

Application Number	2024/0334/REM
Case Officer	Anna Jotcham
Site	Land adj Orchid Way Writhlington Radstock Somerset
Date Validated	21 February 2024
Applicant/ Organisation	The Ammerdown Estate
Application Type	Reserved Matters Application
Proposal	Application for approval of reserved matters following outline approval 2020/1169/OTS for 6no. dwellinghouses with details of access. Matters of appearance/landscaping/layout/scale to be determined.
Division	Mendip Hills Division
Parish	Kilmersdon Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

## 8. WHAT 3 WORDS

The application site can be found by entering the following words into the What 3 Words website / app (<https://what3words.com/>)

///bottled.colonies.incorrect

## SCHEME OF DELEGATION

This application has been referred to the Chair and Vice Chair of Planning Committee as the case officer's recommendation (for approval) is not in accordance with that of the Parish Council. Both have confirmed that the application should be taken to Committee for the reasons of public interest, transparency and to discuss the concerns raised by the Parish Council.

## SITE DESCRIPTION AND PROPOSAL

The site consists of 0.25ha of agricultural land accessed by the Orchid Way estate. The site is flat, with overall falls from east to west. The site is bounded to the north and west by the Orchid Way estate, to the east by the A362 Frome Road (where is it bounded by a hedge), and to the south by open countryside (this boundary is not formalised). The site lies almost wholly with Somerset (Mendip - East), but a small section of the site adjacent to the access is in the Bath and North East Somerset (BANES) jurisdiction. The northern boundary of the site abuts the boundary between the two local authorities.

Outline planning permission (ref: 2020/1169/OTS) for the erection of 6 dwellings with access was granted in March 2021.

This application seeks reserved matters approval relating to layout, scale, appearance and landscaping of the site.

The application will deliver three pairs of semi-detached three-bedroomed dwellings (two storeys) with garages. The layout includes 18 parking spaces (three for each dwelling).

The application also includes:

- An Update Ecology Appraisal (January 2024)
- Drainage Strategy (February 2024)
- Noise Impact Assessment (February 2024)
- Arboricultural Method Statement (January 2024)
- Energy and Sustainability Statement (February 2024)
- Transport Note (July 2024)

## **RELEVANT PLANNING HISTORY**

Planning history for the application site (which is within Somerset):

2014/1587/OTA – Outline planning permission for residential development comprising up to 6 dwellings with vehicular access via Frome Road consistent with permission reference ref:

13/01709/OUT along with landscaping planting to the southern boundary – REFUSED – 11.08.2014 – *DISMISSED ON APPEAL: 02.11.2015.*

2020/1169/OTS – Outline Planning Permission for the erection of 6no dwellinghouses with details of access (amended site plan due to surface water drainage requirements) – APPROVED – 01.03.2021.

Planning history for the development of Orchid Way estate (which is within BANES):

13/01709/OUT – Outline application for residential development comprising up to 53 dwellings (of which 35% affordable), vehicular access from Frome Road, pedestrian/cycle access from Knobsbury Lane, and public open space adjacent to Knobsbury Lane – APPROVE – 23.05.2014.

14/04499/RES – Reserved Matters application for the erection of 53 dwellings with associated landscaping following Outline approval 13/01709/OUT – PERMIT – 12.02.2015.

Planning history for part of access (which falls within BANES):

24/00682/FUL – Creation of new vehicular access adjoining Orchid Way – REFUSED – 21.06.2024.

Refused for the following reason:

*"The application results in the creation of an unsafe access, connecting to new residential development through the shared space of Orchid Way and would result in increased vehicle usage by through traffic across a private space that is not suitable in terms of its design, nor safe for such usage, to the detriment of vehicular traffic and pedestrians. The proposal is therefore considered to be contrary to Policy ST7 of the Bath*

*& North East Somerset Local Plan Partial Update Placemaking Plan and the National Planning Policy Framework, which seek to provide safe and suitable access to all development sites."*

*[OFFICER NOTE: An email was received from the planning agent on 18.07.2024 confirming their intention to proceed with this current application (which includes the access approved under the extant outline permission) and review their options in relation to this BANES refusal, including appealing the decision].*

## **SUMMARY OF ALL PLANNING POLICIES AND LEGISLATION RELEVANT TO THE PROPOSAL**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies – Post JR Version (December 2021)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Made Neighbourhood Plans

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- DP1 – Local Identity and Distinctiveness
- DP5 – Biodiversity and Ecological Networks
- DP6 – Bat Protection
- DP7 – Design and Amenity of New Development
- DP8 – Environmental Protection
- DP9 – Transport Impact of New Development

- DP10 – Parking Standards
- DP23 – Managing Flood Risk

Other possible relevant considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- Design and Amenity of New Development Policy DP7 SPD (March 2022)

## **SUMMARY OF CONSULTATION RESPONSES**

The consultation responses are summarised below. Full comments can be viewed on the public website.

**Divisional Member** – No comments received.

**Kilmersdon Parish Council** – Objection. Residents are concerned about flooding and safety during the construction phase. They would like to a separate access for the six dwellings (rather than through the existing housing estate).

**Radstock Town Council (in BANES)** – Objection due to cross boundary development which will impact local services and amenities, increase in traffic, and flooding concerns.

**Ecologist** – No objection, subject to conditions.

**Environmental Protection** – No comments to make.

**Highways Authority** – No objection (following receipt of further information), subject to conditions.

**Lead Local Flood Authority** – No comments to make. This is a minor application and falls below the requirements for LLFA statutory consultation.

**Tree Officer** – No objection. The information submitted in respect of trees fulfils the requirements of condition 7 of the outline (2020/1169/OTS).

**Waste Services** – No objection, but the location and layout may create challenges for the following reasons:

- The existing development is in BANES and the proposal is in Somerset so different collection methods, frequencies, days and type of vehicles is likely.
- Collections would be subject to a risk assessment by our contractor through the existing highway if it is privately maintained, and permission may not be given to the owner.
- The communal collection point is set further back into the development more than the recommended walking distance to the lorry. Two of the plots already

exceed the recommended transportation distance to a collection point and a third in on the border of the recommended distance.

- The proposed collection point is in the middle of the development and would be facing houses, potentially making it an eye sore.
- If there are issues of fly-tipping on either section of private land as a result on confused collection points, who would resolve any issue (BANES or Somerset)?

**Bath and North East Somerset (BANES) Council Planning Department – No comments received.**

### **Local Representations / Third Party Comments –**

9 objection comments received raising the following issues (summarised):

- Highway safety and access:
  - o Access is through a privately owned estate that is maintained financially by existing residents.
  - o There are no pavements within the existing estate and roads are narrow and dangerous.
  - o Increased traffic, congestion, and accidents (development will only add to the already overused junction Manor Road, Frome Road, Old Road, Knobsbury Lane).
  - o Poor visibility from the existing estate onto the A362.
  - o The structure and finish of the road is not suitable for heavy traffic or large vehicles as it is block paved.
- Drainage and flooding issues.
- Residential amenity:
  - o Noise disturbance to future occupiers from the nearby road.
  - o Disruption and nuisance to existing occupiers during the construction phase.
  - o Loss of views towards open fields.
- Unsustainable location for housing development:
  - o Poor public transport /reliant on cars to access employment, facilities and services.
  - o Doctors, dentist, schools and shops mostly over capacity.
- Loss of agricultural land (brownfield sites preferred).
- Ecological implications.
- Planning redline boundary does not show access to the public highway.
- It is not clear if either the Orchid Way Management Company or the Orchid Way Landowner has been approached and consulted regarding the proposal.
- Reduction in house prices.

## **ASSESSMENT OF RELEVANT ISSUES**

### **PRINCIPLE OF DEVELOPMENT**

The principle of development was established under planning reference 2020/1169/OTS. The application seeks consideration of the reserved matters in relation to scale, layout, appearance, and landscaping for the site.

It should be noted that the adjacent Orchid Way housing estate, and a section of the vehicular access connecting the application site to Orchid Way, lies within the BANES authority boundary. A separate planning application to create part of the access which falls within BANES was refused by BANES planning authority in June 2024. Irrespective of this refusal, the remainder of the access road, as well as the dwellings, fall within the Somerset authority boundary and the details of this reserved matters application are consistent with the outline planning permission.

### **RESERVED MATTERS (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING)**

The outline application was supported by an illustrative masterplan to demonstrate how the six dwellings could be accommodated on the site. The layout has evolved since the outline planning permission was granted and changes have been made to the internal road (beyond the 'fixed' access point) and to the position and orientation of the dwellings.

The current scheme proposes three pairs of semi-detached dwellings with pitched roof single garages to the side. Plots 1 and 4 run parallel with the northern boundary and are set back from the boundary line with approximately 10m deep gardens at the rear. Plots 5 and 6 are arranged perpendicular to plot 1 and 4 (facing west) and have irregular shaped rear gardens to the east with the A362 (Frome Road) beyond. Parking within the site is an equal mix of garages, in-curtilage forecourts, and courtyard parking.

The configuration of the scheme follows the grain of the neighbouring Orchid Way development and safeguards the privacy and amenity of the neighbouring properties. The layout creates a wide elongated courtyard space to the south of the entrance and allows for a generous amount of landscaping at the front of each property and within the shared courtyard/parking space.

The houses will be two storeys high which is in keeping with the neighbouring properties. Likewise, the materials as illustrated on the elevation drawings reflect the palette used locally and include a mix of recon stone and render for walling, recon stone sills, lintels and quoins, brown clay pantile roofing, uPVC windows, and door canopies. The walls of the cycle/bin stores will be clad in timber. The final materials will be agreed through the approval of sample panels.

Boundary and surface treatments have been indicated on the submitted plans and are considered acceptable. In terms of landscaping, existing trees and hedgerows will largely be retained and augmented by new trees and native species rich hedgerows. The proposal offers a design which maximises private and shared landscaping areas.

The layout, scale, appearance and landscaping of the proposed development is acceptable and has regard to the local context. The proposal complies with policies DP1 (Local Identity and Distinctiveness) and DP7 (Design and Amenity of New Development) of the Local Plan.

## **HOUSING MIX**

The development consists of six three-bedroom houses which will contribute to the variety of housing needs in the plan area in line with policy DP14 (Housing Mix and Type) of the Local Plan.

## **IMPACT ON RESIDENTIAL AMENITY**

It is acknowledged that the proposed development will change how the immediate neighbours experience the site. However, there are sufficient buffers and boundary treatments between the proposed dwellings and the existing development to the west on the Orchid Way estate.

Whilst neighbouring occupiers will inevitably experience disturbance during the construction period, this will be temporary and on a relatively small scale. In line with National Planning Policy Guidance, conditions should only be imposed if they directly relate to the reserved matters (para 025 Reference ID: 21a-025-20140306). However, given local concerns expressed through the consultation process, the applicant is willing to accept a condition requiring the submission of a Construction Management Plan, to ensure that any concerns with construction traffic can be adequately managed.

Third party objection comments have raised concerns about proximity of the site to the A362 (Frome Road) and the potential noise disturbance from this road to future occupiers of the dwellings. The submission is accompanied by a Noise Assessment which confirms that the development will be able to achieve appropriate internal noise levels with double glazing and trickle ventilation. The Council's Environmental Protection Officer has reviewed the noise assessment and has not raised any concerns.

The development would not pose significant harm to the amenities of neighbouring occupiers and would provide an adequate standard of amenity for the proposal's future occupiers. The development therefore complies with policies DP7 (Design and Amenity of New Development) and DP8 (Environmental Protection) of the Local Plan.

## **WASTE AND RECYCLING**

The access road will be a private road, used only to access the six new dwellings. As a private road, there will be no direct access for refuse trucks and residents will be expected to store their refuse on their own premises and move their bins to a shared collection point within the central courtyard on collection day. Refuse operators will be required to back up their vehicle in the existing turning head of Orchid Way and walk to the central collection point within the development. The walking distances as set out on

the accompanying Waste and Recycling Plan (ref: PL5/A) within the submission are considered to be acceptable.

The Council's Waste Services team agrees that whilst the location and layout of the scheme may create challenges from a waste perspective the potential conflict and nuisance issues do not offer up a firm reason for refusal in this instance.

## **IMPACT ON FLOODING AND DRAINAGE**

The site lies within Flood Zone 1 and the Environment Agency Flood Maps indicate that it is at a very low risk of surface water flooding. However, anecdotal evidence shows that the site is at greater risk.

The application includes a Drainage Strategy (by Campbell Reith Hill LLP, dated February 2024) and a detailed drainage layout plan (ref: 5050/P4).

To mitigate the surface water flood risk, the overall proposed ground levels will be raised to at least 135.00mAOD. The finished floor levels of all plots will be maintained at a minimum of 135.45mAOD or higher, to give a minimum 300mm freeboard above surface water flood levels, and to ensure foul water flows are be drained by gravity.

An area of ground south of the site will be lowered to levels below 134.80mAOD to compensate for loss of surface water flood storage. A swale, with invert at 134.80m, will act as an overflow from this lowered area carrying flows northwards. The swale will have a top level of 135.1mAOD.

All surface water flows collected from the site will be discharged via an underground geocellular soakaway system that is sized to account for the storm water discharge for events up to an including the worst-case scenario of a 1 in 100 year +45% climate change event, through the use of infiltration. Surface water will also be collected using permeable paving, gutters and downpipes to help manage water quantities and quality.

Foul water will be collected and discharged to the nearest Wessex Water foul water sewer, located in the eastern end of the existing Orchid Way development. Wessex Water have agreed to this.

The details submitted are considered to be acceptable and addresses the matters raised by condition 6 on the outline planning permission. The site layout has changed slightly during the course of this application so the drainage layout plan may need to be updated (consequently, it is not included within the approved plans list). Irrespective, the development complies with policies DP23 (Managing Flood Risk) of the Local Plan.

## **SUSTAINABILITY AND RENEWABLE ENERGY**

The application is supported by an Energy and Sustainability Statement. The proposal will use air source heat pumps and will provide electric vehicle (EV) charging points to



all plots. The proposals will also ensure that the water usage of all dwellings will be a maximum 125 litres per person per day. The combination of these measures will ensure that the proposal delivers a reduction of 3,145kgCO<sub>2</sub>/year and complies with policy DP7 (Design and Amenity of New Development) of the Local Plan.

## **IMPACT ON HIGHWAY SAFETY – MOVEMENT AND PARKING**

Third party concerns have raised concerns about the access and traffic passing through the existing Orchid Way housing estate to reach the application site. However, the principle of the housing development, including the access and the number of transport movements that would be generated, has already been established through the outline planning permission (2020/1169/OTS).

It is understood that a management company (REMUS) operates a service charge on the neighbouring housing estate, and the fees collected are responsible for paying towards maintenance of common parts of the site. The residents of the estate do not own the highway. Contractual agreements would be drawn up to agree that any defects to the road caused during the construction of the application site would be resolved once the development is completed (i.e. a Highway Condition Survey). As the road is private, there is no requirement for the Council to impose a condition requiring a highway condition survey as it is not involved in the maintenance of Orchid Way.

Following the submission of revised details and additional information in relation to access and manoeuvrability within the site layout, the Highways Authority has raised no objections to the proposal, subject to the use of planning conditions. These have been attached where necessary and in addition to conditions imposed on the outline permission.

It is not considered that the proposal will raise any significant or severe highway safety issues or have a detrimental impact on the existing highway network. On this basis, the proposal is considered to be in accordance with Policies DP9 (Transport Impact of New Development) and DP10 (Parking Standards) of the Local Plan.

## **IMPACT ON ECOLOGY**

A Preliminary Ecology Appraisal was conducted in April 2020 and submitted with the outline application. Given the age of the original appraisal an updated survey (carried out by Seasons Ecology, dated January 2024) has been submitted. Since the previous survey it is noted that scrub, tall herbs and ruderal vegetation are encroaching on the site.

The Council's ecologist has considered the findings of the report and has not raised any objection to the scheme, subject to the inclusion of conditions. These conditions relate to the submission and approval of a Construction Environmental Management Plan (CEMP), a Landscape and Ecological Management Plan (LEMP), an external lighting

plan and installation of biodiversity enhancement features (e.g. bat/bird boxes, bee brick and hedgehog accessible fencing).

Given that the outline was approved prior to mandatory Biodiversity Net Gain (BNG) and that conditions attached to the outline permission already secure compliance with hard and soft landscaping details, retained hedgerow and tree protection, approval of external lighting details and provision of bat and bird boxes it is not considered that additional conditions are necessary in this instance and meet the six conditions tests set out within the National Planning Policy Framework (NPPF). No further conditions are imposed.

## **ARBORICULTURAL IMPLICATIONS**

An Arboricultural Method Statement with Tree Protection Plan (supplied by Savills, dated 2024) has been submitted. The Council's Tree Officer has reviewed the report and considers that the information is sufficient to address the matters reserved by condition 7 on the outline permission.

## **OTHER MATTERS**

It is acknowledged that the redline boundary of the site does not extend to the highway and that access to the A362 (Frome Road) is via the existing Orchid Way housing estate (which is in BANES). However, the redline boundary replicates the one used on the outline application, so in this instance is considered appropriate.

The loss of a view and impact on property values are not material planning considerations.

## **PLANNING BALANCE / CONCLUSION**

The scheme will deliver six new houses utilising the access arrangements which have already been agreed under 2020/1169/OTS. Further conditions are recommended to ensure that further details are submitted for approval of material samples, a Construction Traffic Management Plan and electric vehicle charging points and parking bays.

Paragraph 11 of the NPPF also remains a relevant consideration given the date of adoption of Local Plan 1 and the current 5-year land supply position. The assessment as set out above confirms that there are no adverse impacts as a result of the proposals which would significantly and demonstrably outweigh the benefits that will be delivered.

In summary, the reserved matters in relation to appearance, layout, scale and landscaping for the approved development under outline planning permission 2020/1169/OTS are considered to be acceptable and in accordance with the relevant guidance as set out in the NPPF and the policies of the development plan as listed above.

The conditions pursuant to the outline planning permission will need to be complied with in terms of the development approved under this 'reserved matters' submission, and the following additional conditions are recommended.

A separate application for approval of details imposed by condition on the outline permission will be required.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## **EQUALITIES ACT**

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

## **Recommendation**

Approval

## **Conditions**

### **1. Plans List (Compliance)**

This decision relates to the following drawings:

- 20 Feb 2024 - PL1A - LOCATION PLAN
- 25 Jul 2024 - PL2A/A - SITE LAYOUT
- 25 Jul 2024 - PL3/B - SOFT LANDSCAPING LAYOUT
- 25 Jul 2024 - PL4/A - WALL MATERIALS & BOUNDARY TREATMENT PLAN
- 25 Jul 2024 - PL5/A - WASTE & RECYCLING PLAN
- 25 Jul 2024 - PL6/A - EV PARKING & CYCLE STORAGE
- 25 Jul 2024 - PL7/A - SITE LEVELS
- 25 Jul 2024 - PL10/A - HOUSE PLANS (PLOTS 1/2)
- 25 Jul 2024 - PL11/A - HOUSE PLANS (PLOTS 3/4)
- 25 Jul 2024 - PL12/A - HOUSE PLANS (PLOTS 5/6)
- 25 Jul 2024 - PL13/A - HOUSE ELEVATIONS (PLOTS 1/2)
- 25 Jul 2024 - PL14/A - HOUSE ELEVATIONS (PLOTS 3/4)

25 Jul 2024 - PL15/A - HOUSE ELEVATIONS (PLOTS 5/6)  
25 Jul 2024 - PL16/A - GARAGE ELEVATIONS  
25 Jul 2024 - PL17/A - STREET ELEVATION

Reason: To define the terms and extent of the permission.

2. **Sample Panel - Walling (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the character and appearance of the development and the surrounding area in accordance with Policy DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

3. **Construction Traffic Management Plan (Pre-commencement)**

No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

- 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;
- e) measures to control the emission of dust and dirt during construction;
- f) delivery and construction working hours.

The development shall thereafter be constructed in accordance with the approved Construction Traffic Management Plan.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

4. **Electric Vehicle Charging Points and Parking Bays (Pre-occupation)**

No occupation of any individual dwelling shall commence until the precise technical details of the electric vehicle charging points and parking bays shown on EV Parking and Cycle Storage drawing (ref: PL6/A) are submitted to and approved in writing by the Local Planning Authority. The approved scheme must be maintained, kept free from obstruction and available for the purpose specified in perpetuity.

Reason: To encourage use of electric vehicles and reduce carbon dioxide emissions in accordance with the Somerset County Council Electric Vehicle Charging Strategy (2020), Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (2014) and the Mendip District Council Supplementary Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan DP7 (adopted March 2022).

## Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
2. **Condition Categories**  
Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

**Compliance** - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

**Pre-commencement** - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

**Pre-occupation** - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area

Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
4. **Badgers**  
The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations, or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.