part (10) of paragraph W includes the following: "The local planning authority must, when determining an application-

- (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8); and,
- (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012(a), so far as relevant to the subject matter of the prior approval, as if the application were a planning application;"

It is considered that this allows the local planning authority to have regard to any of the representations received and also to the NPPF and National Planning Practice Guidance (NPPG) but only in respect of the 6 issues set out above. Advice has previously been received from the DCLG which confirmed that it is not possible to refuse prior approval on the basis of an issue/impact not listed within the Order. The Local Planning Authority has 56 days to provide its comments to the applicant's agent or it is deemed that they have no objection. This period expires on 9th June 2020.

NOTE ON BUILDING WORKS:

As noted above, Q.1 (I) allows for the installation or replacement of walls and roofs. Q.1 (I) (ii) also allows for partial demolition in order to facilitate the building operations allowed by Q.1 (I) (i). It is also noted that section 55(2)(a) of the Town and Country Planning 1990 Act provides that the carrying out, for the maintenance, improvement or other alteration of any building, of works which affect only the interior of the building, or do not materially affect the external appearance of the building, are not to be taken for the purposes of the Act to involve development of the land.

It is also noted that paragraph 105 (Reference ID: 13-105-20180615) of the Government's online Planning Practice Guidance (PPG) states that:

"Building works are allowed under the right permitting agricultural buildings to change to residential use. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it

is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right."

And that:

"Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q."

Therefore, new walls & roofs, windows and doors can be added to the structure and this would still be considered a conversion. It is also possible to carry out purely internal works and these would not amount to development under the Act provided that the completion of those works does not in itself constitute a material change of use. This being the case, it is considered that the structure of the building could be strengthened to better facilitate conversion and that this would be outside the scope of development control.

ANALYSIS OF PERMITTED DEVELOPMENT RESTRICTIONS:

(A): The land is known to have previously been in use as part of Ryebank Farm with the application site containing the barn. The application form confirms that, since the 1980s, the barn has been used for the storage of farm spares, hay and straw and is now largely redundant/unused. Its last use was as agricultural storage.

Section 336 of the Town and Country Planning Act 1990 defines agriculture as including "horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly".

(B) - (D): The development proposed consists a "Larger dwelling house" and it does not exceed the maximum floorspace of 465 square metres nor the cumulative number of separate dwellinghouses of 3; the proposals would result in 1 new dwellinghouse with a floor space of approximately 175 square metres.

(E) - (F): The application form confirms the site is not currently occupied under any agricultural tenancy and has not had a tenancy on it within the last year.

(G): No development under class A or B of the GPDO has taken place on the site.

(H): The proposed works would not extend beyond the external dimensions of the existing building at any given point.

(I): The proposal includes a replacement door, new windows, new rooflights and one new timber clad wall (currently stone).

(J): The site is not on article 2(3) land.

(K): The site is outside of any of these areas.

(L): There are no scheduled monuments on site.

(M): The building is not listed.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

TRANSPORT & HIGHWAYS IMPACTS:

The Local Highway Authority do not consider that the change to a C3 dwelling would have a material increase or a material change on the character of traffic in the vicinity of the site. The proposed residential use is likely to be less intensive and reduce traffic movements on and near the site compared to the agricultural use. Vehicles would be able to turn and egress the site in forward gear, and there is no evidence to suggest the junction of the road with Gravetts Lane is operating unsafely or that the proposals would exacerbate an existing highways safety concern. Therefore, there is no objection on highway grounds.

There would be a requirement for 2 car parking spaces on site for a property of this size (2 beds) in this location (PBZ 1), as per the Arun Parking SPD 2020. No vehicular parking provision has been shown on the plans.

However, there appears to be sufficient space in the area of hardstanding at the front of the barn to accommodate car parking. Provision of secure and undercover cycle parking (minimum of 1 space to accord with ADC Parking SPD) should be secured to offer sustainable modes of transport to future occupants. Planning conditions will be applied with secure car and cycle parking.

NOISE IMPACTS:

ADC Environmental Health have not raised an objection to the proposals on the basis of noise. To the north east of the site (approx. 40m away) is Ryebank House, a residential property/farmhouse. There are farm buildings and silos approx. 170m to the south east of the site. To the west around 500m away is Hobbs New Barn and paint-balling facility. There is a passing farm track which has farm traffic coming and going. The Environmental Health Officer has said that, given the nearby paintballing facility and farm activity which could cause noise disturbance to the future occupants, they would suggest a planning condition to ensure the proper insulation of the converted dwelling. A planning condition is to be added accordingly.

The use itself as a 2 bedroom residential dwelling, would not have harmful noise impacts on nearby occupants. There are existing dwellings nearby and therefore, the typical noise associated with a dwelling would not be harmful to the character of the area and is unlikely also to adversely affect any of the existing dwellings nearby. It is suggested that a planning condition be applied limiting the hours of construction to protect neighbouring properties from noise during the construction phase.

CONTAMINATION RISKS:

ADC Environmental Health have not raised an objection to the proposals on the basis of contamination, subject to conditions. They have confirmed that the Council holds no record of contaminated land on the site. It is noted, from the application form, that the barn was originally constructed in the 1930s to house an underground petrol tank, and that this was decommissioned in the 1980s and the underground tank

filled with concrete, so it remains in situ but in an inert and stable condition.

The Environmental Health Officer has suggested that, given the previous use of the building with a petrol tank underneath, and potential for contamination that this needs to be risk assessed by a suitably qualified, independent professional and the full potentially contaminated land condition should be applied. In addition, they also recommend the asbestos condition because as soon as a building becomes residential, the duty relating to maintaining an asbestos register ceases to exist and the Council needs to make sure no residential property has asbestos (or if it does, there is a record of where it is, what it is and how it is managed). Planning conditions will be applied accordingly.

FLOODING RISKS:

The site lies in Flood Zone 1 and therefore there are not considered to be any flood risk issues to consider. Environment Agency have confirmed they have no comments to make.

ADC Drainage have commented that given that there is no change in impermeable area they have no surface water/drainage conditions to request. They highlight that any alterations to surface water drainage must be designed and constructed in accordance with building regulations. In addition, if the applicant seeks to connect to the foul sewer this connection should not include surface water drainage (due to inundation issues in the nearby Lidsey Water Treatment Catchment Area) and if the applicant wishes to drain surface water to the nearby watercourse they will require land drainage consent. Informatives will be added accordingly.

SUITABILITY OF THE SITE:

Class Q (paragraph Q.2 (1)) advises that these applications can be determined with regard to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a residential use.

Guidance within the Governments online Planning Practice Guidance is as follows:

Paragraph 108 (Reference ID: 13-108-20150305): "The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house."

Paragraph 109 (Reference ID: 13-109-20150305):

"Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable".

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on

the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant."

The site lies on relatively level ground, in close proximity to at least one other residential dwelling (Ryebank House) and is served by a private maintained road, which connects nearby with a classified A road (Gravetts Lane, A259). Connection to services e.g. electricity and water would be possible. As such, it is considered that the location and siting of the building is neither impractical or undesirable for the conversion to a residential use.

DESIGN & EXTERNAL APPEARANCE:

It is considered that the external appearance of the conversion dwelling would be similar to that of the existing barn and the proposed external alterations would be of a good design. Since the proposed materials have not been annotated on the drawings, it is recommended that a planning condition be applied to ensure any materials used would be sympathetic (e.g. timber framed glazing) to the appearance of the barn and its rural location.

ECOLOGY:

The applicant has not supplied any surveys relating to ecology and protected species, such as bats or barn owls which may be present within the barn. However, it is not possible to consider ecology under the remit of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Informatives will be included to alert the applicant to their obligations under the Wildlife and Countryside Act 1981 with regard the protection of protected species and wildlife.

SUMMARY:

It is considered that this conversion is acceptable with regard to the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in that, subject to planning conditions, there are no highway issues, no noise or contamination issues, no flood risk issues, no design issues and the location is not considered to be impractical or undesirable.

HUMAN RIGHTS ACT

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms

of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010:

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

- 1 No part of the development shall be first occupied until 2 on-site car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 2 No part of the development shall be first occupied until covered and secure cycle parking spaces (minimum of 1 space) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policy T DM1 of the Arun Local Plan.

- 3 Details shall be compiled by a competent acoustician on sound insulation and noise reduction for the -building and shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter. Prior to the commencement of the development hereby approved, a scheme shall be submitted to demonstrate that the internal noise levels within the residential unit will conform to the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014.

Reason: To protect the amenity of local residents in accordance with policies D DM1, QE SP1 and QE DM1 of the Arun Local Plan.

- 4 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents and future occupants of the dwelling in accordance with Policy QE DM4 of the Arun Local Plan.

- 5 INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. As the proposed development is being renovated to residential, the Council need to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register, and any remedial strategy (where appropriate), must be provided in writing to the Local Planning Authority prior to any works commencing.

Reason: To protect the amenity of local residents and future occupants of the dwelling in accordance with Policy QE DM4 of the Adopted Arun Local Plan.

- 6 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

- 7 INFORMATIVE: If the applicant intends to drain surface water to a watercourse, Land Drainage Consent will be required.

- 8 INFORMATIVE: For the avoidance of doubt the approved details are the proposed floor plans and elevations submitted on Drawing No. PD-002 Rev A, received 03/06/2020.
- 9 INFORMATIVE: Surface water should not drain to the public foul sewer, and any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.
- 10 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 11 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.