

Delegated Report

Planning Ref: 24/00442/CONDIT
Applicant: Mr M Marsh (Avant Homes)
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Pharmacy, Heath Lane Surgery, Earl Shilton

Proposal: Application to vary conditions Condition 2 (Approved Plans), Condition 3 (Materials), Condition 4 (Drainage Details), Condition 5 (Construction Traffic Management Plan), Condition 6 (Access Arrangements), Condition 9 (Parking and Turning Facilities), Condition 12 (Landscaping), Condition 16 (Cycle Storage) 23/00119/FUL

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning application description

2.1. The application seeks to vary conditions 2, 3, 4, 5, 6, 9, 12, and 16 of permission 21/00607/FUL. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission.

2.2. The following amendments are proposed:

Condition	Summary of proposed amendments
2 - Approved Plans	House type amendments.
3 - Materials	Alternative materials to reflect Avant Homes' specification.
4 - Drainage details	Amended drainage details to reflect amended house types.
5 – Construction Traffic Management Plan	Alternative CTMP to reflect Avant Homes' specification and account for additional dwellings.
6 – Access Arrangements	The access arrangement remains unaffected; however, the Proposed Compliance Plan (Ref. PL-11A), to which this condition refers, requires amending to reflect the replacement house types.
9 – Parking and Turning Facilities	The parking and turning facilities remain unaffected; however, the Proposed Compliance Plan (Ref. PL-11A), to which this condition refers, requires amending to reflect the replacement house types.
12 - Landscaping	Alternative landscaping to reflect Avant Homes's specification.
16 – Cycle Storage	This condition is proposed for removal as cycle storage is to be integrated instead of provided through external purpose-built structures.

3. Description of the site and surrounding area

3.1. The application site comprises 0.25ha of land broadly rectangular in shape, to the north of the existing car park serving Heath Lane Surgery, to the northwest of Earl

Shilton. Access to the application site is proposed via Westfield Avenue on the western boundary of the site. The site slopes upwards from west to east, with an approximate maximum level change of 5 metres.

- 3.2. The site lies within the site known as Shelton Village which benefits from planning permission for 350 dwellings (14/01279/OUT and 19/01442/REM) and is currently under construction. The application site forms an infill parcel and is bound to the north by existing housing /open space, Heath Lane Surgery and its car park to the south, a band of trees to the east and Westfield Avenue to the west.

4. Relevant planning history

23/00119/FUL

- Proposed erection of 9 dwellings with associated access, car parking, landscaping and drainage
- Permitted
19.06.2023

22/00764/NMA

- Non-Material Amendment of Planning Permission 19/01442/REM. Amendments to consist of changing the type of bricks due to lack of supply
- Permitted
- 09.09.2022

20/01254/DISCON

- Application to re-discharge conditions 10 (Drainage_ 28 (Foul Drainage), 29 (Boundary details), 30 (Levels) and partially re-discharge 12 (contamination), 15 (landfill gas) attached to planning permission 14/01279/OUT (Relating to revised layout on approved application 19/00112/CONDIT)
- Split Decision – Discharge of Conditions
- 11.05.2021

20/01137/DISCON

- Application to discharge conditions 4 (Landscaping), 5 (Surface water drainage) attached to planning permission 19/01442/REM
- Discharged
- 11.05.2021

20/00273/NMA

- Non-material amendment to approval 18/00225/REM to create a straight alignment to the road into the site
- Permitted
- 09.04.2020

19/01442/REM

- Approval of reserved matters (appearance, landscaping, layout and scale) for residential development of 350 dwellings of outline planning permission 14/01279/OUT
- Permitted
- 27.07.2020

19/00189/FUL

- Extension to existing car park at Heath Lane Surgery
- Permitted

- 26.06.2019

19/00112/CONDIT

- Variation of condition 1 of planning permission 18/00225/REM to amend approved house types
- Permitted
- 09.05.2019

18/00225/REM

- Approval of reserved matters (appearance, landscaping, layout and scale) for residential development of 322 dwellings of outline planning permission 14/01279/OUT)
- Permitted
- 24.10.2018

14/01279/OUT

- Residential development of up to 350 dwellings, 0.6ha of employment starter units, expansion of existing community facilities, access, open space and indicative landscaping (outline – access only)
- Permitted
- 06.07.2017

5. Publicity

5.1. The application has been publicised by sending out letters to local residents and posting a site notice.

5.2. No representations were received.

6. Consultation

6.1. No objection has been received from:

- LCC Ecology
- LCC Archaeology
- LCC Highways
- HBBC Waste
- HBBC Drainage
- LCC Drainage

7. Policy

7.1. Core Strategy (2009)

- Policy 5: Transport Infrastructure in the Sub-Regional Centre
- Policy 7: Key Rural Centres
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. Earl Shilton and Barwell Area Action Plan DPD (2014)

- Policy 22 Development and Design

- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)

- 7.5. Other relevant guidance
- Good Design Guide (2020)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flood risk and drainage
- Ecology and biodiversity

Principle of development

- 8.2. The principle of development is established by the previous approval 23/00119/FUL.

Design and impact upon the character of the area

- 8.3. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.4. Policy 22 of the Earl Shilton and Barwell states that development will be permitted where the siting and density respects the character and layout of the area, development respects the local distinctiveness of existing buildings and landscape settings. Including design, materials and fenestrations which respect the street scene/local area.
- 8.5. The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment.
- 8.6. Paragraph 139 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.7. The original proposal was considered to have no adverse impact upon character and appearance of the area due to the appropriate scale, layout, density, mass, design, construction materials and architectural features of the nine dwellings.
- 8.8. In terms of the arrangement and layout, the only difference relates to plots 6-9 which are proposed to be arranged across two pairs of semi-detached plots as opposed to a single terrace of four plots.

- 8.9. Following officer requests for amendments, the architectural design of the dwellings now maintains brick detailing with cill and header detailing to all windows and doors, as well as brick eaves and verges as features with the previous scheme. The choices of materials are more varied than the previously approved scheme, with two different types of brickwork and roof tiles proposed. Officers consider that the overall design quality of the revised scheme has been slightly reduced, however it is understood that the materials and house types will now echo those on the adjacent estate, therefore maintaining a continuity in design.
- 8.10. Similarly to the dwelling design quality, Officers requested for the hard and soft landscaping to be largely replicated to the previous scheme, as the initial submission weakened the landscape design. The amended proposal is now considered acceptable in landscape design terms.
- 8.11. Overall, the scheme is considered to be acceptable and in compliance with Policy DM10(c), (d) and (e) of the SADMP, Policy 22 of the AAP, the Good Design Guide SPD and the requirements of the NPPF.
- Impact upon neighbouring residential amenity
- 8.12. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.13. Policy 22 of the AAP states that development will be permitted where the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.14. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.15. Paragraph 135 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.16. Following officer recommendations for amendments the revised scheme will have a suitable relationship with nearby residential units with no issues regarding overlooking, loss of light or overbearing impacts due to the distance between the site and the wider development. The proposals also ensure a suitable relationship between the dwellings within the site which would protect the amenity of prospective residents.
- 8.17. Each property provides adequate private amenity space for each proposed dwelling in accordance with Guidance found in the Council's Good Design Guide.

- 8.18. The application is considered to be acceptable in amenity terms and in compliance with Policy DM10 a and b of the SADMP, Policy 22 of the AAP, The Good Design Guide SPD and the requirements of the NPPF.

Impact upon highway safety

- 8.19. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.20. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.21. Paragraph 115 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 116(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations.
- 8.22. The proposal aims to vary Condition 5 to a revised Construction Management Plan (CMP) which is to Avant Homes specification. The LHA previously objected to the variation of Condition 5 on the basis that the previous submitted detail regarding the construction traffic routing, as this referred to another development site. The LHA's response further stated that a wheel wash facility should always be available on site.
- 8.23. Having revised the revised CMP submission, the LHA welcomes the amendments to paragraph 9.2 which details that all construction traffic will route via the A47 and avoid travelling via the town centre. The Applicant confirms on page 15 that a wheel wash facility 'will be available at all times in the form of a manned jet wash with water bowser and drainage point in the event they are required'. The LHA advise that it should be ensured that the wheel wash facility is set back approximately 10m from the highway boundary to ensure that passing highway users are not adversely affected by spray water.
- 8.24. Overall, the LHA considers that vehicular and pedestrian visibility splays are achievable, the internal arrangement and parking provision is acceptable and that the site is located in a sustainable location, with good access to bus stops, convenience stores, pubs and schools.
- 8.25. As such, subject to the conditions recommended by the LHA, the proposal will satisfy policy DM17 and DM10(g) and the NPPF.

Flood Risk and Drainage

- 8.26. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.27. Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.

- 8.28. The HBBC Drainage Officer advises that the revised proposals are acceptable subject to a condition to secure a surface water drainage scheme which has been included. The Local Lead Flood Authority has referred to standing advice.
- 8.29. Subject to the suggested conditions being appropriately discharged, the development will therefore satisfy policy DM7 and the NPPF.

Ecology and biodiversity

- 8.30. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 180 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.31. The original application included a set of proposals designed to enhance the biodiversity of the site through a number of measures, as well as a calculation of the impact that these will have. LCC Ecology have advised that although the metric provided is not quite up to standard, there is enough information to assess that measurable net gain can be demonstrated and the baseline habitats are low.
- 8.32. LCC Ecology have no objections to the proposal, therefore the proposal is considered to comply with DM6 subject to accordance with the recommended condition.

Conditions

- 8.33. Planning permission 23/00119/FUL was subject to 16 conditions.
- 8.34. The development has not commenced yet, therefore the time limit for implementation of the original permission condition is required. Conditions 2 (approved plans), 3 (materials), 4 (drainage details), 5 (CTMP), 6 (access arrangements), 9 (parking and turning), and 12 (landscaping) are to be amended to reflect the alternative approved plans through this application. Condition 16 is to be removed as cycle storage is to be integrated as opposed to the provision of external purpose-built structures.
- 8.35. All other conditions are re-imposed (some with changes to wording to reflect new plan versions). No conditions have been discharged since the original approval.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Recommendation

10.1 **Grant planning permission subject to planning conditions.**

11. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission 23/00119/FUL (16.06.2023).

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Site Location plan – Drawing 1221-23-100
- Planning Layout – Drawing 1221-23-200 Rev C
- Proposed Compliance Plan – Drawing 1221-23-270 Rev B
- Horbury Elevations and Floor Plans – Drawing 1221-23-HOR
- Leyburn Elevations and Floor Plans – Drawing 1221-23-LEY
- Maltby Elevations and Floor Plans – Drawing 1221-23-MAL
- Ripon Elevations – Drawing 1221-23-RIP - E
- Ripon Floor Plans – Drawing 1221-23-RIP - P
- Enclosures Plan - Drawing 1221-23-260 Rev C
- Street Scenes – Drawing 1221-23-230 Rev C
- Slab Levels – Drawing 1221-23-280 Rev A

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 22 of the AAP.

3. The materials to be used in the construction of the external surfaces and external elevations of the development hereby permitted shall be in accordance with the Materials Plan Drawing 1221-23-250 Rev C, received 6th September 2024.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 22 of the AAP.

4. The development hereby permitted shall be implemented in accordance with the approved drainage details listed below:

- External Works Construction Details - (MEC Consulting Development Engineers) – Drawing no. 27695_02_080_01 – Rev B
- Surface Finishes Layout (MEC Consulting Development Engineers) – Drawing no. 27695_02_060_01 – Rev B
- Private Drainage Construction Details (MEC Consulting Development Engineers) – Drawing no. 27695_02_080_03 – Rev B
- Attenuation and Flow Control Construction Details (MEC Consulting Development Engineers) – Drawing no. 27695_02_080_04 Rev A
- Adoptable Drainage Construction Details (MEC Consulting Development Engineers) – Drawing no. 27695_02_080_02 Rev A

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with policy DM7 of the adopted Site Allocations and Development Management Policies Plan Document (2016).

5. Construction of the development and routing of construction traffic shall be in accordance with the Construction Traffic Management Plan – Avant Homes – April 2024 Rev A, received 20th August 2024.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on street parking problems in the area in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD 2016.

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on the proposed Compliance Plan (drawing number Drawing 1221-23-270 Rev B) have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2023).

7. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 x 43 metres in both directions at the access to Plots 3-9 and in a southerly direction at the access to Plots 1-2 and 2.4 x 40m to the north of Plot 2 have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2023).

8. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2023).

9. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the proposed Compliance Plan (drawing number Drawing 1221-23-270 Rev B). Thereafter the onsite parking and turning provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2023).

10. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2023).

11. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) the National Planning Policy Framework (2023).

12. The schedule of hard and soft landscaping works, including boundary treatments, for the site shall be carried out in full accordance with the approved landscaping scheme Detailed Landscape Proposals (Drawing 2181-01b – received 6th September 2024) and Enclosures Plan (Drawing 1221-23-260 Rev C). The approved landscaping scheme shall be carried out in the first planting season following the first occupation of the site and shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and

Development Management Policies Development Plan Document (2016) and Policy 22 of the AAP.

13. The development hereby permitted shall not be occupied until waste and recycling storage containers has been implemented in accordance with the submitted Proposed Compliance Plan Drawing 1221-23-270 Rev B and thereafter maintained in perpetuity.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E; of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. The development hereby approved shall be implemented in strict accordance with the mitigation and enhancement measures stated in the Mitigation and Environmental Enhancement Strategy (Dr. Stefan Bodnar, May 2023) unless otherwise agreed in writing by the LPA.

Reason: In the interests of ensuring a net gain in biodiversity on the site in accordance with Policy DM6 of the SADMP and the National Planning Policy Framework (2023).

Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
4. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway

Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted, and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

5. Great crested newts and their habitat are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Together, this legislation makes it illegal to: Deliberately capture, kill, disturb or injure a great crested newt; Disturb a great crested newt whilst it is occupying a structure or place for shelter or protection; Intentionally or recklessly damage, destroy or obstruct access to habitats used by great crested newts for protection or sheltering; and damage or destroy a breeding site or resting place. As such, should a great crested newt be found, works should stop and an ecologist should be contacted for further advice.
6. Badgers and their setts are protected by law. A badger sett is defined by law as 'any structure or place which displays signs indicating current use by a badger'. Under the Protection of Badgers Act 1992 it is an offence to: Take, injure, or kill a badger (or attempt to do so); Cruelly ill-treat a badger; Intentionally or recklessly damage, destroy or obstruct access to a badger sett; and intentionally or recklessly disturb a badger when it is occupying a badger sett. Therefore, no works should occur near to a badger sett (including recently dug ones) unless carefully checked beforehand by a suitably qualified person.