



Appeal Decision

Inquiry held on 12-14 March 2014

Site visit made on 14 March 2014

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 May 2014

Appeal Ref: APP/Y3940/A/13/2206539

Land at Moredon Bridge, West Swindon, Wiltshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Wainhomes (South West) Holdings Ltd against the decision of Wiltshire Council.
 - The application Ref N/11/02763/FUL is dated 11 August 2011.
 - The development proposed is a residential development of 50 units including access, associated engineering works, infrastructure, drainage and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for a residential development of 50 units including access, associated engineering works, infrastructure, drainage and landscaping on land at Moredon Bridge, West Swindon, Wiltshire in accordance with the terms of the application, Ref N/11/02763/FUL dated 11 August 2011, subject to conditions set out in a schedule attached to this Decision.

Background information

2. The appeal site is about 1.7 hectares of mainly grassland that adjoins a housing development of 200 dwellings, currently under construction, that was granted planning permission on appeal in 2009. The site is identified in the 2009 scheme as being 'retained grassland' and part of the land is designated as Bradleys Meadow County Wildlife Site (BMCWS) in the North Wiltshire Local Plan (NWLP). BMCWS is a protected ecological habitat of calcareous grassland and is a Site of Nature Conservation Interest (SNCI).

3. The proposed development of 50 dwellings, comprising 36 market dwellings and 14 units of affordable housing, includes 6 dwellings that were originally included in the permitted scheme of 200 dwellings. The proposed net increase in new housing at Moredon Bridge would therefore be 44 dwellings. The Council does not oppose the scheme on the basis of the adequacy or otherwise of housing land supply in the Wiltshire Council area.

4. The main parties agree that the proposed development would result in the loss of 0.97 hectares of protected calcareous grassland and that this protected grassland is the subject of an Ecological Management Plan (EMP) to secure enhancements to mitigate the effects of the permitted scheme of 200 dwellings. At the opening of the Inquiry it was the Appellants' stance that the loss of the protected grassland could be mitigated by one of four proposed methods.

5. Three of the proposed ecological mitigation proposals were set out in a draft Planning Obligation, made pursuant to Section 106 of the Town and Country Planning Act 1990 (the S106 Obligation), which was in place at the start of the Inquiry. The first proposal in the draft S106 Obligation was the payment of a Habitat Mitigation Contribution (HMC) of £50,000, which could be used "...by the Council in carrying out or procuring such other habitat mitigation as the Council may determine". The other two mitigation schemes in the draft S106 Obligation involved the implementation of an EMP for either land at Brynards Hill, Royal Wootton Bassett or land adjacent to Fitzmaurice Primary School, Bradford on Avon.

6. A signed and dated S106 Obligation was not in place at the close of the Inquiry and the Appellants were given until 4 April 2014 to submit it for consideration. The signed S106 Obligation dated 2 April 2014 does not include the first mitigation proposal; the payment of an HMC. This proposed mitigation proposal cannot therefore be considered in this Decision. The other two mitigation proposals are included in the signed and dated S106 Obligation. The fourth mitigation proposal put forward by the Appellants is the imposition of a condition that would require an ecological mitigation scheme to be implemented following approval by the Council before development commences.

Reasons

7. The main issue is whether the loss of part of BMCWS would be adequately mitigated by either of the two EMP schemes and/or whether the loss would be mitigated by the imposition of a planning condition that would require an ecological mitigation scheme to be implemented following approval by the Council.

8. NWLP policy NE7 states that development likely to have an adverse effect on a CWS will not be permitted unless it can be demonstrated that there are reasons for the proposal which outweigh the need to safeguard the value of the site. In general terms the Council accepts that the need for housing outweighs the need to safeguard BMCWS. The policy also states, however, that "Where development is permitted, the authority will impose conditions and/or seek to negotiate planning obligations to provide appropriate mitigation and compensatory measures". It is this provision and the failure to reach agreement on mitigation measures with the authority that led the Appellants to submit the appeal against non-determination.

9. The main parties agree that Wiltshire contains about 19,000 hectares of calcareous grassland, about 50% of the total in the United Kingdom. 0.97 hectares lost at BMCWS, if the appeal is allowed and the development implemented, would equate to only 0.0047% of the county resource of calcareous grassland. There are 62 Sites of Special Scientific Interest (SSSI) in Wiltshire that protect over 18,000 hectares of the County's resource of calcareous grassland. The calcareous grassland at BMCWS is accepted to be in poor condition whilst the extensive areas of such grassland in the SSSIs are likely to be of significantly better quality. In these terms the loss of the calcareous grassland at BMCWS would not be significant. The Appellant's accept, however, that its loss should be mitigated.

10. The Council does not accept that the calcareous grassland at BMCWS should be considered to be in poor condition because an EMP is in place for its improvement to a good condition. This would only occur if the appeal is dismissed. In that event the grassland would attain a good condition in time. If the appeal is allowed, with suitable mitigation in place, then the replacement area of priority habitat (calcareous grassland is a priority habitat as defined in Section 41 of the Natural Environment and Rural Communities Act 2006) would be improved over a

similar time period. The effect would be the same. The creation of a priority habitat in good condition. The calcareous grassland at the BMCWS can be considered to be in its current poor condition for the purposes of assessing whether either of the proposed mitigation schemes would be adequate.

11. The Council has sought to suggest that the calcareous grassland at BMCWS is part of a 'stepping-stone' corridor of similar habitats in the area. To the north of BMCWS is calcareous grassland at Moredon and Haydon Wick Old Railway Line CWS and to the west are three similar areas, one of which is a CWS. These three areas are close together and there is likely to be pollination and species movement between them. However, there is unlikely to be the same movement, given distance and the direction of the prevailing wind, between the three areas and BMCWS. In any event, the Council's case on this point is undermined by their previous acceptance of a mitigation site at Cow Bank Hill, which is no longer available but which is 9 kms from Moredon Bridge.

12. Both main parties have applied an assessment tool in 'Biodiversity Offsetting Pilots', a technical paper published in March 2012 by DEFRA. Under the DEFRA 'metric' BMCWS is a habitat type of high value and distinctiveness but also calls for its condition to be taken into account. As previously stated there is no justification for considering the calcareous grassland to be in good condition; its condition is poor. The main parties do not disagree on any other factors or multipliers to be taken into account and the Appellant's calculation that the calcareous grassland on the appeal site has a value of 41.9 biodiversity units can be accepted.

13. The land adjacent to Fitzmaurice Primary School in Bradford on Avon (also known as Poulton Field) is 4.3 hectares of grassland. The school control the land and the head teacher, in a letter dated 22 January 2014, states that "...the school is...keen to participate in the biodiversity offsetting scheme". The site includes about 0.75 hectares of calcareous grassland in good condition and the remaining grassland is species poor and is not considered to be calcareous. Part of this area would be retained by the school for sports purposes and about 0.1 hectares is a recently planted copse. The proposal is to manage and improve about 3 hectares of poor quality grassland to become calcareous grassland with the intention that the biodiversity gain would offset the loss of calcareous grassland at BMCWS.

14. In his proof of evidence Mr Taylor states that "The current management of the site...is generally appropriate for the...maintenance of calcareous grassland and indeed this has apparently been sufficient to create an area of high quality calcareous grassland in the eastern part of the site". But he has questioned, by reference to the number and type of indicator species on the land, whether calcareous grassland exists on the site. Indicator species for calcareous grassland can also be indicator species for neutral grassland. But there is one plant species at Poulton Field that is clearly indicative of calcareous grassland whilst there are none at the BMCWS. If, on this form of assessment, it is concluded that there is no calcareous grassland at Poulton Field then doubt must be cast on whether there is such grassland at BMCWS. This is clearly not the case because the Council is seeking mitigation for the loss of the calcareous grassland on the appeal site.

15. The Council has questioned why the calcareous grassland at Poulton Field can exist alongside non-calcareous grassland. They maintain that, given that the whole field has been the subject of an overall management regime, hay is cut and removed once a year, there must be a reason why calcareous grassland is limited to part of the field. The Council accept, through Mr Taylor, that the critical factors that establish whether soil can be or could become calcareous grassland are its pH level

and its calcium carbonate content. Soil tests carried out shortly before the Inquiry opened indicate that the ph level is in the range 7.7 to 7.9 and that its calcium carbonate content is in the range of 1-40%. Mr Taylor accepted at the Inquiry that such soil characteristics would support the creation and maintenance of calcareous grassland. Phosphorous, potassium and magnesium levels in the soil are all within ranges set out in Natural England's Technical Information Note 036 for the maintenance of calcareous grassland.

16. Mr Taylor's views on the existence and possible future expansion of the area of calcareous grassland at Poulton Field are opposed by the view of his colleague Ms Kilgallen. Ms Kilgallen, a qualified ecologist with 18 years experience, knows Poulton Field, though not in a professional capacity. Nevertheless, she has been able to say that "I know it well. It's definitely at the richer end of semi-improved calcareous grassland...It's...ideal for a reversion project". It has not been suggested that Ms Kilgallen had anything to gain by saying this and there is no reason, given her experience and qualifications, to give anything other than substantial weight to her view. It can be inferred, from her use of 'reversion', that the relatively small area of calcareous grassland was originally larger than it is and that the larger area of non-calcareous grassland, following improvement and management, would revert to being calcareous grassland.

17. In his closing statement at the Inquiry, for the Council, Mr Langham pointed to the fact that Fitzmaurice School is about 38 kms from the appeal site. Biodiversity mitigation should be provided locally and this principle is included in policy CP50 of the emerging Wiltshire Core Strategy (WCS) which provides that where there has to be compensation it must secure the integrity of local ecological networks. But, whilst 'local' is undefined, the proposed mitigation scheme would be within the same administrative area. Furthermore, a small part of the existing area of calcareous grassland at BMCWS, about 0.18 hectares, would remain so the existing network of such areas to the west of Swindon would also remain and the school clearly recognise the educational benefits of the location of the scheme.

18. Also in his closing for the Council Mr Langham stated, with regard to DEFRA metric biodiversity units, that "There is no dispute about the maths in relation to the Fitzmaurice Primary School site (+42.98 units)". Poulton Field is not local to the appeal site but part of the calcareous grassland at BMCWS would remain and there are educational benefits for this proposal. These benefits should not be undervalued. The EMP for land at Fitzmaurice Primary School, quantified as 42.98 biodiversity units, would be adequate mitigation for the loss of calcareous grassland at BMCWS, quantified as 41.9 biodiversity units.

19. The Brynards Hill land at Royal Wootton Bassett is an area of wet grassland. Wet grassland is a priority habitat type as identified in Section 41 of the Natural Environment and Rural Communities Act 2006 so it has the same status as calcareous grassland. The local Biodiversity Action Plan seeks, at least, to preserve the existing resource of calcareous grassland. Furthermore, whilst the DEFRA guidance is not conclusive, it does indicate that ecological mitigation is generally expected to be on a 'like for like' basis. One reason for this not to occur would be the absence of opportunities for like for like mitigation. But this is not the case here because Poulton Field is a suitable opportunity and would provide adequate mitigation. For this reason the EMP for land at Brynards Hill would not provide adequate mitigation for the loss of calcareous grassland at BMCWS.

20. The planning system seeks, amongst other things, to provide certainty in the development process and to bring forward development without undue delay. This

is particularly the case for housing; there is a government imperative at this time for housing such as that proposed at the appeal site which would include, on the net increase in housing over the whole site, 30% affordable housing. The imposition of a condition requiring a mitigation scheme to be implemented following approval by the Council is uncertain and would delay the implementation of the proposed housing development. Given that the EMP for Poulton Field would provide adequate ecological mitigation the imposition of such a condition would introduce uncertainty and delay and would not be acceptable.

21. Biodiversity offsetting is a relatively recent concept but the technical paper 'Biodiversity Offsetting Pilots' has been developed by Natural England in consultation with a range of experts and should therefore be afforded significant weight. Avoiding harm is not a recent concept and underpins the planning system. If a proposed development does not cause demonstrable harm then it should be permitted. In this case, the mitigation scheme for Poulton Field would offset the harm caused at the appeal site and there would be no overall demonstrable harm.

22. The only one of three proposed ecological mitigation schemes or methods that would provide adequate compensation for the loss of calcareous grassland at BMCWS would be the implementation of the EMP for Poulton Field at Fitzmaurice Primary School in Bradford on Avon. This provision is in the S106 Obligation and would be enacted by an agreed planning condition. The proposed development of land at Moredon Bridge would not cause demonstrable harm to nature conservation interests and complies with NWLP policy NE7.

Other matters

23. The protected status of the appeal site as a CWS and an SNCI does not prevent the submission of a planning application for the development of the site provided adequate mitigation is also proposed for the loss of the protected land. A Flood Risk Assessment has been carried out and details mitigation measures to be carried out prior to occupation of any dwelling on the site. There is no reason to refuse the appeal on the basis that the development would exacerbate flooding in the area or itself would be at risk of flooding.

24. Vehicular access to the proposed development of an additional 44 dwellings would be through the development currently under construction. The access road is Mustang Way. On-street parking occurs on Mustang Way and parked cars are likely to reduce the speed of traffic and, if poorly parked, cause inconvenience to pedestrians. The incidence of on-street parking on Mustang Way is not likely to increase as a result of the construction and occupation of the additional dwellings and the additional traffic on the access road is not likely to cause any difficulties or danger for residents already living on the housing estate. In this regard, the Highway Authority has not objected to the appeal development and has raised no concerns for congestion or safety on the highway network.

25. Reference has been made to the Widham Farm appeal decision in which the Inspector noted that North Wiltshire Council, as it was then, was exceeding its five year housing supply requirements. This appeal decision preceded examination of the emerging WCS and the examining Inspector's statement that Wiltshire Council, as it is now, needs to provide for the construction of 42,000 homes over the plan period, rather than 37,000 homes that the WCS was drafted to provide for. Even with the grant of other recent planning permissions for housing developments in the Council area, such as that for Ridgeway Farm near to Moredon Bridge, Wiltshire Council cannot demonstrate a five year supply of housing. This is why, given that

paragraph 47 of the National Planning Policy Framework (NPPF) requires Council's to identify and update annually a supply of deliverable sites to provide five years worth of housing, the Council does not oppose the scheme on the basis of housing land supply. The requirement of paragraph 47 of the NPPF cannot be ignored.

Conditions and the S106 Obligation

26. The obligations set out in the signed and dated S106 Obligation are all related to requirements of development plan policies and are all necessary to make the development acceptable in planning terms. Apart from ensuring the provision of 30% affordable housing the obligation would result in the payment of several commuted sums; £29,400 for built leisure facilities, £14,050 for improving playing fields, £6,373 towards libraries, £5,425 to Wiltshire Fire and Rescue, and £6,101 for waste and recycling. The obligations are all directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The S106 Obligation therefore complies with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

27. The main parties submitted an agreed list of conditions at the Inquiry. Suggested condition 11 has been deleted as it duplicates a requirement of suggested condition 10. All other agreed conditions are necessary, meet the tests set out in paragraph 206 of the NPPF, and have been imposed, though they have been simplified and/or amended where necessary in the interests of clarity and precision. The reasons for the conditions are set out in the schedule. Phrases such as 'to the satisfaction of the Local Planning Authority' and 'unless otherwise agreed in writing with the Local Planning Authority' have been deleted as they introduce uncertainty and would provide a route for approval of works outside the statutory planning process.

Conclusion

28. Adequate mitigation for the loss of calcareous grassland at BMCWS would be provided by the implementation of the EMP for Poulton Field at Fitzmaurice Primary School in Bradford on Avon. All matters raised have been taken into account but do not, either individually or collectively, alter the conclusion that the proposed development would not, overall, cause any demonstrable harm. Planning permission has thus been granted for a residential development of 50 units including access, associated engineering works, infrastructure, drainage and landscaping on land at Moredon Bridge, West Swindon, Wiltshire.

John Braithwaite

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Langham Of Counsel instructed by Head of Legal Services at Wiltshire Council

He called

Mr J Taylor BSc MSc PgDip MIEEM Manager of Landscape and Design Team at Wiltshire Council

Mr L Burman BA(Hons) DipUPI MRTPI Development Management Team Leader at Wiltshire Council

FOR THE APPELLANT:

Mr V Fraser Queens Counsel instructed by Mr S Harris of Emery Planning

He called

Mr N Machin BSc MCIEEM Associate Director of Waterman EED Ltd

Mr S Harris BSc(Hons) MRTPI Director of Emery Planning

INTERESTED PERSONS:

Mr Pagett Local resident

Councillor J Lay Ward Councillor of Wiltshire Council

DOCUMENTS

- 1 Representation by Mr R Pagett.
- 2 Representation by Councillor J Lay.
- 3 Request by Coun. Lay for application to be considered by Planning Committee.
- 4 Summary of Proof of Evidence by Mr Taylor.
- 5 Map of areas of Calcareous Grassland to west of Swindon.
- 6 Soil analysis of land at Bradford on Avon.
- 7 Soil report of land at Bradford on Avon.
- 8 List of suggested conditions.
- 9 Closing submissions of the Local Planning Authority.
- 10 Closing Statement on behalf of Appellants.

SCHEDULE OF CONDITIONS FOR PLANNING PERMISSION N/11/02763/FUL

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. No development shall commence until details and samples of the materials to be used for the external walls and roofs of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

3. No development shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

4. All soft landscaping comprised in the approved landscaping scheme shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall be carried out in accordance with the approved scheme prior to occupation of any dwelling or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. No demolition, site clearance or development shall commence on site, and no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the position of each tree to be protected and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -

Recommendations”, has been submitted to and approved in writing by the Local Planning Authority. The protective fencing shall be erected in accordance with the approved tree protection plan. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. The protective fencing shall not be removed or breached during construction operations.

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, of a size and species and planted at a time to be submitted to and agreed in writing by the Local Planning Authority. No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained tree or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars, and paragraphs above shall have effect until the expiration of five years from the first occupation of any dwelling or the completion of the development, whichever is the later.

Reason: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

6. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

7. No dwelling hereby permitted shall be occupied until the access, turning area and parking spaces associated with that dwelling have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

Reason: In the interests of highway safety.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008), or any Order revoking or re-enacting or amending that Order with or without modification, there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

Reason: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008), or any Order revoking or re-enacting or amending that Order with or without

modification, the garages hereby permitted shall not be converted to habitable accommodation.

Reason: To secure the retention of adequate parking provision, in the interests of highway safety.

10. No development shall commence on site until details of the works for the disposal of sewage, including the point of connection to the existing public sewer, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved sewage disposal details have been fully implemented in accordance with the approved plans.

Reason: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

11. No development shall commence on site until an investigation of the history and current condition of the site to determine the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLRII" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

12. The mitigation measures detailed in the approved Flood Risk Assessment (FRA) dated 12/9/12 shall be carried out in full prior to occupation of any dwelling hereby permitted or in accordance with the approved timetable detailed in the FRA.

REASON: In the interests of flood prevention.

13. No development shall commence on site (including any works of demolition), until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- measures for the protection of the natural environment;
- hours of construction, including deliveries.

The approved CMS shall be complied with in full throughout the construction period.

Reason: To minimise detrimental effects to neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

14. Management and maintenance of all habitats shall be carried out in strict accordance with the management prescriptions set out in the approved Ecological Management Plan (Document ref. EED13466_100_R_5_1_3_LM dated 23 January 2014 by Watermans). Upon commencement of development, annual monitoring reports shall be submitted to the Local Planning Authority, as required by the Ecological Management Plan, annually for a period of at least five years.

Reason: To protect and enhance the nature conservation interests at the site

15. No development shall commence until detailed proposals for the restoration of the River Ray (as approved by the Environment Agency) have been submitted to and approved in writing by the Local Planning Authority. The River Restoration Proposals (RRP) shall be in accordance with the principles of the approved preliminary concept as shown on Drawing Ref CPM2658a/20 (Figure 5 of the approved Ecological Management Plan) and shall include timescales for carrying out and completing the works. All restoration works shall be carried out in strict accordance with the approved RRP.

Reason: To protect and enhance the nature conservation interest of the River Ray

16. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Archaeological Report 12/9/11
- Arboricultural survey & Constraints Report 12/8/11
- Design and Access Statement 12/8/11
- Drainage Layout (Revised) 0039-PDL-01-A 9/2/13
- Flood Risk Assessment and Drainage Strategy 12/9/11
- Ecological Assessment 12/9/11
- Ecological Management Plan including plan Ref CPM2658a/20 4/4/13
- Environmental Noise Assessment 12/9/11
- Geo-Environmental & Geo-Technical Report 12/9/11
- Landscape & Visual Appraisal 12/9/11
- Landscape Specification 12/8/11
- Landscape proposals 1 of 3 WAIN17762-10 18/10/2011
- Statement of Community Involvement 25/8/11
- Transport Statement 12/9/11
- Waste Audit and Management Strategy 12/9/11
- Site Location Plan 12/8/11
- Topographical Survey 12/9/11

- Highway Layout 9/4/13
- Car Parking Schedule 14/3/12
- Footpath Diversion 1552/105 9/4/13
- Revised Landscape Proposals WAIN17762-10 Sheets 1 to 3 15/3/12
- Revised House Types Rev C -12/03/12
- Revised Site Layout 1552/102 REV H 08/3/12
- Revised Street Elevations 1552/103 REV C 12/03/12
- LAP Proposals WAIN 17762 10/06/2011

Reason: For the avoidance of doubt and in the interests of proper planning.

Richborough Estates