

PLANNING APPEAL

LAND ADJOINING EDGE HILL, CELTIC WAY, BLEADON, WESTERN-SUPER-MARE BS24 0NA

APPELLANT'S STATEMENT OF CASE

Prepared on behalf of Mr A.E. James

Date: April 2018

Our ref: SJQ / 334728-1



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1. INTRODUCTION AND SUMMARY

1.1. This Statement of Case has been prepared by Ashfords LLP to support a Planning Appeal made on behalf of Mr A.E. James ('**the Appellant**') pursuant to Section 78 of the Town and Country Planning Act 1990 (as amended).

1.2. The Appellant, via his agent Mr Rex Woolley, submitted a planning application on 14 June 2017 to develop the site known as Land adjoining Edgehill, Celtic Way, Bleadon, Weston-super-Mare, BS24 0NA ('**the Site**'). The application, given reference 17/P/1484/F ('**the Application**'), was for:

'Erection of a two storey dwelling and a single storey detached garage following the demolition of existing stable building.'

This Appeal has been submitted following the refusal by North Somerset Council ('**the Council**') to grant planning permission pursuant to the Application on 23 October 2017. The four reasons for refusal given by the Council were:

'1. The proposed dwelling, by reason of its location outside of the settlement boundary for Bleadon, is unsustainable development that would have poor access to local amenities and facilities and that would rely on the private motor vehicle. The proposal is therefore contrary to the NPPF and policies CS1, CS14 and CS33 of the North Somerset Core Strategy.

2. The proposal, by reason of its prominent position on the side of Bleadon hill adjacent to the boundary of the Mendip Hills Area of Outstanding Natural Beauty, and by its design and appearance, would be harmful to the character and appearance of the surrounding area and to the natural beauty of the AONB. The proposal would also adversely affect views in to and out of the AONB and is therefore contrary to the NPPF, policies CS5 and CS12 of the North Somerset Core Strategy and policies DM10, DM11 and DM32 of the North Somerset Sites and Policies Plan (part 1).

3. No details of the diverted Public Right of Way have been provided with this application. By passing the Public Right of Way between a boundary and the proposed garage and across a residential garden the route would be less than

attractive and would not be equal to the quality of the existing route. The proposal is therefore contrary to policy DM25 of the North Somerset Sites and Policies Plan (part 1).

4. Insufficient information has been submitted with the application to allow the LPA to be certain that protected species would not be harmed by the development. The site is within an area known to have protected species including great crested newts and bats, and could impact the migratory routes of bats through the erosion of dark, green corridors. The proposal is therefore contrary to the NPPF, policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (part 1).

- 1.3. Our specific comments on these reasons for refusal are addressed in section 5 of this Statement of Case below.

2. DESCRIPTION OF THE APPEAL SITE and SURROUNDING AREA

- 2.1. The Site is within the village of Bleadon which is classified as an infill village for the purposes of the local development plan, although the Site does fall outside the settlement boundary.
- 2.2. The site is set on a slope bounded on the north and east sides by Celtic Way which drops from the north towards the east and south. There is a Public Right of Way ("PROW") running around the edge of the Site which lies between the existing dwelling, Mendip Croft, and the location of the proposed garage.
- 2.3. The Site currently comprises a stable with three paddocks set within a cutting and consequently is brownfield land.
- 2.4. Photographs of the Site and surrounding area are enclosed at Appendix 1 to this Statement of Case.

3. PLANNING HISTORY

- 3.1. The Appellant is largely unaware of the historical planning history of the Site, other than that stated in the officer's report which is as follows:

- 16/P/1113/PRE Erection of a two storey dwelling Pre-app decision
- 96/1849 Construction of three stables Allowed at appeal
- 56749/B The development for residential purposes. Refused
- 56749A The erection of a dwelling Refused
- 56749 The erection of a dwelling Refused

4. PLANNING POLICY FRAMEWORK

National Planning Policy Framework ("NPPF")

- 4.1. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 2 of the NPPF confirms the provisions in section 38(6) of the Planning and Compulsory Purchase Act 2004 that planning applications must be determined in accordance with the development plan unless material considerations indicated otherwise. The NPPF is a material consideration in planning decisions.
- 4.2. Paragraph 14 states that the presumption in favour of sustainable development is at the heart of the NPPF, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking, this means that where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- 4.2.1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole;
- 4.2.2. specific policies in the NPPF indicate development should be restricted.
- 4.3. Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority

cannot demonstrate a five-year supply of deliverable housing sites. Where such policies are not considered up to date under paragraph 49, then those parts of paragraph 14 which apply to instances where policies are out of date are engaged.

North Somerset Core Strategy (NSCS) (adopted January 2017)

4.4. The following policies in the North Somerset Core Strategy (adopted January 2017) were cited in the Council's reasons for refusal:

- 4.4.1. CS1 - this policy seeks to address climate change and carbon reduction;
- 4.4.2. CS5 - this policy seeks to protect the Mendip Hills AONB by ensuring development proposals conserve and enhance its natural beauty and respect its character;
- 4.4.3. CS12 - this policy places emphasis on high quality design and place-making;
- 4.4.4. CS14 - focuses on the distribution of new housing and the relative priority given to different settlements within the district;
- 4.4.5. CS33 - this policy sets out the approach how development should be controlled at infill villages, smaller settlements and in the countryside.

North Somerset Core Strategy (NSCS) (adopted July 2016)

4.5. The following policies in the North Somerset Sites and Policies Plan (part 1) were cited in the Council's reasons for refusal:

- 4.5.1. DM8 - this policy requires development proposals to take account of their impact on local biodiversity and identify appropriate mitigation measures to safeguard or enhance attributes of ecological importance;
- 4.5.2. DM10 - this policy is aimed at protecting and enhancing the diversity, quality and distinctive qualities of the landscape of North Somerset;

- 4.5.3. DM11 - that development will need to conserve and, where possible, enhance the landscape and scenic beauty of the AONB;
- 4.5.4. DM25 - protecting public rights of way (PROWs) and if development reduces, severs or adversely affects the use of the PROW, suitable mitigation should be made or a diversion or replacement which will be no less convenient, safe or as aesthetically attractive;
- 4.5.5. DM32 -this policy seeks to ensure high quality design of buildings and places throughout the district.

5. THE CASE FOR THE APPELLANT

The Council's five year housing supply and the planning balance

- 5.1. As set out in the officer's report, the Council are unable to demonstrate a five-year housing land supply. In these circumstances, paragraph 14 of the NPPF states that the presumption in favour of sustainable development means that planning permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole or unless specific NPPF policies indicate development should be restricted. It is this "tilted balance" which needs to be applied in determining the Application.
- 5.2. The provision of one dwelling will make a contribution to the supply of housing weighing in favour of the development proposed by the Application. Given the Council's absence of a five year supply, it only where the purported harms arising from the development proposed by the Application significantly and demonstrably outweigh the benefits that planning permission should be refused.

The First Reason for Refusal

Principle of Development

- 5.3. This reason for refusal cites Policies CS1, CS14 and CS33 of the Council's Core Strategy and the NPPF.

- 5.4. Whilst the Site does fall outside the development boundary, given it's extremely close proximity (120 - 130 metre distance), occupiers of the proposed dwelling would still benefit from all of those amenities that those within the Bleadon settlement boundary enjoy. Local facilities such as the Bleadon Café, Farm Shop and Post Office, the Queen's Arms Pub and the Parish Church are all within walking distance. The Site also sits beside a bus stop which benefits from a regular bus service. It therefore seems unreasonable to dismiss the Application as unsustainable development, or as contrary to Core Strategy Policies CS14 and CS33, in light of its negligible distance from the development boundary.
- 5.5. Enclosed at Appendix 2 to this Statement of Case is a copy of an officer's report and of planning permission (reference 17/P/2278/O) for a comparable scheme to that proposed in the Application: "Outline application for the erection of a single dwellinghouse and garage" at Land adjacent to Rivermead, Purn Way, Bleadon. This scheme was granted permission by the Council on 22 November 2017.
- 5.6. The Inspector will note that the site of the development proposed in the Rivermead scheme also fell outside the Bleadon settlement boundary. However, the officer concluded that due to its close proximity to the existing settlement of Bleadon it was accessible to local services and facilities and therefore in a sustainable location. Refusing the Application on the basis that the Site is in an unsustainable location is not only an unreasonable position to maintain given its proximity to Bleadon, it is inconsistent with the approach taken by the Council elsewhere.
- 5.7. Core Strategy Policy CS33 advocates that residential development of an appropriate scale will be supported within the boundaries of infill villages such as Bleadon providing that: the form of the development respects the scale and character of the settlement; the size, type and tenure and range of housing has regard to local needs; and there is no significant adverse impact on service delivery and infrastructure provision and the local infrastructure is sufficient to accommodate the demands of the development.
- 5.8. The modest scale of the development proposed by the Application is responsive to the surrounding area and clearly will not result in a significant detrimental impact to

service delivery or local infrastructure which is sufficient to accommodate the additional dwelling proposed.

- 5.9. CS1 relates to the addressing of climate change and carbon reduction. It is not clear which limb of this policy the Council believe the proposed development conflicts with. In fact, it is submitted that the Application satisfies the most relevant limb of this policy, CS1(8), which encourages the re-use of previously developed land (or brownfield land) and existing buildings (such as the appeal Site) in preference to the loss of greenfield sites.

The Second Reason for Refusal

Area of Outstanding Natural Beauty ("AONB") and Design

- 5.10. This reason for refusal cites Policies CS5 and CS12 of the Council's Core Strategy, Policies DM10, DM11 and DM32 of the Council's Sites and Policies Plan (part 1) and the NPPF.
- 5.11. The Site currently comprises a block stable building, which could be effectively reused to enhance the view towards the AONB, rather than falling into a state of disrepair.
- 5.12. The plans submitted with the Application show that the proposed dwelling would sit sheltered within the existing hillside, with much of the existing vegetation retained, in order to be sympathetic to the surrounding area. Furthermore, the choice of the colour of the materials and the use of the particular wall finish are all designed to protect and enhance the landscape. Consequently, the design and placement of the proposed development have been carefully considered so that views towards the AONB would be preserved and unspoiled.
- 5.13. The Appellant also disagrees with the assessment in the officer's report that the design would be alien to the area and therefore visually intrusive. The Site is surrounded by a number of dwellings on Celtic Way which are diverse and inconsistent in design terms: there is not, as the officer's report seems to suggest, one single form of design in the immediate area with which the proposed dwelling does not correspond.

- 5.14. There are a number of prominent dwellings to the north east of the Site, on the eastern site of Celtic Way which fall within the AONB: notably the properties known as Hill Cottage, Hellenge House and the Dell which sit elevated off Celtic Way. In comparison to these properties, the Site drops downwards on the eastern side of Celtic Way. The placement of the proposed development / dwelling means that it would not therefore be visible from the AONB.

The Third Reason for Refusal

Public Right of Way

- 5.15. This reason for refusal cites Policy DM25 of the Council's Sites and Policies Plan (part 1).
- 5.16. The Appellant does not need to submit any details showing alterations to the existing PROW because the development as proposed by the Application will have hardly any bearing on the footpath. It will become evident to the Inspector when carrying out their site visit and walking down the PROW that there the proposed development would not reduce, sever or adversely affect the existing PROW.
- 5.17. The Council may have placed weight on the fact that Application drawing 2931/4 refers to a "diverted footpath". However, on reviewing the location of the proposed development as against the existing PROW the Appellant is satisfied that there would be no need for a diversion to the existing PROW. There is adequate space for the existing route of the PROW between the proposed garage and the boundary of Mendip Croft to simply be retained and, if considered desirable by the Inspector, the route could be further enhanced / protected by landscape planting (secured by way of condition) alongside the boundary of the Site.
- 5.18. Consequently, it is submitted this reason cannot be sustained as a reason for refusing the Application.

The Fourth Reason for Refusal

Protected Species

- 5.19. The fourth reason for refusal cites Policy CS4 of the Council's Core Strategy, Policy DM8 of the Council's Sites and Policies Plan and the NPPF.
- 5.20. Enclosed at Appendix 3 to the Statement of Case is a statement of support prepared by Clarkson and Woods Ecological Consultants which directly responds to the assessment in the officer's report of the impact of the proposed development on protected species, which underpinned the fourth reason for refusal.
- 5.21. The report concludes that in view of the small scale of this development it is highly unlikely that the proposals will have a significant impact on the favourable conservation status of any protected species. In any event, the proposed development, if granted, could be suitably conditioned in order to further guard against any residual ecological risks.

6. THIRD PARTY AND CONSULTEE COMMENTS

- 6.1. Bleadon Parish Council has no objection to the application.
- 6.2. Subject to the imposition of suitable conditions, there is no objection to the application by the highways and transport arm of the Council.
- 6.3. Some of the neighbouring consultee comments talk about the protection of greenfield development, and prioritising of development of brownfield land, as a reason for refusing the Application. However, as noted above and in the officer's report the Site is primarily brownfield land. Other comments mention the impact on Celtic Way, although as noted above and by the Council's highways department, given the small scale of the proposed development, the effect on local traffic volumes would be minimal.

7. CONCLUSION

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.

7.2. In this case, the Application complies with the relevant provisions of the development plan as set out in this Statement of Case. In particular, the Appellant has demonstrated that the proposed development:

- is sustainable development that would benefit from good access to local services and facilities;
- would respect and enhance the view towards the Mendip Hills AONB and would have no impact on the views out of the AONB;
- would not reduce, sever or adversely affect the existing PROW;
- is highly unlikely to have a significant impact on the favourable conservation status of any protected species, something which could be further guarded against by conditions in any event.

7.3. The Council has an inadequate housing supply. This appeal should be determined in accordance with paragraph 14 of the NPPF, which provides that where relevant policies are out of date, permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate development should be restricted.

7.4. The benefits of the Application, including the provision of much needed housing, sensitive and careful design, clearly outweigh any purported adverse impacts, and it is respectfully requested therefore that the Appeal is allowed.

ASHFORDS LLP

Solicitors on behalf of the Appellant

APPENDIX 1 TO APPEAL STATEMENT OF CASE

PHOTOGRAPHS OF THE SITE



View from the Site to East



Views across the Site to the West from Celtic Way



Bus stop adjacent to Site - Looking North



Properties opposite the Site to North and East



Footpath (PROW) running along the West of the Site



View to the North from Celtic Way, facing towards the AONB, away from the Site



Existing Stable Block at Site



Properties to the North and North West of the Site

APPENDIX 2 TO APPEAL STATEMENT OF CASE
OFFICER'S REPORT AND GRANT OF PLANNING PERMISSION
RIVERMEAD DEVELOPMENT, BLEADON

**NORTH SOMERSET COUNCIL
DELEGATED PLANNING APPLICATION
REPORT SHEET**

Target Date: 22 November 2017
Extended date:

Application No. 17/P/2278/O **Application Type:** Outline Planning Permission
Proposal: Outline application for the erection of a single dwellinghouse and garage, with matters of access and layout to be considered. Matters of appearance, landscaping, and scale reserved for subsequent approval
Location: Land Adjacent to RIVERMEAD, Purn Way, Bleadon, Weston-super-Mare, BS24 0QF

Planning History/Background – most recent applications

No previous planning history on the site.

Monitoring Details (if applicable)

1 four bedroom dwelling.

Policy Framework

The site is affected by the following constraints:

- Outside the settlement boundary for Bleadon.

The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS2	Delivering sustainable design and construction
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS33	Smaller settlements and countryside

The Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016)

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM28	Parking standards
DM32	High quality design and place making

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

Section No	Section heading
6	Delivering a wide choice of high quality homes
7	Requiring good design

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)

Consultation Summary

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Parish/Town Comments

Bleadon Parish Council agreed to object to the planning application for the following reasons:

Access - The current layout and plan would not accommodate refuse collection vehicles and fire appliances. The block plan layout does not indicate a satisfactory layout to accommodate three vehicles.

High visual impact to the area - Public footpath is enjoyed by Parishioners and visitors to the village, the views from within the village will be spoiled and lose its attraction for walkers and visitors.

Wildlife and ecology impact - Detrimental effect on the flora/fauna and wildlife within the area.

Safety - There is a single track/pathway of which there is public right of way for pedestrians via the footpath which links one end of the village to the other. This is a popular and highly used footpath. An increase in road traffic would be hazardous / dangerous for users.

Settlement Boundary - this application is outside of the settlement boundary.

Neighbour's Views

11 comments received, 2 from one objector and 3 from one objector, the principal planning points made are as follows:

- The site is outside the settlement boundary
- Extra strain on existing sewage system
- The access is inadequate for refuse and larger vehicles to access
- Surface water will increase
- Disruption and damage to highway during construction

- The site is not in a sustainable location
- Impact on biodiversity
- Loss of views into the countryside
- Development will set a precedent
- Would adversely effect the rural character of the village
- Light pollution
- Adverse impact on highway safety
- Dispute over the ownership of the access lane

Conclusions

This application is in outline; only matters of access and layout are being considered all other matters are reserved for future determination. However, illustrative plans show how the dwelling and garage and how the access could be accommodated.

The principle of development

In principle the erection of a dwelling in the countryside is not acceptable however, residential policy should be read in the context of the lack of an agreed 5 Year Housing Land supply. Although the Core Strategy has been adopted, North Somerset Council still does not have an agreed 5 Year supply for housing land. This affects the weight that is given to residential policies that are within the Core Strategy. Consequently, the residential policies of the Core Strategy are considered to be out-of-date. In Para.14 of the NPPF, when a development plan is absent, silent or relevant policies are out of date, it advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.

Therefore it has to be assessed whether the proposal is considered to be sustainable development. In terms of location the site is located on the edge of the settlement boundary and adjacent to the built up area of Bleadon. The site sits between existing residential properties. As the proposal is in close proximity of the existing settlement of Bleadon it is accessible to local services and facilities. Therefore the site is considered to be in a sustainable location.

Character and appearance

Although the site is currently a green field it sits between two residential properties, to the south are a row of dwellings. Due to being close to the built up village of Bleadon a building in this location would not be considered to be out of character with its surroundings. The property is also set back from the highway similar to neighbouring dwellings and therefore follows the pattern of development on the north side of the lane. It is also proposed to plant native hedging around the site which would help screen the development and compliment the existing green area to the north, this shall be conditioned under landscaping conditions. The footprint of the proposed dwelling is proportionate within the plot and is considered to be acceptable.

As this application is for outline all other matters related to character and appearance of the proposed dwelling are reserved for future determination.

Therefore the proposal would not unacceptably harm the character of its surroundings. In this respect, the proposal complies with policy CS12 of the Core Strategy and policy DM32 of the Sites and Policies Plan (Part 1).

Parking and highway safety

Comments from the council's highways officer are as follows:

The applicant is proposing to construct a single dwelling house and garage, with matters of access and layout to be considered. Matters of appearance, landscaping, and scale reserved for subsequent approval. Access is proposed to be via an existing 100m long section of Purn Way which is privately owned and is also a public footpath.

Traffic Generation

Dwellings of this size in this location are likely to generate 6-8 vehicle movements a day. This level of additional traffic is unlikely to cause a significant effect on the on local highway conditions.

Parking

Local residential car parking standards are set out in the North Somerset Parking Standards SPD and outline the minimum required number of car parking spaces for residential development, specifying 3 parking spaces for a property with 4 or more bedrooms. Furthermore, Policy CS11 of the Adopted Core Strategy states that adequate parking must be provided and managed to meet the needs of anticipated users (residents, workers and visitors) in usable spaces.

There is sufficient space within the curtilage of the site to accommodate 3 vehicles, however the block plan does not indicate a satisfactory layout. The parking standards SPD requires double garages to be 7m long and 5.5m wide, the proposed garage is significantly smaller than this. The layout does not indicate where a third parking space would be accommodated whilst maintaining turning space within the site.

Access

The applicant has now submitted an amended block plan (Drawing no. PL3849 /2A). The double garage has been enlarged and now meets the dimensions recommended, and an additional parking space has been added on the driveway. The drawing indicates the swept path of a car and refuse vehicle turning in the driveway and this is satisfactory. It is also taken into account that there are other dwelling with accesses off this track that would currently require access for refuse and emergency vehicles. Although existing the access track is not built to current adoptable standards highways would not sustain an objection solely on this basis.

Therefore on-site parking provision is adequate and complies with the standards set out in the North Somerset Parking Standards SPD. The proposal is therefore in accordance with policies DM24, DM28 and DM38 of the Sites and Policies Plan (Part 1).

Setting of Listed Building

The proposal does not affect the setting of any listed buildings.

Drainage

Concerns have been raised over drainage, however the site is not within a flood zone and neither is it considered to be in an area that is vulnerable to surface water flooding. Other matters such as drain capacity and connections are covered by other legislation.

Protected species

The site is not within any designated wildlife areas therefore the proposal is unlikely to affect any protected species.

Other matters

Other matters have been raised by consultees, namely loss of views, however such matters carry very little weight in the determination of planning applications. Other issues have also been raised such as precedence, however each planning application is assessed on its own merits.

Other matters have been raised by consultees, namely disturbance during construction, and sewage connections.. However such matters are dealt with by other legislation.

Correspondence has been received disputing the ownership of the lane, the council has investigated this issue and the applicant has confirmed they have signed the correct certificate. Any further ownership disputes is a private matter and not a planning issue.

Recommendations

APPROVE subject to conditions (see draft decision for conditions).

Reason for Overriding Parish Council comments (if appropriate)

see report.

In recommending this application, I have taken into consideration the relevant policies of the Development Plan and the comments made by the consultees and other interested parties and the:

- Natural Environment and Rural Communities (NERC) Act 2006
- Crime and Disorder Act 1998
- Human Rights Act 1998.

Signed: ...Raheel Mahmood

NOTICE OF DECISION
Town and Country Planning Act 1990



Salmon Planning Company
2 Priory Road
Wells
BA5 1SY

Application Number
Category

17/P/2278/O
Outline Planning
Permission

Application No: 17/P/2278/O
Applicant: Ms J Lewin
Site: Land Adjacent to RIVERMEAD, Purn Way, Bleadon, Weston-super-Mare, BS24 0QF
Description: Outline application for the erection of a single dwellinghouse and garage, with matters of access and layout to be considered. Matters of appearance, landscaping, and scale reserved for subsequent approval

North Somerset District Council in pursuance of powers under the above mentioned Act hereby **GRANTS** consent for the above development in accordance with the plans and particulars received and subject to the following condition(s):

- 1 Approval of the details of the scale, appearance of the building and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority, in writing before any development is commenced.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010 and in accordance with policy CS12 of the North Somerset Core Strategy and Policies DM32, DM37, DM24 and DM28 of the Sites and Policies Plan (Part 1).

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990

- 3 The development hereby permitted shall be begun before the expiry of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

PL3849/1 LOCATION PLAN received on 18/09/2017.
PL3849/2A BLOCK PLAN received on 15/11/2017.
PLANNING STATEMENT received on 18/09/2017.

- Reason: For the avoidance of doubt and in the interest of proper planning
- 5 No work shall be commenced until details of the materials to be used in the development (including hard surfaces) have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in the approved materials unless otherwise agreed in writing.

Reason: To ensure that the materials are acceptable in the interests of the appearance of the area and in accordance with section 7 and paragraph 17 of the National Planning Policy Framework, policy CS12 of the North Somerset Core Strategy and Policies DM 32 and DM 37 of the Sites and Policies Plan Part 1.

- 6 The dwelling hereby approved shall not be occupied until the vehicular access parking and turning areas have been constructed in accordance with the approved plans and these parking spaces shall thereafter be permanently retained and shall not be used except for the parking of vehicles in connection with the development hereby approved.

Reason: To ensure that the development is served by a parking area built to the satisfaction and in accordance with Policies DM24 of the Sites and Policies Plan Part 1: Development Management and the Parking Standards SPD.

- 7 No development shall take place until details of a landscaping scheme for the site have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared and in accordance with policy CS5 of the North Somerset Core Strategy and GDP/3 of the North Somerset Replacement Local Plan (saved policies).

- 8 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with policy CS5 of the North Somerset Core Strategy and Policy GDP/3 of the North Somerset Replacement Local Plan (saved policies).

- 9 All works comprised in the approved details of landscaping should be carried out in accordance with the approved details during the months of October to March inclusive following occupation of the building or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with policy CS5 of the North Somerset Core Strategy and Policy GDP/3 of the North Somerset Replacement Local Plan (saved policies).

- 10 The dwelling shall not be occupied until details of a scheme for providing space and facilities for the storage and collection of waste have been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: The Local Planning authority wishes to encourage sustainable waste collection initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1 and CS7 of the North Somerset Core Strategy.

- 11 The dwelling hereby approved shall not be occupied until measures to generate 10% (less if agreed with the Local Planning Authority) of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low carbon technologies have been installed on site and are fully operational in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building in accordance with paragraph 17 and section 10 of the National Planning Policy Framework and policies CS1 and CS2 of the North Somerset Core Strategy.

Advice note(s)

In dealing with the application we have worked with the applicant in a positive and proactive manner and have implemented the requirement in the National Planning Policy Framework (paragraph 187) by publishing local planning guidance on the council's website, offering pre-application written advice and publishing statutory consultee and neighbour comments on the council's website.

You are advised that the council is not responsible for the maintenance of the access lane to the proposed dwelling.

Date: 22 November 2017

Signed 
Director of Development & Environment

Please use our [online contact form](#) on our website at www.n-somerset.gov.uk/contactplanning if you require further information on this decision.

NOTES RELATING TO A DECISION TO APPROVE PERMISSION

These notes are intended as helpful advice. PLEASE READ THEM CAREFULLY. Make sure everyone has a copy that needs it, including your builder or contractor.

Scope of this decision notice

This decision notice grants planning permission only. It should not be taken to imply that the scheme meets the requirements of any other agency that may be involved. Please make sure that you have obtained all the approvals you need before starting work. If you are in any doubt you should obtain professional advice.

Building Regulations

Before you start construction work you need to obtain separate approval under Building Regulations. You can contact the team on 01275 884550 or submit your application on our [website](#).

Conditions

This approval is subject to conditions. They are an integral part of the decision and are important because they describe how the council requires you to carry out the approved work or operate the premises. It is your responsibility to comply fully with them.

Please pay particular attention to those conditions that have to be met before work commences. There is a fee for requests for written confirmation that conditions have been complied with. Details of these fees can be found on our website at www.n-somerset.gov.uk/planningconditions. When sending us information please include the decision reference number and relevant condition number. Depending on the complexity of the issues involved it can take up to 12 weeks for conditions to be discharged. It is therefore important that you submit any required details to us early.

Appeals

If you are aggrieved by the decision of your Local Planning Authority to impose any of the conditions (or to only approve part of an application for Advertisement Consent), then you can appeal to the Secretary of State for the Environment in accordance with the provisions of Town and Country Planning Act 1990. If you want to appeal against your local planning authority's decision then you must do so **within 6 months** of the date of this notice.

Appeals must be made using a form, which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Alternatively, your appeal can be submitted electronically using the Planning Portal at www.gov.uk/appeal-planning-inspectorate.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of a Development Order or to directions given under it. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Prepare for floods

If the scheme to which this approval relates is at risk of flooding you should prepare a flood plan to help keep people safe and protect your property. You can find out if your property is at risk of flooding and how to prepare a flood plan on the [Government's website](#). You should also sign up for [flood warnings](#).

Works which affect a Public Highway

Any works/events carried out by or for a developer which affects the public highway in any way must be co-coordinated in accordance with the New Roads and Street Works Act 1991 and the Traffic Management Act 2004 to minimize disruption to users. Developers are required to inform undertakers of their proposed works, to jointly identify any affected apparatus, and to agree diversion or protection measures and corresponding payment.

Developers are also required to liaise/seek permission of North Somerset Council's Street Works Section (01934 888802 or streetworks@n-somerset.gov.uk) at least one month in advance of the works and this must be in line with the requirements of the NRSWA 1991 and TMA 2004. The developer must endeavor to ensure that undertaker connections/supplies are coordinated to take place whenever possible at the same times using the same traffic management. It should be noted that where road closures or formal restrictions are required to undertake works, a minimum of three months' notice will be required.

Public Rights of Way

The grant of planning permission does not entitle developers to interfere or obstruct any public right of way (PROW). The obstruction of a PROW is an offence. If required an application can be made to North Somerset Council to divert the PROW and should be made well ahead of any development.

It is also an offence to drive a mechanically propelled vehicle without lawful authority on any PROW. The grant of planning permission should not be treated as a grant of lawful authority. Please contact the PROW Team for further advice on 01934 888802.

Changes to Plans:

Should you wish to change your plans for any reason, including the need to meet the requirements of other legislation (for example Building Regulations) it is important that you notify us (i.e. 'the planners') before carrying on with work. Amendments to your approved plans may require a fresh application and could even prove to be unacceptable. Details of how to seek formal approval of amendments to a planning approval can be found on our [website](#) or by visiting the planning portal.

Enforcement:

The council has powers to enforce compliance with planning permission and there are penalties for failure to comply. In cases where terms and conditions of planning permission are not adhered to and the Council finds it necessary to take enforcement action, it almost invariably results in delay and additional expense to the applicant. In extreme cases, it can mean that newly erected buildings have to be demolished.

Street Naming

When you receive consent for the building of new a development(s)/property or creating additional flats/units within an existing dwelling, for reasons of public safety and for the allocation of an official postal address, please contact the Street Naming and Property Numbering Section, Town Hall, Weston-super-Mare, BS23 1UJ; Tel: 01275 88761; email: strnames@n-somerset.gov.uk. Learn more on our [website](#).

Access to further information

Further guidance on Planning and Building regulation information and services can be accessed on our website and on the Planning Portal at www.planningportal.co.uk.

We strongly encourage the submission of planning applications via the Planning Portal. We also provide an online planning service on our website that allows you to monitor and review all applications we receive. This can help you keep you up-to-date with planning matters in your area.

This publication is available in large print, Braille or audio formats on request. Help is also available for people who require council information in languages other than English. Please contact us using our www.n-somerset.gov.uk/contactplanning

APPENDIX 3 TO APPEAL STATEMENT OF CASE

CLARKSON AND WOODS'

ECOLOGY STATEMENT IN SUPPORT OF APPEAL

Planning Department
North Somerset Council
Town Hall,
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

6th March 2018
Our Ref: 5914/PS/060318/PE

Dear Sir/madam,

Statement in support of Planning Appeal – Land Adjoining Edgehill, Celtic Way, Bleadon

Thank you for your comments relating to planning application number **17/P/1484/F** for the erection of a two storey dwelling and a single storey detached garage on land adjoining Edgehill, Celtic Way in Bleadon. Clarkson and Woods have been asked by our client to draft this response to support an appeal to the decision to reject planning permission for the proposed development. I have set out below a detailed response to each of the comments raised (comments highlighted in bold) within the delegated planning application report sheet relating to protected species. I have also indicated to the client where amendments to the current existing landscaping plans will be necessary in order to further address any concerns relating to ecology.

The application site is situated near to the Mendip Hills AONB and within a known bat habitat. The site is located in an area with a number of Annex II horseshoe bat hibernation sites, including one to the north and another to the west which are set approximately 1km away. Barbastelle have also been noted which are a rare Annex II bat and sensitive to disturbance. The location of the site will partially block a green corridor and it is necessary to ensure that dark, unlit, green corridors are retained between areas of settlement within the Bleadon area to allow for bats to access hibernation and foraging sites.

Whilst we agree that bats are likely to be present within the local area, only development of a certain scale and nature is likely to have an adverse impact on these species. The proposed development in question consists of a single dwelling and an associated garage structure, and it was judged for this reason that there would not be a significant impact on bats using the wider landscape in this case. Whilst we do agree strongly that it is necessary to maintain dark, unlit green corridors between areas of settlement surrounding Bleadon we do not feel that the proposed development will in any way compromise this objective. The new building will be located on a location already occupied by the existing stable building, which is in such close proximity to the existing settlement to the north of Bleadon that it could reasonably be considered a part of this. For these reasons it was not judged by Clarkson and Woods that this development would block any function of the site as a corridor for bats.

No bat activity surveys were undertaken to support the current application and therefore the precautionary principle applies; it is assumed that horseshoe bats may use this east-west route and could be harmed.

The potential for the development to adversely impact on bats was judged to be insignificant, and was not judged to warrant further survey effort for this reason. Whilst we agree that bats may use the east-west route offered by the wider site, we disagree strongly that the construction of a single dwelling in the location proposed would have any harmful (i.e.

fragmentation) effects on the bats themselves, since the new buildings will be sited at the location of pre-existing building. In addition the development was judged highly unlikely to have any adverse effect on bats crossing Celtic Way and commuting across the northern tree line, or commuting down the lane itself, again providing that a sensitive lighting scheme is implemented. Undertaking a suite of bat activities was consequently viewed to be disproportionate to the likely impacts of the development on these species. As highlighted in the National Planning Policy Framework¹ (NPPF) survey effort ought to be proportionate to the nature of the scheme and the potential for impacts. As already stated in the ecological report for the site, it is not judged that the site offers a valuable foraging resource for horseshoe bats.

An assessment for great crested newts is required for the site as the screening has indicated an historic record (2002) within the settlement area of Hillside Road 226m to the north of the site. It is not possible to assess from the information submitted whether great crested newts would be affected.

We had not previously been appointed to undertake a commercial data search at the time of the survey and consequently were not aware of this great crested newt (GCN) record at the time; however we were unable to identify any suitable breeding ponds within 250m of the site. Having since acquired the data from Bristol Regional Environmental Records Centre (BRERC) the 2002 record within the settlement area of Hillside Road would appear to be located approximately 410m north of the site, rather than the 226m referred to in the planning application report sheet. This is crucial in terms of assessing whether or not GCN are likely to be affected; newts are unlikely to be found over 250m away from a breeding pond unless connectivity is very good. Since Celtic Way, and the houses that border it, would likely provide a significant barrier to the movement of newts it is judged by Clarkson and Woods to be unlikely that newts would reach the site from a potential breeding pond north of Hillside Road.

The site itself did offer some potential sheltering habitat for terrestrial amphibians, as noted in the ecological report for the site; however the footprint of the development is very small, and consequently if GCN were found to be present within the pond to the north it seems highly unlikely that the development would require for licensable activity to take place. Using the Rapid Risk Assessment Tool² provided by Natural England for loss or development of 1-5ha of land over 250m of a breeding pond for GCN the risk assessment result comes out as Green. This 'indicates that the development activities are of such a type, scale and location that it is highly unlikely any offence would be committed should the development proceed. Therefore, no licence would be required'. We would argue in this case that the implementation of a Risk Avoidance Method Statement (RAMS) would be adequate to safeguard any GCN that might be present in the surrounding habitat. Therefore if the local authority is of the strong belief that additional mitigation measures should be incorporated, any initial site clearance works can be undertaken under a RAMS, which could be conditioned through planning. In the event that GCN were encountered during clearance works these would need to be stopped immediately and the relevant licence would be sought from Natural England at that stage.

A number of other species, including glow worms, butterflies, adders and badgers, have been raised by consultees. It would be necessary to survey the site and assess the presence of the above species.

The site was assessed during the April 2017 Phase 1 survey for its potential to support reptiles, and further detailed surveys for these species were not considered to be necessary to support the application. The site did not provide suitable habitat for adders. Although the site did contain some habitat which common species of reptile i.e. slow worm could use for sheltering the majority of the site was closely grazed at the time of the survey and was mostly considered to be unsuitable habitat. We would argue that, for a small development of this nature which does not have the potential to affect the favourable conservation status of any reptile populations present in the area, undertaking further detailed surveys for these species to inform the planning application is disproportionate. Such surveys might be expected to inform planning on a large development site where the majority of the existing habitat is to be lost. Given that reptiles

¹ National Planning Policy Framework (2012). Department for Communities and Local Government.
www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

² Template for method statement to support application for licence under regulation 53(2)e of The Conservation of Habitats and Species regulations 2010 (as amended) in respect of great crested newts *Triturus cristatus*. (Instructions Tab)
www.gov.uk/government/uploads/system/uploads/attachment_data/file/664193/gcn-method-statement.xlsm

are protected against killing and injuring under the Wildlife and Countryside Act 1981 it may be appropriate to undertake a reptile survey pre-construction, which could then inform a mitigation strategy to minimise the risk of killing and injuring reptiles during site clearance works; this could be conditioned within the planning permission. If a pre-construction survey was to identify a significant population of reptiles it may be necessary for the animals to be translocated from the development footprint into the surrounding area prior to works commencing. The applicant controls the land to the south and if necessary could bring this area into management appropriate to support reptiles. In this eventuality a reptile mitigation strategy could be agreed under condition with the local planning authority and could be signed off before any such works are undertaken.

With reference to butterflies, no specific mention has been made relating to specific species of concern in the decision report sheet; the results of the BRERC data search did not reveal records of any species that receive full protection under the Wildlife and Countryside Act 1981 within 2km of the site. The development will result in the loss of some nettle and bramble habitat, species that are important food sources for some butterfly species including comma *Polygonia c-album*, painted lady *Vanessa cardui*, peacock *Aglais io*, red admiral *Vanessa atalanta* and small tortoiseshell *Aglais urticae*. Any negative effects would be minimal however, given the small area of this habitat to be lost, and there may be opportunities to increase the value of the site for butterflies and other flying insects post development through the planting of nectar-rich species within the soft landscaping and garden areas associated with the new dwelling. Additional survey effort for butterflies was not judged to be necessary given the very low likelihood of significant adverse impacts upon favourable conservation status of these species occurring as a result of the proposed development.

The site was also thoroughly surveyed for the presence of badgers during the April 2017 Phase 1 survey. A single entrance outlier sett was identified at this time in the south-east corner of the site, as well as regularly used badger paths leading from the site to cross Celtic Way and also leading into the field to the south. The sett itself was outside of the development footprint. It would be good practice to undertake a pre-construction badger survey to ensure that no new setts have been dug that could be affected by the development as recommended in the Phase 1 report. However further detailed surveys were not considered necessary in order to inform the planning application. Indeed an extended, phase 2 badger survey would be disproportionate to the potential and nature of impacts that the proposed development will have upon badgers.

Glow worms *Lampyrus noctiluca* do not receive special legal protection under the Wildlife and Countryside Act 1981 and are not listed as "Species of Principal Importance for Biodiversity" in England and Wales under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006³. They are also not listed within the Avon Biodiversity Action Plan as a priority species in North Somerset⁴. The habitats on site are not unsuitable for this species but equally are not optimal. In view of the fact that glow worms are neither an SPI nor a local conservation priority it would be somewhat unusual to withhold a planning permission on the basis of a lack of survey for this species. Perhaps if this is considered by the LPA to be a priority then survey for this species should be made subject of a condition of the planning permission with a requirement to manage habitat for glow worm within the operational site should their presence be confirmed.

Changes to the Current Proposals

We do agree that it would be appropriate to address the comments made in the council report sheet by proposing changes to the scheme in order to better take into account biodiversity. It is acknowledged that there needs to be more attention in general given to biodiversity mitigation and enhancement measures, and modifications of this nature can be dealt with through applying planning conditions relating to landscaping. Although fragmentation of a bat commuting route was judged to be highly unlikely, the risk of this happening could be minimised still further through the planting of a new linear corridor around the edge of the site. A feature such as this would ensure that bats can continue to commute through the area. A hedgerow could also be implemented to good effect along the proposed access track; this would ensure good connectivity across the site for wildlife and will also serve to minimise the visual impact of the track on the landscape. It is suggested that a condition could be imposed on the development requiring a suitable landscaping plan

³ NERC Act 2006 (as amended) www.legislation.gov.uk/ukpga/2006/16/contents

⁴ Avon Biodiversity Action Plan www.avonwildlifetrust.org.uk/sites/default/files/avonbiodiversityactionplan_0.pdf

to be prepared to detail how new habitats will be established to improve connectivity for wildlife across and around the site.

It is recognised that a sensitive approach to the design of any artificial lighting on the site will also be essential if the development is to avoid having an adverse impact upon the use of habitats within and surrounding the site by populations of foraging and commuting bats. External lighting generally should be kept to an absolute minimum, and the key ecological objective of artificial lighting will be to maintain connectivity for bats across the wider site through retaining dark corridors to the north and south. The inclusion of a condition requiring an ecologically driven lighting strategy is routinely a condition of planning permissions.

As insufficient information has been submitted it is not possible to assess any possible harm to the protected wildlife or to condition the required mitigation, if necessary, for these works. The proposal does not, therefore, comply with policy CS4 of the North Somerset Core Strategy or policy DM8 of the North Somerset Sites and Policies Plan (part 1).

For the reasons outlined above we do not feel that any of the points raised within the Delegate Report relating to ecology constitute sufficient reason to deny the awarding of planning permission for the proposed development. As described above there are further precautionary works that would likely be required relating to ecology going forward, in order to ensure that the works would have minimal impacts relating to ecology. However in view of the small scale of this development it is highly unlikely that the proposals will have a significant impact on the favourable conservation status of any protected species.

I trust that the above is clear. Should you have any comments, queries or require further information then please do not hesitate to contact me.

Yours sincerely,



Tom Clarkson BSc MSc DIC MCIEEM

Managing Director

APPENDIX – DATA SEARCH RESULTS

This section summarises the results of the data search obtained from the Bristol regional Environmental Records Centre (BRERC) since 2000; the data pertains to a 2km buffer zone around the development site. In part due to the presence of nature reserves such as Purn Hill within the surrounding area a very high number of records were returned, amounting to 376 pages worth of records. It was deemed to be inappropriate to include all of these here for this reason, although the full data search results can be provided on request from the LPA. Instead notable records, and those which have particular relevance to the issues highlighted in the delegated report, have been summarised below.

Amphibians

The following records pertaining to amphibians were returned (see table below). Of particular note is the single great crested newt record, which was located approximately 450m to the north of the site.

Common Name (No. of records)	Latin	BRERC Status	Legal Protection	Year of most recent record
Common frog (14)	<i>Rana temporaria</i>	Widespread / Declining / Locally Abundant when breeding	ECHD Annex V; Berne App III, Sch 5 (S9(5) sale) W&CA 1981	2011
Common toad (3)	<i>Bufo bufo</i>	Widespread / Locally Abundant when breeding	S41 list, Sch 5 (S9(5) sale) W&CA 1981; Berne App III	2009
Great crested newt (1)	<i>Triturus cristatus</i>	Local / Declining (Avon is a stronghold of this species)	EPS, S41 list, ECHD Annex II, IV; Berne App II, Sch 5 W&CA 1981	2002
Palmate (1)	<i>Lissotriton helveticus</i>	Widespread / Locally Common	Berne App III; Sch 5 (S9(5) sale) W&CA 1981	2007

Bats

The following bat field records were returned:

Common Name (No. of records)	Latin	BRERC Status	Legal Protection	Year of most recent record
Common pipistrelle (8)	<i>Pipistrellus pipistrellus</i>	Proposed BRERC Notable 2004 as protected	European Protected Species, EC Habitats Directive Annex IVa; Berne Convention - Appendix II, Schedule 5 & Schedule 6 – Wildlife & Countryside Act 1981	2011
Soprano pipistrelle (7)	<i>Pipistrellus pygmaeus</i>	Proposed BRERC Notable 2004 as protected	EPS, S41 list, ECHD Annex IVa; Berne App II, Sch 5 & Sch 6 - W&CA 1981	2011

Common Name (No. of records)	Latin	BRERC Status	Legal Protection	Year of most recent record
<i>Myotis</i> species (unidentified)	<i>Myotis</i> sp.	Proposed BRERC Notable 2007 as protected	EPS, S41 list, ECHD Annex IVa; Berne App II, Sch 5 & Sch 6 - W&CA 1981	2011
Noctule	<i>Nyctalus noctula</i>	Local - some nationally important roosts	EPS, S41 list, ECHD Annex IVa; Berne App II, Sch 5 & Sch 6 - W&CA 1981	2011

In addition to the records shown above, records of roosts for the following species within 2km were returned: brown long-eared (4), common pipistrelle (4), greater horseshoe *Rhinolophus ferrumequinum* (2), grey long-eared *Plecotus austriacus* (2), leisler's *Myotis leisleri* (1), lesser horseshoe *Rhinolophus hipposideros* (7), noctule (1), serotine (3), soprano pipistrelle (2), unknown long-eared *Plecotus* species (2) unknown pipistrelle *Pipistrellus* species (2). These records were provided as low resolution records to the nearest km.

Birds

The following records of bird species that appear on the Birds of Conservation Concern 4: UK Red List for Birds (2015) as either 'Amber' or 'Red' list species were returned:

Common Name (No. of records)	Latin	National Status	Legal Protection	Year of most recent record
Bullfinch (27)	<i>Pyrrhula pyrrhula</i>	BoCC4 – Amber; UK Biodiversity Action Plan (BAP); Species of Principal Importance (SPI)	S41 (NERC Act (2006)) list	2012
Cuckoo (20)	<i>Cuculus canorus</i>	BoCC4 – Red; UK BAP; SPI	S41 List	2012
Grasshopper warbler (6)	<i>Locustella naevia</i>	BoCC4 – Red; UK BAP; SPI	S41 List	2012
House sparrow (535)	<i>Passer domesticus</i>	BoCC4 – Red; UK BAP; SPI	S41 List	2013
Linnet (35)	<i>Linaria cannabina</i>	BoCC4 – Red; UK BAP; SPI	S41 list, Berne Convention	2009
Marsh tit (9)	<i>Poecile palustris</i>	Red List	S41 list, Berne Convention	2006
Reed bunting (109)	<i>Emberiza schoeniclus</i>	BoCC4 – Amber; UK BAP; SPI	S41 list, Berne Convention	2012
Ring Ouzel (1)	<i>Turdus torquatus</i>	BoCC4 – Red; UK BAP; SPI	S41 List	2012
Skylark (33)	<i>Alauda arvensis</i>	BoCC4 – Red; UK BAP; SPI	S41 list	2012

Common Name (No. of records)	Latin	National Status	Legal Protection	Year of most recent record
Song thrush (49)	<i>Turdus philomelos</i>	BoCC4 – Red; UK BAP; SPI	S41 list	2012
Spotted flycatcher (6)	<i>Muscicapa striata</i>	BoCC4 - Red; UK BAP; SPI	S41 list, Berne Convention, Bonn Convention	2012
Starling (239)	<i>Sturnus vulgaris</i>	BoCC4 – Red; UK BAP; SPI	S41 list	2009
Willow warbler (12)	<i>Phylloscopus trochilus</i>	BoCC4 – Amber; UK BAP	-	2012

Invertebrates

5 records of glow worm *Lampyrus noctiluca* were returned by the data search, all within or on the lane leading to Purn Hill Nature reserve; the reserve is located approximately 700m to the west of the site. In addition to this, the following butterfly records were also returned:

Common Name (No. of records)	Latin	BRERC Status	Legal Protection	Year of most recent record
Dark green fritillary (1)	<i>Argynnis aglaja</i>	Rare	-	2009
Dingy skipper (1)	<i>Erynnis tages</i>	Rare	S41 list	2005
Essex skipper (1)	<i>Thymelicus lineola</i>	Local	-	2005
Grizzled skipper (6)	<i>Pyrgus malvae</i>	Rare	S41 list	2007
Silver-washed fritillary (2)	<i>Argynnis paphia</i>	Scarce	-	2013
Small blue (4)	<i>Cupido minimus</i>	Rare	S41 list, Sch 5 (S9(5) i.e. the sale of) W&CA 1981	2013
Small heath (24)	<i>Coenonympha pamphilus pamphilus</i>	Proposed BRERC Notable 2008 as UK BAP listed	S41 list	2009
Wall (18)	<i>Lasiommata megera</i>	Proposed BRERC Notable 2008 as UK BAP listed	S41 list	2013

Terrestrial mammals (excluding bats)

The following records of notable terrestrial mammal species were returned:

Common Name (No. of records)	Latin	BRERC Status	Legal Protection	Year of most recent record
American mink (4)	<i>Neovison vison</i>	Proposed BRERC Notable 2009 invasive species	Schedule 9 – Wildlife & Countryside Act 1981	2009
Badger (17)	<i>Meles meles</i>	Widespread and common - national stronghold	Berne App III; Sch 6 - W&CA 1981; Protection of Badgers Act 1992	2013
Brown hare (22)	<i>Lepus europaeus</i>	Local	S41 list	2007
European hedgehog (12)	<i>Erinaceus europaeus</i>	Common. Declining?	S41 list, Sch 6 - W&CA 1981	2009
Otter	<i>Lutra lutra</i>	Rare - was locally extinct / recolonising from the south	European Protected Species (EPS), S41 list, EC Habitats Directive, Berne, Sch 5 & Sch 6 - W&CA 1981	2010
Water vole	<i>Arvicola amphibius</i>	Rare	S41 list; Sch 5 W&CA 1981	2013

Reptiles

The following records of reptile species were returned:

Common Name (No. of records)	Latin	BRERC Status	Legal Protection	Year of most recent record
Adder (10)	<i>Vipera berus</i>	Uncommon / Declining	S41 list, Berne App III; Sch 5 (S9(1) killing/injuring only, S9(5) i.e. the sale of) W&CA 1981	2012
Grass snake (6)	<i>Natrix helvetica</i>	Uncommon / Declining	S41 list, Berne App III; Sch 5 (S9(1) killing/injuring only, S9(5) sale) W&CA 1981;	2011
Slow worm (9)	<i>Anguis fragilis</i>	Widespread / Locally Common	S41 list, Sch 5 (S9(1) killing/injuring only, S9(5) sale) W&CA 1981; Berne App III	2013

