

REPORT TO: Planning Committee
MEETING DATE: 5 November 2024
BY: Executive Director – Place
SUBJECT: Application for Planning Permission for Consideration

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Application No. **24/00699/P**
Proposal Formation of pathway and installation of lighting
Location **Woodland and Amenity Grass Area to the West of Waterloo Place
Main Street
Elphinstone
East Lothian**

Applicant Bellway Homes Ltd (Scotland East)

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

This application relates to an area of grassed, amenity open space and an area of woodland which are located on the northwest edge of the existing village of Elphinstone between the cul-de-sac of Waterloo Place and the allocated housing site of PROP TT11:Elphinstone West as allocated by the adopted East Lothian Local Development Plan 2018 (ELLDP). The site, by being located in the existing village, is within an area defined by Policy RCA1 of the ELLDP as being a predominantly residential area. The land of the application site is within an area identified by The Coal Authority as being a Coal Mining Development Low Risk Area

Planning permission is sought for the formation of a footpath with associated lighting to connect the land of allocated housing site of PROP TT11 to the existing footpath network of Waterloo Place. A separate planning application (reference 23/01333/PM) has been submitted by the same applicant for the erection of 103 houses, eight flats and associated works on the allocated housing site of PROP TT11. That associated planning application is pending consideration and has not yet been determined.

The proposed footpath would run in a northeast direction from the site of PROP T11, through a strip of woodland then on through an area of grassed amenity space before connecting into the existing footpath network of Waterloo Place. The proposed footpath

would be 3 metres in width along the majority of its length but would taper to a width of two metres at its north eastern end where the existing footpath it would connect into is around two metres wide. The proposed footpath would be constructed to an adoptable standard with an asphalt surface and three street lighting poles. A number of trees are indicated to be removed from the woodland strip to facilitate construction of the path.

The woodland strip and area of grassed amenity space are in Council ownership and are currently maintained by the Council. The existing footpaths of Waterloo Place are in private ownership but are adopted by the Council and maintained by the Council.

The application is supported by detailed drawings and reports including a Tree Survey, an Ecology Survey and an Outdoor Lighting Report. Since the registration of the application, non-material amendments have been made to the proposals resulting in a slight adjustment to the alignment of the path in order to avoid the root protection areas of some trees and therefore resulting in the loss of fewer trees from the woodland strip and grassed amenity space.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018 (ELLDP).

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 4 (Natural Places), 6 (Forestry, woodland and trees), 13 (Sustainable Transport) 14 (Design, quality and place), 15 (Local living and 20 minute neighbourhoods), 18 (Infrastructure first) and 22 (Flood risk and water management) of NPF4 and Policies DP1 (Landscape Character), DP2 (Design) DP9 (Development Briefs), RCA1 (Residential Character and Amenity), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), NH8 (Trees and Development), T1 (Development Location and Accessibility), T2 (General Traffic Impacts), NH11 (Flood Risk), DEL1 (Infrastructure and Facilities Provision) and Proposal TT11 (Elphinstone West) of ELLDP are relevant to the determination of the application.

Also material to the determination of the application is the non-statutory Development Brief (TT11 Elphinstone West, Tranent) which was adopted by the Council on 30 October 2018.

REPRESENTATIONS

Material to the determination of the application are the written representations received to it. There have been 23 written representations received to this application, all of which raise objections to the proposed development.

The main grounds of objection in respect of the proposed development are summarised below:

- * At no stage have residents been notified of this proposal;
- * This is not public land, this land is privately owned;
- * The applicant has no access rights over the path between 2 and 3 Waterloo Place;
- * A more sensible proposal would be a pathway through ELC/Housing Association land on MacFarlane Court, where a paved roadway already exists and where there would be better access to the bus stop and shop facilities in the village and less impact on trees;

- * The removal of trees would have a significant negative impact on local biodiversity and air quality;
- * Security risks and increased noise pollution to existing residents as a result of the increased foot traffic through Waterloo Place;
- * The proposal would alter the character of the Waterloo Place neighbourhood where there has been a deeply rooted commitment to preserving the unique safe and quiet environment for more than forty years;
- * The proposed lighting will intrude on numbers 2 and 3 Waterloo Place whilst causing light pollution and disturbance to the general environment and wildlife;
- * The proposed path will not be the required width for active travel;
- * There are already an adequate number of pathways around the new housing area and this path would have little added benefit to accessing local amenities for the new residents;
- * The proposed path is on already waterlogged ground which will surely aggravate the issue of waterlogging around the site behind Waterloo Place;
- * The applicant had previously assured residents that the pathway depicted on the plans was merely an “artist’s impression” and would be removed;
- * This proposal could lead to a substantial loss of property values to the residents;

Neighbour notification, in accordance with statutory requirements, and advertisement of the application in the local press was carried out at the point of registration of the application. The applicant has certified in the planning application forms that they have notified all relevant owners of land within the application site. Access rights are a legal matter but there is nothing in this proposal or in the representations made to it to suggest that there are no access rights over the adopted paths of Waterloo Place or over the land of this application site. The matters raised by objectors regarding loss of property value is not a material consideration in the determination of a planning application.

COMMUNITY COUNCIL

Tranent and Elphinstone Community Council object to the application. They make a number of statements in their consultation response that appear to be unsubstantiated or lacking in evidence to support them. They state that residents had previously been assured by East Lothian Council (ELC) staff, Bellway and Elected Members that there would not be a path formed through this land. They have not provided details or any evidence to substantiate that statement. They also state that ELC did not contact residents of Waterloo Place to inform or seek permission about the intention of Bellway to adopt or buy this land. There is no evidence to suggest that Bellway would be seeking to adopt or buy this land and it is therefore unclear what ELC would be making contact with residents on. The Community Council state they “are losing faith in ELCs ability to control large developers and their bullying and manipulative behaviour” but it is not clear what is meant by that statement or what alleged bullying or manipulative behaviour they consider is taking place.

The Community Council otherwise object on the grounds that this route leads into a quiet cul-de-sac with no amenities or public transport, there are other areas which should have been considered instead, on impacts on biodiversity, loss of trees, lead to additional littering by dogs and humans, light pollution from street lights causing disturbance to residents and wildlife, the path does not meet the width requirements required to be an Active Travel path, there are already enough paths around the new housing area and concerns the path could aggravate waterlogging in this area.

PLANNING ASSESSMENT

This proposal has been submitted in association with an application for residential development on the adjoining allocated housing site of PROP TT11. The adopted Development Brief for the site of PROP TT11 sets out guiding principles and indicative

design, to be followed, where possible. Amongst the principles listed in the Development Brief are enabling pedestrian and cycling connectivity through the site to adjoining land and creating a surfaced path connection between the housing site and the adjoining community to ensure good connections. The adopted Development Brief includes a map of the site which is annotated to indicate that such a path should be formed between the housing site and Waterloo Place, in the same position as is proposed through this application. The principle of the proposal therefore complies with Policy DP9 and PROP TT1 of the ELLDP and with the adopted Development Brief accompanying PROP T11. However, as this footpath is only required to be formed in association with the adjoining site being developed for residential development, and without such residential development taking place there would be nowhere for the footpath to connect to at its western end, a condition should be imposed on any grant of planning permission for this application that the footpath is not formed unless and until planning permission for the residential development the subject of planning permission 23/01333/PM has also been granted. This would preserve the landscape character of the area and prevent unnecessary development taking place.

With regards to Policies 1, 2 and 13 of NPF 4, the proposed development would provide a path that would connect the existing village with the allocated extension to the village, connecting the community by improving permeability and promoting the use of sustainable transport through walking and cycling and by increasing access to public transport and active travel routes. The provision of this path would also seek to reduce the reliance of car use within this local area and thus in these respects the proposal complies with Policies 1, 2, 13, 14 and 15 of NPF 4.

In its form, finishes and by connecting into the existing footpath network of Waterloo Place, and that proposed in the new housing development to be formed to the west, the proposed path and its lighting columns would be seen in relation to very similar paths and lighting and would be viewed in the context of adjoining residential developments. The proposed path would not appear harmfully intrusive or incongruous in its setting and would not be harmful to the character and appearance of the area. Although it would bring increased pedestrian and cyclist activity to the current cul-de-sac of Waterloo Place the nature and level of such activity would be consistent with that found in a residential area and would not be harmful to the privacy and amenity of residents of that cul-de-sac or any other neighbouring residential property or land use. In these respects, the proposals comply with Policies DP2 and RCA1 of the ELLDP.

The **Council's Environmental Health Officer** has been consulted on the application and has raised no concerns on matters of noise nuisance or air quality. He raises no objections to the proposals but recommends that a condition be imposed on any grant of planning permission to ensure that the design and construction of the lighting proposed for the path does not exceed criteria set out in Scottish Government Guidance for 'low district brightness areas' such as rural, small village, or relatively dark urban locations. Such a control can be imposed as a condition on a grant of planning permission to ensure that the lighting proposed is suitable for its location and does not harmfully impact on the amenity of neighbouring residential properties. Subject to such control the proposals would be not conflict with Policy RCA1 of the ELLDP in terms of light pollution.

The **Council's Road Services** have been consulted on the application and advise they have no objection to the proposal, being satisfied the pathway could be accessed safely and that it would not result in a road or pedestrian safety hazard. They raise no concerns that it could not be used for active travel purposes. They recommend conditions be imposed on any grant of planning permission to ensure that the gradient of the path should not be steeper than 5% at any point and that a 1metre wide level mown grass edge to both sides of the path be maintained to ensure that grass or other vegetation does not obstruct

the path for users of it. A condition can be imposed to ensure that the gradient of the path is not steeper than 5% at any point along its length. The matter of maintenance of the grass and woodland vegetation on either side of the path has been discussed with the applicant. As the applicant does not own the land on either side of the path they have advised they would struggle to maintain this land, which is currently maintained by the Council. The Council's Strategy, Policy & Development Manager of Sport, Countryside & Leisure, who oversee the maintenance of the open space and woodland to which this application relates, advise they would not be in a position to fund any additional maintenance which may be required which should be the responsibility of the developer. Therefore, the Council's Road Services in consultation with the Council's Policy & Development Manager of Sport, Countryside & Leisure have established the long-term maintenance costs of the maintenance works which would be required to be carried out as a consequence of the proposed development. They have established that these maintenance costs would come to a sum of £13,255 for regular maintenance over a 15-year period. These costs can be met through a developer contribution in line with Policy 18 of NPF4 and Policy DEL1 of the ELLDP.

The required developer contributions towards the path maintenance works can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicants confirm in writing that they are willing to make the required developer contributions of £13,255 towards the path maintenance works and have advised their preference is to make the payment up front rather than entering into a Section 75 Agreement. The Council's Planning Obligations Officer is content with this approach as an alternative appropriate agreement provided the payment is made in full to the Council via a bank transfer prior to planning permission being issued.

With the imposition of the aforementioned condition and subject to the conclusion of an appropriate agreement to secure the developer contributions towards the maintenance costs listed above, the proposed development does not conflict with Policies 13 and 18 of NPF4 or with Policies T1, T2, or DEL1 of the ELLDP.

The **Council's Access Officer** has raised no objection to this proposal.

The **Council's Team Manager for Structures, Flooding & Street Lighting** advises that SEPA's Flood Hazard Mapping indicates that the site is not at risk from a flood event with a return period of 1 in 200 years, plus climate change. That is the 0.5% annual risk of a flood occurring in any one year, with an allowance for climate change. He advises that the Flood Hazard Mapping has been developed to provide a strategic national overview of flood risk in Scotland and whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given by SEPA on this. Although the site is not at risk of flooding within SEPA's maps, the Council's Team Manager for Structures, Flooding & Street Lighting advises that residents have in the past noted that this area is at points waterlogged/wet. Likewise, there has been flooding overtopping from the allocated residential development site, affecting properties at Tranent Road (South of the site) in the past (this is slightly downstream of this section). He advises that generally, the installation of a small path is unlikely to have any significant impact on flood risk in the area. In this instance however, he notes there is the removal of trees and installation of a downslope path, in a reportedly already waterlogged area, and there is a property immediately downstream of the proposed path (2 Waterloo Place). He therefore recommends that in the particular circumstances of this case it would be prudent to ensure that drainage details for the proposed pathway, including details of any mitigation measures to ensure that the path will not lead to an increase in surface water runoff, be submitted and approved prior to the commencement of development of the path. Such a

condition can be imposed on a grant of planning permission for the proposed development. With the imposition of this conditional control the proposed development does not conflict with Policy 22 of NPF4 or with Policy NH11 of the ELLDP.

The route of the proposed path has been designed to minimise as far as possible the removal of trees within the woodland strip and to minimise the impact on the grassed area of amenity space by being routed closely to the outer edges of that space rather than through the middle of it. This will ensure that the grassed amenity space can still be used for informal play purposes.

The **Council's Strategy, Policy & Development Manager of Sport, Countryside & Leisure**, who oversees the maintenance of the open space and woodland to which this application relates, has raised no objections to the proposal to form a path through the grassed amenity space and woodland subject to the additional maintenance costs being met by the applicant as detailed earlier in this report, and subject to compensatory tree planting, alongside other suitable biodiversity compensation such as wildflower / pollinator planting being carried out within the site. She otherwise advises the Council's Tree Officer and Biodiversity Officer should be consulted for commentary of the specific proposal for the proposed path through the woodland including any conditions they consider necessary.

The **Council's Tree Officer** has advised he has no objection to the proposal and raises no objection to the felling of the trees identified as being necessary to remove to form the pathway. He recommends that (i) the work to remove the trees which require to be felled be carried out by a suitably qualified and insured contractor at the expense of the applicant and that details of the contractor and timings of work are notified to the Council's Tree Officer prior to any works commencing, (ii) that Category 'U' trees within the application site identified in the Tree Survey be removed at the same time as the main tree works in the interests of good tree management and (iii) that suitable temporary fencing to protect the trees which are to be retained is agreed in advance by the Council's Tree Officer prior to development commencing on site. These are matters which can be imposed as conditions on a grant of planning permission.

The **Council's Biodiversity Officer** notes that the applicant's Tree Survey states that the woodland to which this application relates holds 'high ecological value' and that it concludes that an Arboreal Management Plan is recommended. The Council's Biodiversity Officer concurs that an Arboreal Management plan would be beneficial to ensure that the ongoing management of this parcel of land is continued to be managed for biodiversity and nature but she does not recommend that such a Management Plan be carried out by the applicant. As the Council own the land the woodland area to which this application relates it would be a matter for the Biodiversity Officer to discuss and consider with the Council's Strategy, Policy & Development Manager of Sport, Countryside & Leisure and the Council's Tree Officer.

The Council's Biodiversity Officer notes that Policy 6 (c) of NPF4 states that "Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal". She adds that there would also be an expectation that, if trees were to be removed, that there would be a supplementary planting plan submitted that would follow Policy 3 of NPF4 (c) "Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development."

The Council's Biodiversity Officer advises that the 'Proposed Woodland Path Survey

Report: Elphinstone Development Site, East Lothian (Blackhill Ecology Ltd, 2024)' submitted with this application states that the woodland does not show any records of European Protected Species such as bats. Notwithstanding this finding, the Council's Biodiversity Officer recommends the applicant considers a precautionary approach being taken and that they consider the installation of a bat box as part of their measures to benefit biodiversity. The applicant is proposing to install bat boxes within some of the houses in their adjoining residential development and the Council's Biodiversity Officer is content with this approach.

The Council's Biodiversity Officer recommends that a condition be imposed to ensure adherence to restrictions to work being carried out in bird breeding season and this is a matter which can be imposed on a grant of planning permission. Subject to this condition being imposed and subject to appropriate biodiversity enhancement measures being secured for the site, a matter which can also reasonably be secured through the imposition of a condition on a grant of planning permission, on these biodiversity considerations the proposals comply with Policies 3 and 4 of NPF4 and Policy NH5 of the ELLDP.

The tree survey submitted with this application identifies the condition of the trees within this area of the woodland together with their root protection areas and identifies trees which would require to be removed as a result of the proposed development.

The **Council's Landscape Project Officer**, in her initial consultation response to this application, advised that although she would not generally support the loss of trees she appreciates that this path is important to improve access between the site and active travel routes and public transport. She has therefore given consideration to the need to provide a path but with minimum tree loss and with a view to provide mitigating planting that could improve diversity of the woodland. In her initial consultation response the Council's Landscape Project Officer noted that the route of the path would result in the removal of 15 trees in total. Three of those trees being category U trees that require to be removed for arboricultural reasons. The rest being seven B category and five C category trees. The proposals plan originally submitted with the application indicated the retention of two of the category B trees, numbered 3569 and E1. However the proposals significantly encroached within their root protection areas and therefore it was unlikely that they could have been successfully retained. The Council's Landscape Projects Officer, having assessed the Tree Survey and detailed drawings made some recommendations to minimise tree loss by slightly re-aligning the path and lighting route through the woodland strip and amenity space. The detailed drawings and Tree Survey have been revised by the applicant with this slight re-alignment of the path and lighting route and having considered the revised details submitted the Council's Landscape Project Officer has advised the revisions have helped to reduce tree loss. Three B Category trees (3572, 3573 and E1) have now been shown to be retained and this is supported by the Landscape Projects Officer. Now a total of 13 trees, some of which are being felled for arboricultural reasons (U category trees) rather than as a direct result of the development, would be felled.

As no mitigating planting has been proposed, the Council's Landscape Projects Officer supports the submission of a replacement planting plan that includes for replacement trees on a two for one basis to both mitigate for the tree loss and provide biodiversity enhancement. She advises there appears to be space within the woodland and open space to the south side of the path for new tree planting. The proposals should include for a mix of tree species to include native species of a mix of sizes, large, medium, small and shrub species to provide diversity within this area of the woodland. The proposals should include for the management and maintenance of the new planting for the first ten years to establishment by the applicant. The Council's Landscape Project Officer also recommends that conditions to secure tree retention and protection (protective fencing) conditions be imposed on a grant of planning permission. The applicant has confirmed that they are

agreeable to all of the Landscape Project Officer's recommendations. Subject to these landscaping and tree protection measures being secured through the imposition of conditions on a grant of planning permission, mitigation will be secured for the tree loss and biodiversity enhancement will be provided. On these counts the proposals do not conflict with Policies 3, 4 or 6 of NPF4 or with Policies DP1 or NH8 of the ELLDP.

CONCLUSION

In conclusion, the proposals are considered to be overall in accordance with the provisions of the stated relevant Development Plan policies and with the non-statutory Development Brief (TT11 Elphinstone West, Tranent) which was adopted by the Council on 30 October 2018 and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

The decision to grant planning permission is subject to the undernoted conditions and the satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other agreement, design to secure from the applicant a financial contribution to the Council of £13,255 for the long-term maintenance of the footpath verges.

In accordance with the Council's policy on time limits for completion of planning agreements the decision also is that in the event of a Section 75 Agreement or some other appropriate agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of footpath maintenance provision which could impact on the safety of footpath users contrary to, as applicable, Policies 13 and 18 of NPF4 and Policies T1, T2, or DEL1 of the ELLDP

CONDITIONS:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 No tree removal shall take place and the pathway and lighting hereby approved shall not be formed unless and until the residential development the subject of planning application 23/01333/PM is granted planning permission.

Reason:

To safeguard the landscape character of the area.

- 3 Unless otherwise approved in writing by the Planning Authority, the gradient of the path shall not be steeper than 5% at any point along its length.

Reason:

To ensure accessibility of the path for different users.

- 4 The design and construction of the footpath lighting hereby approved shall take account of the Guidance contained within Annex 1 to Appendix 2 of Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008. In particular, the footpath lighting hereby approved shall at all times comply with the following criteria:

Light Trespass (onto windows) of neighbouring residential properties, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 5 between the hours of 0700-2300 and shall not exceed 1 between the hours of 2300-0700.

Reason:

To prevent lighting from spilling onto neighbouring land, in the interests of safeguarding the amenity of nearby residential properties and the character and appearance of the area.

- 5 Details of measures to control surface water drainage, including details of any mitigation measures to ensure that the path will not lead to an increase in surface water runoff, and a timetable for the installation of any surface water drainage/mitigation measures shall be submitted to and approved by the Planning Authority prior to the commencement of development of the path. The surface water control measures and any mitigation measures approved shall thereafter be fully implemented in accordance with the timetable and other details as approved by the Planning Authority.

Reason:

In the interest of flood prevention, environmental protection and the long term amenity of the area.

- 6 Only the trees marked for removal on the 'Off Site Path' drawing numbered L(0)010 rev E and tree numbered 3578 shall be felled.

No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" has been installed, approved by ELC Tree Officer and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be set one metre beyond the edge of the path, to both the north and south sides and must tie into the existing fencing to the woodlands and adjacent properties to provide fully enclosed construction exclusion zones. It must be approved in writing by the Planning Authority.

All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- _ No vehicular or plant access
- _ No raising or lowering of the existing ground level
- _ No mechanical digging or scraping
- _ No storage of temporary buildings, plant, equipment, materials or soil
- _ No hand digging
- _ No lighting of fires
- _ No handling discharge or spillage of any chemical substance, including cement washings

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage.

- 7 No development or tree removal shall take place on site until a person who, through relevant education, training and experience, has gained recognised qualifications and expertise in the field of trees in relation to construction, has been employed by the developer to monitor any works in close proximity of trees on the site including the work to remove the trees which require to be felled and the installation of the tree protection fencing and construction of the footpath and lighting route. The works to install the footpath shall include for the installation of root protection barriers at the footpath edges. Details of the contractor employed and timings of work shall be notified to the Planning Authority prior to any works commencing.

Reason:

To ensure the retention and maintenance of the trees on the site which are an important

landscape feature of the area.

- 8 No development shall take place until there has been submitted to and approved in writing in advance by the Planning Authority a scheme of landscaping for the site. The scheme shall provide details of the replacement tree and shrub planting and other suitable biodiversity compensation measures such as wildflower / pollinator planting to be carried out within the site. It should include tree and shrub sizes, species, habitat, siting, planting distances, a programme of planting and a ten year management plan for establishment. Non-thorn shrub species should be located adjacent to pedestrian areas. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development hereby approved. All planting shall be established and maintained in accordance with the details on the approved drawings. Any trees, hedges or plants which die, are removed or become seriously damaged or diseased within a period of ten years from the completion of the development shall be replaced by the applicant in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to provide compensatory tree planting, to enhance the appearance of the development in the interests of the amenity of the area and in the interests of biodiversity enhancements.

- 9 No development shall be undertaken between the 1st March and 31st August in any calendar year unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to and approved by the Planning Authority.

Reason:

In the interests of nature conservation.