

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/01251/VRCON	Claire Ringwood	12 th February 2025

Address: Land at Whitworth Road (Dunelm) Car Park, Whitworth Road, Rochdale

Proposal: Section 73 application for the erection of Drive Thru Cafe (Class E) with access from Duke Street together with associated parking and landscaping without complying with conditions 9 (biodiversity) and 15 (servicing and delivery hours) of planning permission 23/01279/FUL

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	Y

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	Y
	Pre-commencement conditions agreed (or notification period expired)?	Y

RECOMMENDATION	GRANT subject to conditions
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CHECKED AND SIGNED OFF BY: RK

DATE: 14/02/2025

SITE

The application relates to the northern section of the Whitworth Road (Dunelm) car park which lies to the north of St Mary's Gate on the edge of Rochdale Town Centre.

Duke Street Mill lies immediately to the north of the site, beyond Queen Street. To the east of the site across Whitworth Road lie the food Warehouse and a B&M home store. To the west of the site are residential properties.

The site is within the Defined Urban Area (Policy G/D/1), a Physical Regeneration Area (Policy G/R/1) and an SSSI Impact Risk Zone as identified in the Proposals Map of the saved UDP.

PROPOSAL

The application seeks to vary condition 9 (biodiversity) and condition 15 (servicing hours) of planning permission 23/01279/FUL.

The application is seeking to extend the current delivery and service hours of the existing consent in order to meet Starbuck's operational requirements and enable Starbucks to trade from the proposed drive-thru café.

The covering letter submitted with the application states the servicing delivery do not extend beyond the intended trading hours of Starbucks. Starbucks service their stores outside of opening hours and this is reflected in the proposed delivery arrangements.

The changes to the hours as originally submitted would enable delivery and servicing to take place an hour earlier and two hours later on Mondays to Fridays, two hours earlier and nine hours later on Saturdays and between 08:00-21:00 on Sundays. Following an assessment of the application, the Monday to Friday times have been amended and this is covered in more detail below.

It is also proposed to remove the reference to opening hours in Condition 15 which states that the development 'shall not be open on Sundays and Bank Holidays'. This restriction contradicts the permitted opening hours set out under Condition 14 of '06:00-22:00 Monday to Sunday including Bank Holidays'.

In addition, Condition 9 refers to a scheme of biodiversity enhancements that 'shall be implemented in full prior to first occupation of the dwellings and retained thereafter'. The reference to dwellings is not relevant and the application changes the wording to 'drive-thru café unit' along with an amendment of Policy JP-G9 to JP-G8.

Conditions 9 and 15 are included in full below.

Condition 9 of 23/01279/FUL (deletions in ~~strike through~~ and additions in red)

The development hereby approved shall not be occupied until such time as a scheme of biodiversity enhancements for the site has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full prior to first occupation of the ~~dwellings~~ drive-thru café and retained thereafter.

Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policy G7 of the adopted Rochdale Core Strategy, policy ~~JP-G9~~ JP-G8 of the Places for Everyone joint development plan and the National Planning Policy Framework.

Condition 14 of 23/01279/FUL

The development hereby approved shall not be operated outside the hours of 06:00-22:00 Monday to Sunday including Bank Holidays.

Reason: To protect the amenity of nearby occupants and to accord with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Condition 15 of 23/01279/FUL

The development hereby approved shall not be serviced by deliveries outside the hours of 07:00-22:00 Monday to Friday, 09:00-12:00 Saturdays, and shall not be open on Sundays and Bank Holidays.

Reason: To protect the amenity of nearby occupants and to accord with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

PLANS AND DOCUMENTS SUBMITTED

The following plans and information submitted with the current application are:

Drawing No: 11390 – Location Plan
Noise Impact Assessment by NSL Noise Solutions Ltd, Project Ref: 90876 Rev 2,
Date: 1st February 2023, Revised: 14th June 2023
Received on 20th December 2024

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-Strat6: Northern Areas
JP-S1 Sustainable Development
JP-S4 Flood Risk and the Water Environment
JP-J1 Supporting Long-Term Economic Growth
JP-J2 Employment Sites and Premises
JP-G7 Trees and Woodland
JP-G8 A Net Enhancement of Biodiversity and Geodiversity
JP-C8 Transport Requirements of New Development

Adopted Rochdale Core Strategy (CS)

SO1 Delivering and more prosperous economy

E2 Increasing jobs and prosperity

SO3 Improving design, image and quality of place

P1 Improving image

P3 Improving design of new development

SO4 Promoting a greener environment

G7 Increasing the value of biodiversity and geodiversity

G8 Managing water resources and flood risk

G9 Reducing the impact of pollution, contamination and land instability

SO5 Improving accessibility and delivering sustainable transport

T2 Improving accessibility

DM1 General development requirements

SD1 Delivering sustainable development

Unitary Development Plan (UDP)

G/D/1 Defined Urban Area

G/R/1 Physical Regeneration

Supplementary Planning Documents (SPD)

Guidelines and Standards for Residential Development (2016)

RELEVANT SITE HISTORY

79/D09756 - Land Use For Car Parking And Erection Of Boundary Fence. Approved 10/01/1980.

79/D09757 - Fencing Of Land And Use For Vehicle And Caravan Sales. Refused 31/03/1980.

89/D23785 - Erection Of Lighting Columns To Access Road, Car Park And Garden Centre. Approved 12/10/1989.

00/D37893 - Continued Use As A Retail Unit Without Compliance To Condition 02 Of Planning Permission Number D22473 (Restricting A1 Use To Do-It-Yourself Goods Only) To Allow Full A1 Use With The Exception Of Food. Approved 25/08/2000.

23/01279/FUL - Erection of Drive Thru Cafe (Class E) with access from Duke Street together with associated parking and landscaping. Approved 01/11/2024.

24/00055/FUL - Proposed change of use of two existing units from retail (Use Class E(a)) to mixed-use/flexible retail (Class E(a)) and storage/distribution (Use Class B8), including trade counter uses with ancillary office space (Use Class E(g)). Withdrawn 14/11/2024.

SUMMARY OF CONSULTATION RESPONSES

Highways

Summary: No objection as unlikely to have any detrimental impact on the highway.

Transport for Greater Manchester

Summary: No objection.

Environmental Health (Noise)

Summary: No objection subject to the same condition as requested under 23/01279/FUL.

REPRESENTATIONS

Written notification letters were sent to occupiers of properties surrounding the development site and the application was publicised in the local press and site notices displayed. There have been no representations received.

ANALYSIS

Procedural Matters

The application seeks to vary conditions 9 and 15 of planning permission 23/01279/FUL which was for the erection of a drive-thru café (Class E) with access from Duke Street together with associated parking and landscaping.

It is noted that conditions relating to the above permission have not been discharged.

The amendments to the wording of condition 9 are acceptable as these are rectifying errors.

In regards to condition 15, the Council's Environmental Health Officer has reviewed the submitted Noise Impact Assessment and has advised there is no objection subject to the same condition being applied as for 23/01279/FUL. Condition 16 of 23/01279/FUL required the development to be constructed in accordance with the noise mitigation measures set out in the submitted Noise Impact Assessment which included *'cumulative noise from the site does not exceed 50 dB(A) between 07:00-23:00 and 40 dB(A) between 23:00-07:00 measured 1m from noise sensitive receptors'*.

Condition 14 of 23/01279/FUL restricts opening times outside the hours of 06:00-22:00 Monday to Sunday including Bank Holidays.

Condition 15 of 23/01279/FUL restricts deliveries outside the hours of 07:00-22:00 Monday to Friday, 09:00-12:00 Saturdays, and not at all on Sundays and Bank Holidays.

The proposed amendments to Condition 15 would mean that servicing would be undertaken between 06:00-00:00 Monday to Friday, 07:00-21:00 Saturdays and 08:00-21:00 Sundays and Bank Holidays. Officers queried how busy the drive-thru café would be later into the evening and why such late delivery times were being requested, particularly as the café has opening hours up to 22:00 and where other local Starbucks trade and business hours were controlled via condition to 22:00 (application ref: 11/D54230). Officers recommended delivery times of 06:00-22:00 Monday to Friday and agreed with the Saturday, Sunday and Bank Holiday hours. The agent agreed these times in an email dated 12th February 2025.

Officers consider it reasonable to allow servicing and deliveries on any day as the drive-thru café has planning permission to open Monday to Sundays including Bank Holidays which is also consistent with other Starbucks venues within Rochdale.

Conclusion

Taking the above into consideration, subject to the amended conditions, the amendments proposed are considered to be acceptable. It is not considered that the application presents any other changes in the overall nature of the development and as such has no bearing on the principle of the development or any other matters beyond those discussed in this report. As such the application proposals are in accordance with Policies DM1 and G9 of the Council's adopted Core Strategy, Guidelines and Standards for Residential Development (2016) and the National Planning Policy Framework.

RECOMMENDATION

GRANT subject to the following conditions:

Condition 1 – no change

The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

Condition 2 – no change

This permission relates to the following plans:-

- 11390 PL L01 (Location Plan)
- 11390 PL LO4 Rev. C (Proposed Site Plan)
- 11390 PL L05 Rev. D (Enlarged Site Plan)
- 11390 PL S02 (Proposed Site Section and Contextual Front Elevation)
- 11390 PL E01 Rev. A (Proposed Elevations)
- 11390 PL P01 (Proposed Ground Floor Plan)
- 11390 PL P02 (Proposed Roof Plan)
- 11390 PL S01 (Proposed Building Section)
- 11390 PL L02 (Existing Site Plan)
- 11390 PL L03 (Enlarged Existing Site Plan)
- 21G200/001 and 21G200/002 (Topographical Survey)

and the development shall be carried out in accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

Condition 3 – no change

No development shall take place until a Construction Management Plan (CMP) has been submitted to, and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include the following:

- 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. the erection and maintenance of security hoarding;

- e. the provision of wheel washing facilities; and
- f. measures to protect surrounding sensitive receptors from fugitive dust and debris both during and after the construction phase;

The approved method statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved method statement without the prior written permission of the Local Planning Authority.

Reason: To minimise construction disturbance and detrimental effects to the natural environment through risks of pollution during the construction phase in accordance with Policies DM1, G7 and G8 of the Core Strategy, Policies JP-P1 and JP-S1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: To ensure that a safe construction site can operate adjacent to a public car park and in the interests of protecting the public realm and the wider environment.

Condition 4 – no change

No development (other than works of site preparation) shall take place until an investigation and risk assessment (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place.

The submitted report shall include:

- i) details of site investigations and assessment to identify the potential extent, scale and nature of contamination on site.
- ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings hereby approved are first occupied.

Reason: To ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policy G9 of the adopted Rochdale Core Strategy, Policy JP-S1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Further investigation will be necessary prior to commencement of any building or engineering works on site.

Condition 5 – no change

No development shall take place until such time as full details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The drainage scheme shall include construction details of any drainage attenuation, flow control and outlet connection to culvert. The details shall also include provision or a short Maintenance Document explaining how the surface water scheme will be maintained and managed after completion.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation/ use of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage, manage the risk of flooding and pollution and to prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan, Policy JP-S4 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

Condition 6 – no change

No development (other than works of site preparation) shall take place until finished floor levels for the proposed buildings and finished ground levels across the site relative to agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of amenity and in compliance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: An understanding of proposed levels in relation to existing levels is required prior to commencement of any relevant engineering operations on site.

Condition 7 – no change

Notwithstanding any details of materials contained within the application, no above ground works shall take place until such time as a detailed specification of materials to be used externally in the construction of the development have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

For the avoidance of doubt, Material H (Off-white through colour render - K-Rend Silicone TC15 Ash White) shall not be utilised.

The development shall be carried out in accordance with the duly approved details thereafter.

Reason: In the interests of ensuring a satisfactory visual appearance to the development and in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 and JP-P2 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

Condition 8 – no change

a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

(b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with Core Strategy Policies G6 and G7, Policies JP-P1 and JP-G8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Amended Condition 9

The development hereby approved shall not be occupied until such time as a scheme of biodiversity enhancements for the site has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full prior to first occupation of the drive-thru café and retained thereafter.

Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policy G7 of the adopted Rochdale Core Strategy, Policy JP-G8 of the PfE and the NPPF.

Condition 10 – no change

Notwithstanding any details submitted as part of the application, no part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the duly approved details prior to the first occupation of the development to which the submission relates and the structures shall thereafter be retained.

Reason: In the interests of amenity and in compliance with policies P3 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Condition 11 – no change

No part of the development shall be occupied until such time as details for the design of policy compliant (at a minimum) bicycle storage facilities has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be installed in complete accordance and made available for use prior to the approved development first being brought into use. The approved bicycle storage facilities shall be retained thereafter.

Reason: To ensure the provision of satisfactory and secure facilities for bicycle parking in the interests of encouraging active travel in accordance with policy P2 of the adopted Rochdale Core Strategy, policy JP-C6 of the Places for Everyone joint development plan and the National Planning Policy Framework.

Condition 12 – no change

No part of the development hereby approved shall be occupied until such time as details of litter and recycling bins to be located within the site has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location and visual appearance of bins. The approved scheme shall be implemented prior to the first use of the development and retained for their intended purpose thereafter.

Reason: To facilitate the disposal of waste and recycling to prevent littering and the subsequent impacts to visual amenity and ecology and in accordance with Policies G7, P3 and DM1 of the adopted Rochdale Core Strategy, Policies JP-P1 and JP-G7 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Condition 13 – no change

The development hereby approved shall not be brought into use until such time as the parking and access arrangements as shown on the approved site plan have been implemented in full and made available for use. The parking and access arrangements shall be retained and maintained thereafter.

Reason: In the interest of highway and pedestrian safety and in accordance with Policies T2 and DM1 of the adopted Rochdale Core Strategy, Policies JP-C8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Condition 14 – no change

The development hereby approved shall not be operated outside the hours of 06:00-22:00 Monday to Sunday including Bank Holidays.

Reason: To protect the amenity of nearby occupants and to accord with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Amended Condition 15

The development hereby approved shall not be serviced by deliveries outside the hours of 06:00-22:00 Monday to Friday, 07:00-21:00 Saturdays and 08:00-21:00 Sundays and Bank Holidays.

Reason: To protect the amenity of nearby occupants and to accord with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Condition 16 – no change

The development hereby approved shall be constructed in accordance with the noise mitigation measures set out within the submitted Noise Impact Assessment ref. 90876 Rev. 2 dated 14th June 2023 by Noise Solutions Ltd.

For the avoidance of doubt, this includes that:

- The extract systems are fitted with attenuation as documented in appendix D of the submitted Noise Impact Assessment.
- The proposed acoustic barrier is installed as shown in appendix B of the submitted Noise Impact Assessment.
- Cumulative noise from the site does not exceed 50 dB(A) between 07:00-23:00 and 40 dB(A) between 23:00-07:00 measured 1m from noise sensitive receptors.

The required noise attenuation measures shall be retained and maintained as intended.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Condition 17 – no change

No external lighting shall be installed on the building or elsewhere on the site unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be fully implemented.

Reason: To ensure that any lighting to be installed on the site does not cause a nuisance to surrounding occupiers in accordance with policies P3, G9 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Condition 18 – no change

No goods or materials, which are either loose or contained, waste products or containers shall be stored on land outside buildings or designated enclosures at any time.

Reason: In the interest of visual amenity and highways and pedestrian safety and in accordance with Policy P3, T2 and DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Procedure Statement:

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Notes for Applicants:

INFORMATIVE:

The Local Planning Authority's reasons for its decision are set out in the accompanying officer's report.

INFORMATIVE:

The applicant is reminded of the need to submit and obtain formal approval of those details required by the conditions of this planning permission before development may lawfully commence on the site. The formal discharge of a planning condition is currently subject to payment of an additional fee per request: £34.00 for householder applications and £116.00 in all other cases.

INFORMATIVE:

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

INFORMATIVE:

The applicant is advised that the supply and delivery of refuse containers (including all wheelie bins and food waste caddies) for residential developments is chargeable and the responsibility for these charges rests with the applicant/developer. The cost is based on a variable rate per property depending on the property size and number of bedrooms but as an indication, the present charge for a suite of three 240l recycling bins and one 240l refuse bin is £144 per residence. Please contact environmental.management@rochdale.gov.uk for a quotation for your development.

INFORMATIVE:

Under Section 1 of the Wildlife and Countryside Act (1981) it is a criminal offense for a person to intentionally kill, injure or take any wild bird, or damage or destroy the nest of any wild bird whilst that nest is in use or being built. Additional care should be taken through the nesting season which runs from 1st March to 31st August inclusive. If any nesting bird is found or suspected which would be affected by the development, work should cease immediately and a suitably qualified ecologist should be contacted for advice at the expense of the applicant. Planning permission does not provide a defence against prosecution under the aforementioned act.

The applicant's attention is drawn to the list of protected species of animal under Schedule 5 of the Wildlife and Countryside Act (1981). Under this act, it is a criminal

offence if a person is to intentionally kill or injure , or intentionally or recklessly damages or destroys, disturbs or obstructs a structure or place which any specified wild animal uses for shelter. If any Schedule 5 animal is found or suspected which would be affected by the development, work should cease immediately and a suitably qualified ecologist should be contacted for advice at the expense of the applicant. Planning permission does not provide a defence against prosecution under the aforementioned act.

Report Author Claire Ringwood