



Appeal Decision

Inquiry held on 26-29 January 2021 & 9-16 February 2021

Site visit made on 17 February 2021

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 March 2021

Appeal Ref: APP/E2001/W/20/3259564

Land North and East of Mayfields, The Balk, Pocklington, East Riding of Yorkshire

- 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 outline planning permission.
 - The appeal is made by Gladman Developments Ltd against East Riding of Yorkshire Council.
 - The application Ref 18/04097/STOUT is dated 14 December 2018.
 - The development proposed is Outline planning permission for up to 380 residential dwellings (Use Class C3, including up to 25% affordable housing), local centre with Children's Day Nursery (Use Class D1), Convenience Store with up to 280 square metres of retail floor space (Use Class A1) and 60 bed care home (Use Class C2). New areas of formal and informal public open space to include allotments, community orchard, children's play area, skate park and multiple use games area. Introduction of structural planting and landscaping, surface water flood mitigation and attenuation and associated ancillary works. All matters to be reserved with the exception of two vehicular access points to be provided from The Balk.
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 380 residential dwellings (Use Class C3, including up to 25% affordable housing), local centre with Children's Day Nursery (Use Class D1), Convenience Store with up to 280 square metres of retail floor space (Use Class A1) and 60 bed care home (Use Class C2), new areas of formal and informal public open space to include allotments, community orchard, children's play area, skate park and multiple use games area, introduction of structural planting and landscaping, surface water flood mitigation and attenuation and associated ancillary works, all matters to be reserved with the exception of two vehicular access points to be provided from The Balk, at Land North and East of Mayfields, The Balk, Pocklington, East Riding of Yorkshire in accordance with the terms of the application, 18/04097/STOUT is dated 14 December 2018 subject to the attached schedule of conditions in Annex C.

Procedural Matters

2. The application was accompanied by a location plan (ref 7216-L-05A), along with plans showing detailed access arrangement and highways works (ref P18102-00E and P18102-200B). Following discussion at the Inquiry, it was agreed that the indicative development framework plan (ref 7216-L-07 Rev B) should be treated as an application drawing.

3. This appeal is against the non-determination of an outline application with all matters reserved except for access. The Council resolved that they would have refused the planning application and provided 2 putative reasons for refusal relating to conflict with the spatial development strategy and highways matters.
4. The Inquiry was jointly held with an appeal at Land North West of Swanland Equestrian, West Field Lane, Swanland.¹ While the sites are geographically separate and distinct, for consistency the appeals were heard together due to a shared main issue relating to broad principles around the development plan spatial strategy, housing land supply and affordable housing. That decision is subject to a separate decision letter, however my conclusions relating to the above broad matters are common to both appeals. For ease, the Swanland Core Documents (SCD) were the primary reference bank, with Pocklington specific Core Documents (PCD) used where necessary.
5. Pocklington Town Council (PTC) was granted 'Rule 6' status at the Inquiry. They presented several arguments related to the main issues along with unsustainable travel, character and appearance, infrastructure and other effects.
6. The second putative reason for refusal given relates to highways matters. The scheme originally involved alterations to the junction of The Balk (B1247)/A1079, outside the site (plan ref 18102-004). Following an objection by Highway Development Management, the appellant proposed that mitigation could be achieved by a new length of road and roundabout to the south-east of the existing junction, which would be closed (plan ref P18102-011D). This does not form part of the appeal proposals and would require separate permission.
7. A ruling was given on this matter following the Case Management Conference on 30 November 2020. It was ruled that the highway scheme involving the realignment of the southern part of the B1247, as the subject of a negatively worded condition, would be appropriately considered at the Inquiry. This was subject to a formal consultation on the proposed amendments which I have had regard to.
8. During the Inquiry, it was agreed between the Council and the appellant that safe and suitable access could be achieved on the basis of a package of mitigation measures set out in the amended plans. This was confirmed in the Statement of Common Ground (SOCG).² There was, however, disagreement in terms of detailed design matters over the new roundabout and PTC also set out their concerns. I address this matter later in my decision. In light of the agreement I have not, however, dealt with this as a main issue as it is no longer necessary.
9. An appeal for the same development proposals was previously dismissed at the site.³ I consider this in my decision.
10. A unilateral undertaking (UU) was submitted in draft form, discussed at the Inquiry and subsequently finalised. I come to this below.

¹ APP/E2001/W/20/3250240

² Highways Statement of Common Ground Dated 5 February 2021

³ APP/E2001/W/16/3165930 dated 2 November 2017 (SCD6.16)

Main Issue

11. In light of the above, the main issue now relates to:

- i) Whether the site is suitable for development, in the light of the locational policies in the development plan and other material considerations, including the housing land supply position.

Reasons

Site and area description

12. The appeal site is a broadly flat agricultural field of around 18 hectares, located to the south of Pocklington. It has a drainage channel running through the site. To the west, the site abuts The Balk (B1247) which provides a link road from the A1079 into the Town Centre. Burnby Lane is also located to its north eastern boundary.
13. To the north, the site borders a new residential development and Public Footpath No. 8 which links The Balk to Burnby Lane. A small fragmented woodland area 'Duck Belt' is found to the north of the site and a larger area of woodland 'Duck Wood' is located to the south-east. This separates the site from the Willows Water Fishery and holiday lodge park. To the south is a private access drive and an isolated detached dwelling.
14. To the north and north east of the site is the current developed edge to Pocklington. The wider landscape is relatively flat and open, with small pockets of development. Pocklington is a town with a variety of shops and facilities and good access to transport routes.

Proposals

15. In addition to the site being developed for up to 380 dwellings, including 25% affordable housing, the site would include a 60-bed care home, day nursery and convenience store. There would be areas of formal and informal public open space to include allotments, community orchard, children's play area, skate park and multiple use games area. Landscaping would also be provided, including reinforcing Duck Belt along Burnby Lane to Duck Wood. Attenuation ponds are also proposed. Access would be from 2 separate points along The Balk, and offsite highways works would include the provision of a 3m wide shared cycle track and footway along The Balk, new bus stops and footways along Burnby Lane.

Planning Policy Context

16. The development plan includes the East Riding Local Plan Strategy Document (LPSD) which was adopted in April 2016 and the East Riding Local Plan Allocation Document (LPAD) which was adopted in July 2016.
17. LPSD Policy S3 seeks to focus development in a defined settlement network in order to ensure that the right level of development takes place in the right places. Pocklington is identified by this policy as a Town. The policy states that the Towns will provide the local focus for housing, economic development, shopping, leisure, transport, education, health, entertainment, tourism, recreation and cultural activities for the town and its rural hinterland and that they support and complement the Principal Towns.

18. The supporting text confirms that settlements in this tier provide a good range of services and facilities, although not as extensive as the Principal Towns, and provide the main focal point for development in rural areas. They comprise of a mix of coastal and market towns and the vitality of rural areas will be supported, ensuring a network of centres that provide services, transport, housing and employment opportunities for a wide rural hinterland.
19. Development limits for the settlements listed in Policy S3 are also referenced and depicted on the Policies Map. The appeal site is located outside, but adjacent to, the development limits for Pocklington. The newly developed site to the north was an allocated site for housing in the LPAD, referenced as POC-G. Land outside of the defined limits is classed as countryside and development in such locations is restricted to a number of exceptions by LPSD Policy S4.
20. Policy S5 states that the housing requirement is at least 23,800 dwellings (1400 per annum) and sets the housing distribution for the settlement network over the plan period. For Pocklington this is set at 1250 dwellings. This policy also sets a requirement of 335 affordable homes per annum as part of the overall provision.
21. In combination, these policies establish the overall housing requirement figure, and a strategy for the pattern and scale of development across the District.
22. PTC are currently preparing a Neighbourhood Plan, however this is in an emerging stage and as such there are no formal policies as of yet relevant to this appeal.

The Spatial Strategy

23. Due to the location of the site outside of the defined settlement limits, it is accepted by the appellant that the development would be in conflict with the abovementioned strategic policies S3 and S4 of the LPSD.
24. There was a minor disagreement in terms of Policy S5, based on the findings of the previous Inspector who concluded that there was no conflict with this as the policy allocations it sets out are a not a cap on development. Mr Carvel for the appellant considered that on this basis there was also no conflict for the current appeal, although the appellant's equivalent witness for Swanland did accept that conflict. In any case, this difference of professional opinion was not a major point taken by the appellant who accepted the conflict with the development plan as a whole. Thus, it is the nature of the conflict and the weight given to that is in dispute. As S5 is a policy which sets the numbers and distribution of housing, I consider that there is a conflict.
25. Within the LPSD, the Council took an employment led approach in determining the housing requirements set out in Policy S5 of 1400 dwellings per annum. The plan recognises that East Riding is a high demand area for housing and the scale and distribution of housing was also considered in respect of Hull, so as not to undermine its regeneration.
26. However, when calculated from the LPSD base date, there has been a consistent shortfall of dwellings against the LPSD requirement which is now to the tune of 3149 dwellings. The LPSD did anticipate the rate of housebuilding would be below the requirement during the early years of the plan period, but with Figure 5 depicting from 2016-17 onwards the target would be continually

exceeded. This was exceeded in 2018/19 with 1404 dwellings, but decreased in 2019/20 to 1241 and the general trend is that of a shortfall. That said, the level of completions is on an overall increasing upward trend which is set to continue.

27. In terms of distribution, the identification of Towns, along with Rural service Centres and Primary Villages, was influenced by geographical distribution and the role of settlements in the sub-area in which they serve. The LPSD was examined in 2015 and the examining Inspector's report⁴ stated that the approach taken, which included the professional judgement of Officers, was reasonable and justified and he was of the firm view that the hierarchy of settlements is justified and settlements were placed in an appropriate category.
28. For Pocklington, up until April 2020, 865 dwellings (net) have been built. An additional 774 (net) dwellings are also consented and anticipated to be built out within the next 5 years. The housing has thus already exceeded the planned requirement as specified in S5, by around 389 units, part way through the plan period. The addition of a further 380 units as proposed would increase the total in Pocklington to 2019 dwellings which would represent a 60% increase from the requirement. This would be significant and would further unbalance the established hierarchy in Policies S3 and S5.
29. Taking the above together, there is a clear mismatch here between the LPSD requirement, which for the District has consistently failed to meet over the plan period so far, and yet delivery is in excess of 60% for Pocklington. This position is also similar for Swanland whereby there is an excess against the policy requirement of around 70%.
30. Paragraph 5.20 of the supporting text of the LPSD states that a review of the plan, including Policy S5 would take place by no later than 2020 to consider housing delivery across Hull and East Riding, along with the latest evidence on housing need. This was noted by the examining Inspector to the LPSD who considered it to be essential to the soundness of the plan.⁵ Work is underway with the publication of an Options Document in 2018⁶ which focussed on the housing requirement and a review of allocated sites. Questions were also put in respect of the distribution and settlement network with an option to retain the existing approach but to consider changes to the role or nature of settlements as part of the review. Further consultation is due in Spring 2021, although no specific timeline was specified.
31. The fundamental purpose of the locational policies in the LPSD is to ensure sustainable development which effectively manages the scale and distribution of new development. This is achieved by directing most new development to areas where there are services, facilities, homes and jobs, and where it can be served by the most sustainable modes of transport. Pocklington as a settlement has a good range of services and facilities.⁷ I was able to see those services and facilities myself during the site visit. Pocklington Town Council raised concerns in respect of the accessibility of the site to those services and facilities. This was in specific regard to walking distances. The walking distances are all above 1.2km, and as such would be more than current

⁴ Report on the Examination of the East Riding Local Plan: Strategy Document dated 25 January 2016 SCD7.05

⁵ Paragraph 90 of the Examiners report SCD7.05

⁶ Local Plan Review Options Document November 2018 SCD7.35

⁷ Details of which are set out in the Statement of Common Ground between the Council and Appellant dated December 2020, paragraphs 4.9

guidance.⁸ However, the site itself would include onsite service provision in terms of retail and a nursery. The provision of bus stops and cycleway are also proposed. The site would thus be served by sustainable modes of transport.

32. Overall, the development would conflict with LPSD Policies S3, S4 and S5 which set the scale and distribution of development. In identifying that conflict, I recognise that there is a mismatch in terms of the locational distribution of development, which in Pocklington is already significantly exceeding the LPSD figure, against the consistent under-delivery of the district-wide LPSD housing requirement and the identified, but yet, incomplete, review of the LPSD Policy S5.

Other Considerations

Housing Land Supply

33. There was a dispute as to whether the presumption in favour of sustainable development applies, as set out in paragraph 11 of the National Planning Policy Framework (the Framework) due to a lack of housing supply. Paragraph 11(d)(ii) states that where policies are out of date, permission should be granted unless any adverse impacts of doing so would be significant and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It was common ground that 11(d)(i) was not relevant in this appeal.

Current situation

34. Paragraph 73 of the Framework requires that Councils should identify and update annually a supply of specific deliverable sites to provide a minimum of 5 years worth of housing against their housing requirement set out in adopted strategic policies. Where strategic policies are more than 5 years old, and unless the strategic policies have been reviewed and found not to require updating, this should be calculated against their local housing need (LHN). The LHN is the number of homes identified as needed through the application of the Standard Method (SM), which is detailed in National Planning Practice Guidance (PPG).
35. The agreed supply period for the determination of this appeal is 1 April 2020-31 March 2025. The LPSD is not yet 5 years old, although it will become so on the 7 April. The SM calculation would then kick in for the LHN.
36. As set out in the relevant Statement of Common Ground (SOCG)⁹ and the updated scenarios (INQ31), against the LPSD housing requirement the Council is currently unable to demonstrate a 5-year supply, with the Council considering they can currently demonstrate 4.96 years. This position has changed from the publication of the Housing Land Supply Position Statement (HLSPS) dated December 2020 which gives a figure of 5.0 years. This was due to concessions made in respect of some of the sites assessed as deliverable by the Council, including from communal accommodation.
37. Due to debate over the deliverable sites included in the Council's calculation, the appellant considers that the Council can only demonstrate a supply of 4.17

⁸ Including Planning for Walking by the Chartered Institute of Highways and Transportation PDC10.10 and National Design Guide (PDC10.8) which recommend between 800m-1200m walking distances.

⁹ Statement of Common Ground (Housing Supply) dated 19 January 2021

years against the LPSD requirement. Nevertheless, even at the Council's preferred figure, the so called 'tilted-balance' under paragraph 11(d)(ii) of the Framework would be engaged.

Hybrid Calculation

38. The Council's position is that as the LPSD will be over 5 years old imminently, a hybrid figure which is based on the LPSD requirement for year 1 and the SM for years 2-5 should be used. This position was adopted for the joined appeals and is not reflected in the most recent published HLSPS.
39. Under the SM calculation, the housing figure is considerably lower than the adopted plan requirement – a reduction from 1400 to 909¹⁰. Even when adding in a calculation for a shortfall and 5% buffer (the former is not a requirement of the SM calculation) the Council's position is that 6.15 years supply can be demonstrated. While the appellant disputes this approach and accounting for differences relating to site deliverability, the appellant considers that under this method, the Council could demonstrate 5.17 years supply. It is on this basis that the Council submits that the tilted balance should not apply.
40. Parties agreed that this appeal, and indeed the linked Swanland appeal, provide the first time such an approach will have been formally tested. However, two appeal decisions in support of the Council's position were put before me.
41. The first is a Secretary of State (SoS) decision known as VIP Trading¹¹ which was dated 3 June 2020. Here, the SoS disagreed with the Inspector that the presumption in favour of sustainable development applied due to the supply being between 4.49-4.99 years. This was on the basis that on adoption of the draft London Plan, revised housing targets would result in a 5-year housing land supply and it was noted that the housing targets in the draft plan were not due to be modified.
42. The second decision was for a site at Clacton-on-Sea¹² dated 7 January 2021. While the Inspector acknowledges that, based on the SM the Council couldn't demonstrate the requisite 5-year supply, due to the imminent adoption of a new local plan with a different housing requirement figure indicating 6.14 year supply, the Inspector opted to rely on the new figure. Again, it was held that the presumption in favour of sustainable development did not therefore apply.
43. I accept there was a departure from paragraph 73 of the Framework in both examples. However, these decisions are materially different to the appeals now before me. Significant weight was given to the emerging housing figures and more specifically, the Inspector and SoS in both examples engaged paragraph 48 of the Framework which sets out criteria for determining what weight to give to emerging plans in accordance with their stage of preparation, the extent of unresolved objections, and consistency to the Framework.
44. The Council argues that paragraph 48 provides no basis for distinguishing the present circumstances, but there is no such direction in the Framework, or indeed in the PPG relating to the circumstances presented as part of these appeals in the way that there is for emerging local plans in paragraph 48.

¹⁰ SM requirement figure is taken from OR Proof of Evidence as it is not specifically detailed in the SOCG or INQ31

¹¹ APP/G6100/W/19/3233585 (SCD7.62)

¹² APP/P1560/W/20/3256190 (SCD7.77)

45. The Framework adopts a clear period of 5 years in terms of housing land supply, and also in terms of local plan preparation and review.¹³ Paragraph 73 of the Framework is clear that a minimum of 5 years worth of deliverable sites should be calculated against either the housing requirement in the adopted strategic policies or the local housing need where the strategic policies are more than 5 years old (my emphasis). As part of this, the SM was introduced in 2018 in order to be simpler, quicker and more transparent and I am of the firm view that to adopt a hybrid approach would undermine that efficiency and transparency.

Future Supply

46. It should be noted that there was broad agreement that from 7 April 2021, the Council are highly likely to be able to demonstrate a 5 year supply based on the full SM calculation, although a precise figure could not yet be determined due to all the data required not yet being available.
47. I accept that in the very near future, this is a matter which would no longer be for debate as the need to use the SM will automatically kick in. This would also be as certain as the adoption of the new requirement figures in the abovementioned cited appeals. However, based on my reasons above, that is itself not a reason to justify departure from paragraph 73 in such circumstances as presented here.

Conclusions on Housing Land Supply

48. To sum up, the LPSD requirement should be used and based on this, the Council are unable to demonstrate 5 years supply of housing. In accordance with footnote 7 of the Framework, the policies which are most important for determining the application, that being S3, S4 and S5, are deemed to be out of date. The tilted balance thus applies.
49. I will return to the matter of the extent of the shortfall and the weight to be given to this in light of the imminency of the 5-year anniversary of the LPSD in my section on the planning balance.

Character and Appearance

50. The site has a predominantly open aspect and is relatively featureless as a large expanse of open arable landscape with vegetation limited to Duck Belt and Duck Wood at its perimeter to the north east and south. The development at POC-G presents a somewhat hard urban edge with fencing and limited new tree planting along Footpath No8. The site is relatively contained in its wider landscape. Visibility is localised and taken mainly from The Balk.
51. The transformation of an open field to that of a built development would have an inevitable effect on the countryside. However, the future landscaping as set out in the Development Framework Plan responds positively to the local environment. This is because it would provide an improved edge to the existing settlement extent, in spite of its further encroachment out into the countryside.
52. I note that minor adverse effects were accepted by the appellant and the Council and greater harm identified by PTC. However, it is my view that any effects would be highly localised and there would be no unacceptable harm.

¹³ For example Framework paragraph 33

Impact on Local Businesses

53. Willow Waters comprises of fishing lakes and holiday lodges which are accessed via Burnby Lane. There are also private residential dwellings and agricultural buildings within the same area. It is separated from the site by Duck Wood, an access track and a landscape bund to the south western corner.
54. I visited the site in winter and from within Willow Waters, views of the appeal site can be seen from different vantage points. The fishery area and the holiday lodges, are, however, largely screened due to the thickness of the deciduous planting. Greater views are taken from the private dwellings.
55. Views of the development would be seen from the Willow Waters site, however I am mindful that the Development Framework Plan shows separation of built development from the boundary and bungalows built in the area that is most exposed. The holiday lodges themselves also have a south easterly aspect towards the lakes, facing away from the site.
56. Based on the above analysis, I am satisfied that the development would have no material impact upon the operation or attractiveness of Willow Waters Fishery site.

Non-Designated Heritage Assets

57. The site lies within a highly sensitive archaeological landscape. Findings have been made in nearby allocated sites. As an outline proposal, I am content that this is a matter that could be dealt with by condition.

Best and Most Versatile Agricultural Land

58. The land is classified as Grade 2 & 3a best and most versatile (BMV) land. However, as much of East Riding is Grade 1 or 2, the loss of this would be limited. The conflict in this regard would be minor adverse.

Infrastructure/Cumulative Impact

59. Broad local concern is raised about the infrastructure capacity of Pocklington to cope with the existing development levels and the proposed additional 380 units. I have dealt with topic specific matters related to cumulative effects in my decision. While I note that Pocklington is set to expand significantly, there is no justification to withhold consent based on this specific point. Education and highways contributions are also incorporated into the UU and the development would not be able to commence without the link road/roundabout due to the Grampian condition that I will address below. There is limited evidence to support claims that there would be an adverse effect on town centre parking capacity, or that the development would harm vitality of the town centre.

Water Supply

60. As a site for major development which is unplanned and unallocated, Yorkshire Water raised capacity concerns. However, these matters can be dealt with by separate legislation. Sewerage and drainage can also be dealt with by condition.

Planning Benefits

61. For the avoidance of doubt, in ascribing weight to the benefits I have used the following scale: limited, moderate, significant and substantial.
62. The generic nature of benefits was raised at the Inquiry. The previous Inspector at the site considered the generic nature of benefits was no more than would be expected from any development and considered that they attracted only limited positive weight.
63. Generic or otherwise, a matter which is attributed either positive or negative weight, must be included in the planning balance. The fact that something is commonplace does not in itself justify a reduction in weight, which must be assessed on its own merits and on the basis of evidence. It is this exercise to which I now turn to, below.

Housing Delivery

64. While Pocklington has a significant level of planned development, the delivery of housing is an undisputable benefit of the development in a District where the Council cannot currently demonstrate a 5-year supply. Given the scale of the site, and due to the highways works requiring separate consent, whether the development will occur within 5 years of the date of the decision is unclear, but in any case, the delivery will assist in the overall supply in the District.
65. The actual supply is somewhere between 4.17 years (the appellant's position) and 4.96 years (the Council's position). The difference between the parties relates to the appropriate windfall allowance to be included and the difference in approach as to whether a number of the supply sites should be considered as deliverable or not having regard to the definition set out in the Glossary to the latest iteration of the Framework and the PPG¹⁴. This includes in relation to lead in-times.
66. For the purpose of this appeal, I shall adopt the supply position of the Council. That should not be interpreted as any indication that I necessarily agree with that position. I simply adopt it as a 'least-worse' scenario in order to assess the weight to be given. I am also mindful that the housing land supply position is time-limited and in a matter of weeks, the Council will be able to demonstrate an adequate supply.
67. The Government's objective is to significantly boost the supply of housing and this would normally attract significant weight. However, the time-limited nature of the somewhat small shortfall in supply, reduces the amount of weight and I consider that housing delivery attracts moderate weight, rather than the significant weight the appellant sought to argue.

Affordable Housing

68. As already identified in my decision, LPSD Policy S5 sets a requirement for 335 affordable homes per annum as part of the overall 1400 dwellings per annum target. Here the dispute between the parties goes to the weight that should be given to the provision of affordable housing from the development.
69. It was recognised by the examining Inspector for the LPSD that the affordable housing need in the East Riding is significant and pressing, but that the

¹⁴ Paragraph 007 Reference ID 68-007-20190722

requirement set in Policy S5 falls short of the identified need which was calculated as 552 pa. A compromise was thus reached given that the delivery of affordable housing would necessitate huge levels of growth.¹⁵ Paragraph 6.23 of the supporting text to the LPSD states that a review of the plan would be triggered where targets were not met.

70. Common ground was reached between parties in that there has been a sustained shortfall against the LPSD target in each year of the plan period which amounts to a deficit of 1657 affordable homes against the Policy S5 requirement. It was also agreed that at 1 December 2020, there are currently 7245 households on the Council's Housing Register, which has increased from 6553 as at 1 April 2020. Of those, 2741 households are identified as being in bands 1-7 which is of greatest need. There is also agreement that there has been a rise in people housed in temporary accommodation from 8 households in April 2019 to 59 households in April 2020 – a 637% increase.¹⁶
71. For Pocklington specifically, the high levels of growth that have occurred as discussed above have also given rise to a healthy supply of affordable units. However, in light of the figures cited above, and setting aside the other points of debate between parties relating to the banding, waiting times and anticipated supply, in my view it is clear that the 'significant and pressing' need recognised by the examining Inspector, is now acute. While the offer of 25% affordable housing would only meet the policy minimum in LPSD Policy H2, the weight to be given to it as a benefit cannot be anything other than substantial.

Highways Works

72. As referenced above, there is now broad agreement between the parties that there is a technical mitigation solution to address capacity concerns for the Balk/A1079 junction by way of the provision of a new link road and roundabout. Updated position statements from the main parties in respect of highways matters were made at the round-table discussion on this issue.¹⁷
73. The land required for the mitigation is in the control of the appellant. However, it does not fall within the 'red-line' site boundary, is not formally part of the appeal proposal and requires separate consent.
74. As part of the detailed design measures, 3 options have been presented by the appellant. The differences relate to whether there is a single or two-lane exit for eastbound traffic and the length of any 2-lane exit. The Council considers that only the 2-lane exit for 100% of the required length is appropriate for highway safety measure, the appellant disagrees. PTC raised similar concerns to the Council.
75. The detailed design is not a matter before me, nor are concerns regarding the effects of the road on ecology and character and appearance raised by local residents. However, I am generally satisfied that an appropriate mitigation scheme could be secured via a Grampian planning condition. The effect of this condition would preclude the development from commencing until the highways improvements, including the provision of a new link road and roundabout between The Balk and the A1079 have been agreed.

¹⁵ Paragraphs 154 & 155 of the Examining Inspectors Report (SCD7.05)

¹⁶ Figures all taken from the Affordable Housing Statement of Common ground dated 25 January 2021

¹⁷ INQ26, INQ27 & INQ28.

76. In terms of weight to the works as a benefit, the appellant considers that the highways works should attract very substantial weight, while the Council and PTC consider this to be neutral, and PTC accept the improved footpaths as a benefit.
77. Many of the highways works provide mitigation (including the provision on a footpath and cycle path along The Balk) and address capacity issues. However, the new junction would serve not only the new residents of the site, but also other nearby new residential developments. The footpath works to Burnby Lane would also benefit the residents of the POC-G site and thus would also form a wider benefit.
78. The A1079 is a strategic road which links York and Hull. It carries large numbers of traffic, including heavy goods vehicles. At the time of the visit there was a steady stream of traffic using this highway. The Balk forms one of the main routes into Pocklington. There is a separate roundabout junction to the north west along the A1079, which also provides access into Pocklington along Hodsow Lane.
79. When assessing the allocated sites for the local plan, the desirable and preferred route from allocated sites was via Hodsow Lane. However, the Council's Highways Department noted in their consultation response¹⁸ that they had evidence that there was a very significant increase in traffic on The Balk between 2012-2017 and national traffic forecast growths estimate further growth to be between 17-51%. The annual rate of growth on The Balk is currently twice the highest case national forecast. It was also noted that further allocated and approved development would create additional pressure.
80. Evidence from the appellant's highways witness also suggests that highway works are required at this junction currently and in the future significant delays will be experienced at the junction. Moreover, there have also been a number of accidents recorded at the junction, although it is acknowledged that these were prior to a change in its layout.
81. The provision of a new link road and roundabout would, in my view, not only provide mitigation to the additional flows created by the development, but would also help to address current capacity issues. Therefore, it would form a wider benefit in terms of highway capacity and safety.
82. There is a dispute in respect of the detailed design options and while that is not a matter specifically before me, it is clear that there are deliverable options which can bring about much needed improvements. I recognise, however, the need for separate consent and the nature of the dispute may delay the delivery of such benefits.
83. Drawing everything together, I consider the highways works would attract moderate weight.

Local Centre Benefits

84. Separate to environmental mitigation in respect of accessibility, the provision of a children's nursery and retail store in the proposed new local centre would bring about economic and social benefits, including job creation. The care home of 60 beds would assist in meeting an identified need in the local area

¹⁸ PCD4.17 Highways Development Management Consultation Comments (undated)

and would free up other market housing. I give these moderate weight due to their limited scale.

Employment and Revenue

85. In addition to the employment benefits relating to the local centre, there would be employment benefits in terms of the provision of jobs during the construction phase. In the longer term there would also be increased spending within local shops and facilities by the new population.
86. There was debate in terms of the New Homes Bonus (NHB) and Council Tax (CT) revenue generated by the development whereby the Council consider that Council tax will be mitigation and NHB sits alongside the planning system and is not intended to encourage housing development which would otherwise be inappropriate in planning terms.
87. Even if I was to concede the Council's point relating to the NHB and CT revenue, the employment benefits are matters to which I give moderate weight over the limited weight ascribed by the Council.

Green Infrastructure and Open Space

88. As set out on the development framework plan, around 6 hectares of green infrastructure would be provided within the site. However, this would provide landscape mitigation and the effect would be neutral.
89. Open space provision would include a community orchard, allotments, play area, skate park and multi-use games area. These would be likely to attract wider users from the new adjacent developments, given its indicative position towards the northern boundary of the site. I give these moderate weight.

Biodiversity

90. As set out within the Ecological Appraisal¹⁹, the site is of limited ecological value. There would be proposed enhancements to biodiversity including introducing species rich grassland, scope for a wild-flower meadow, new tree belts and hedgerow planting, and water bodies associated with the attenuation pond. Bird and bat boxes would also be provided. While such matters would represent benefits and would be secured by condition, the scope and scale of such enhancements are, as yet, undeterminable as part of the outline scheme. Such benefit thus would attract limited weight at this stage.

Planning Obligation

91. The UU was considered at the Inquiry. It was engrossed on 23 February 2021. I have considered the various obligations with regards to the statutory requirements in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations and the policy tests in paragraph 56 of the Framework. It should be noted that the Deeds contain a "blue pencil" clause in the event I do not consider a particular obligation to be justified in these terms.
92. The obligation would secure the provision of 25% affordable housing in accordance with an approved affordable housing scheme which would set details of the numbers, type, tenure, mix, location, and management. I also note that it makes provision for an Affordable Housing Commuted Sum which

¹⁹ Ecological Appraisal December 2018 PDC1.6

would payable in the unlikely event that a Registered Provider is not secured for the affordable housing provision. This is a necessary requirement that meets the specified provision, as referenced above, and as such is justified.

93. Education contributions are also included for primary and secondary provision. Highway contributions are also sought in terms of bus stop contributions and TRO contribution. The development would result in an enlargement of the local population with consequent impacts on local schools and highways infrastructure.
94. It also includes obligations relating to open space and play areas, in terms of triggers for delivery and transfer to a management company in accordance with an approved management plan. Outdoor sports facilities commuted sums and public space protection orders sums are also included. For a development of this scale, I am satisfied these are necessary to deliver and manage the requisite open spaces and play areas.
95. For all these reasons I am satisfied that all the obligations are necessary, directly related to the development and fairly related in scale and kind. They comply with Regulation 122 of the CIL Regulations and paragraph 56 of the Framework. They can be taken into account in any grant of planning permission.

Conditions

96. A list of planning conditions was drawn up by the main parties and discussed at the Inquiry. My consideration has taken account of paragraph 55 of the Framework and advice in the Planning Practice Guidance. In particular, I have had regard to the Government's intention that planning conditions should be kept to a minimum. I have changed the suggested wording in some cases to ensure that the conditions are precise, focused, comprehensible and enforceable.
97. I have attached conditions limiting the life of the planning permission and setting out the requirements for the reserved matters, in accordance with the requirements of the Act. For clarity, I have required development to be in accordance with the relevant plans, and it is necessary to require that the eventual scheme will be in broad compliance with the Development Framework plan to ensure that the development fulfils its intended purpose. For the same reason, I have included conditions for the maximum number of units (residential and C2 units) and the size of the retail store to be developed at the site. A condition requiring a phasing strategy is also necessary considering the scale of the site.
98. Conditions relating to land contamination and remediation are necessary in light of the agricultural use of the site.
99. A condition for a wildlife enhancement plan is necessary to protect ecological interests and improve biodiversity. Although landscaping is a reserved matter, it is appropriate at this stage to ensure that protective measures for retained trees and hedgerows are provided during construction to protect wildlife and visual amenity. Thus, I have slightly amended the suggested wording to make this relevant for site clearance work, rather than tying into the reserved matters details.

100. Due to the prospect of archaeological finds on the site, a condition requiring a written scheme of investigation and other matters is necessary. While the site has a low flood risk, conditions are necessary for foul and surface water drainage. Conditions relating to foul water connections and water supply are covered by the Water Industry Act 1991 and thus are not necessary.
101. The construction period would inevitably cause some disturbance and inconvenience to those living and working in the area as well as to road users. A single combined condition requiring Management Plans for construction, traffic, environment and biodiversity is necessary. The detail prescribed in the Council's preferred individual conditions is excessive. and in any case the Council would have the overall control in discharging (or otherwise) the plans required in this condition. A separate condition setting out construction hours is also necessary for the same reason.
102. Grampian conditions for the off-site highway works are necessary, for reasons as discussed above. With regard to the condition which deals with the access road and roundabout, I have used the appellant's suggested wording. The Council's condition would be unnecessarily restrictive and could prejudice detailed design matters which would be subject to separate consent and negotiations as part of that process. As written, the condition would not preclude the Council's preferred option in any case were that found to be the most appropriate design.
103. Affordable housing is secured by way of Planning Obligation, as discussed above. This also includes the provision of a commuted sum if necessary. Accordingly, I consider this to be the most appropriate way of securing affordable housing at the site. A condition is not therefore necessary.
104. Conditions relating to the provision of pedestrian and vehicular access to each dwelling, electric vehicle charging points, highway details for non-residential uses including delivery facilities, parking spaces, noise assessment, landscape management plan, provision for a mix of housing types, and provision of open space relate directly to reserved matters and thus go beyond the scope of an outline consent.
105. I acknowledge the importance of such matters, but the Council would have control on these matters at the reserved matters stage. Some of these (for example open space) are also detailed on the Development Framework plan, which is the subject of a condition, which should also give some comfort and certainty. Accordingly, I consider that the suggested conditions would be unnecessary.

Planning Balance

106. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations determine otherwise. The Framework makes clear that the planning system should be genuinely plan-led.
107. The site is outside of the defined settlement boundary and conflicts with the spatial strategy of the LPSD, as set out in policies S3, S4 and S5. This harm is a pure policy harm in that I have found no unacceptable harm to landscape character and appearance, and I have concluded that there are no issues in respect of accessibility and infrastructure. Such matters underpin the need for

a spatial strategy. I have recognised that Pocklington in particular is already in excess of its housing requirement, against a wider district-wide under delivery. The policy harm weighs against the proposal, as does the limited harm in terms of the loss of best and most versatile agricultural land. The lack of harm to these other matters is neutral in the balance, as is the effect upon heritage assets and water supply.

108. Due to the housing land supply position, at this time, the tilted balance as set out in paragraph 11 of the Framework is engaged. This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
109. I note the Council's and PTC's significant concerns that to allow the appeal would undermine the whole plan-led system. However, I have examined the benefits and have explained why I consider them relevant and the reason for the varying degree of weight that I have attributed to them. Benefits include affordable housing (substantial weight), general housing delivery (moderate weight), employment and revenue (moderate weight), highways works (moderate weight), local centre benefits (moderate weight), open space (limited weight) and biodiversity (limited weight).
110. Drawing the above together, I conclude that the adverse effect of policy conflict and loss best and most versatile agricultural land would not significantly and demonstrably outweigh the benefits of these proposals.
111. Finally, a great many other appeal decisions were put before me in evidence and cited in support of the parties' respective cases. In particular, and in addition to the previous appeal decision at this site, the main issue in relation to the conflict with the spatial strategy has been examined a number of times by different Inspectors in the East Riding District, along with the issue of housing land supply.²⁰ In all the examples, the appeals were dismissed. However, each decision turned on its own evidence, as has my decision.
112. In all of the cases, the supply position was different and evidence has changed to reflect the passage of time. In respect of the previous Pocklington appeal decision, some of my findings on specific matters of detail have been consistent with the previous Inspector, and others have differed. I have employed my own reasoned planning judgement in this case, and indeed in respect of the Swanland Appeal, with which my overarching findings have been consistent.

Conclusion

113. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

C Searson

INSPECTOR

²⁰ Including APP/E2001/W/18/3207411 dated 5 June 2019 (SCD6.09)
APP/E2001/W/16/3151699 dated 13 March 2017 (SCD6.14)
APP/E2001/W/16/3165880 dated 17 August 2017 (SCD6.15)

ANNEX A: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Charles Banner QC aided by Matthew Henderson of Counsel	Instructed by East Riding of Yorkshire Council
They called:	
Owen Robinson	Principal Planning Policy Officer
MA MRTPI	
Jennifer Downs	Principal Development Management Officer
BA (Hons) MRTPI	
Richard Ellam	Divisional Director Pell Frischmann Engineers Ltd
BEng CEng MCIHT	(Pocklington only)

FOR THE APPELLANT:

Thea Osmund-Smith of Counsel	Instructed by Gladman Developments Ltd
She called:	
Ben Pycroft	Director Emery Planning Partnership
BA (Hons) Dip TP MRTPI	
James Stacey	Senior Director Tetlow King
BA (Hons) Dip TP MRTPI	
David Schumacher	Director Prime Transport Planning
MSc, DipMS, CMILT,	(Swanland only)
MCIHT	
David Stoddart	Director Prime Transport Planning
BA (Hons) CMILT,	(Pocklington only)
MCIHT, MTPS	
John Mackenzie	Planning Director – Gladman
BSc DiP TP MRTPI	(Swanland only)
Stuart Carvel	Planning Director – Gladman
MTCP (Hons), MRTPI	(Pocklington only)

FOR POCKLINGTON TOWN COUNCIL:

Richard Wood	Director at Richard Wood Associates Ltd
BA (HONS) BPI MBA MRTPI	

INTERESTED PERSONS:

Michael Thompson	Spokesperson, Swanland Against Gladman
Jan Brumby	Swanland Local Resident
Derek Shepherd	Chairman of Swanland Parish Council
Paul Lisseter	Williamsfield Developments Ltd

ANNEX B: INQUIRY DOCUMENTS

DOCUMENTS SUBMITTED AT THE INQUIRY (Combined with Swanland)

- INQ1: Affordable Housing Statement of Common Ground
- INQ2: CIL Compliance Statement (Swanland)
- INQ3: Housing Land Supply Consolidated Document – disputed sites.
- INQ4: Council's Opening Statement
- INQ5: Appellant Opening Statement
- INQ6: Pocklington Town Council (R6) Opening Statement
- INQ7: Cllr Derek Shepard Statement (Swanland)
- INQ8: Jan Brumby Statement plus photographs illustrating traffic issues (Swanland)
- INQ9: Appeal Decision ref APP/E2001/W/20/3259974 (Swanland)
- INQ10: Paul Lisseter Statement
- INQ11: Pocklington CIL Compliance Statement
- INQ12: Email dated 27/01/2021 from Paul Lisseter re Williamsfield (Hutton Cranswick) appeal.
- INQ13: Letter from ERYC Chief Executive
- INQ14: James Stacey Errata Correction Sheet
- INQ15: Email from Andrew Pearce re water mains pipe dated 25 January 2021
- INQ16: Swanland Site Visit Itinerary Rev A
- INQ17: Swanland Travelling Draft Conditions 3 February 2021
- INQ18: Swanland Schedule of weighting 4 February 2021
- INQ19: Pocklington Conditions 4 February 2021
- INQ20: Pocklington Schedule of weighting 4 February 2021
- INQ21: Pocklington Site Visit Route v2
- INQ22: Appendix D – TRICS analysis comparison version 3 (Swanland)
- INQ24: Wythall TRICS
- INQ25: Appellant response to Swanland TRICS data 4 February 2021
- INQ26: Richard Ellam Transport and Highways Position Statement (Pocklington)
- INQ27: David Stoddart Public Inquiry Spoken Evidence Examination Note (Pocklington)
- INQ28: Richard Wood Transport Round Table Position Statement (Pocklington)
- INQ29: Gladman Developments Limited v SSHCLG & Corby BC & Uttlesford DC [2021] EWCA Civ 104
- INQ30: Updated draft Unilateral Undertaking (Swanland) plus email dated 11 Feb 2021 with additional SUDS condition.
- INQ31: Housing Land Supply Scenarios document
- INQ32: Walking distances to bus stops 11 Feb 2021 (Swanland)
- INQ33: CIL Compliance Statement v3 (Pocklington)
- INQ34: Planning Obligation Summary (Pocklington)
- INQ35: Planning Obligation Summary (Swanland)
- INQ36: Email dated 12 February 2021 from Jan Brumby re Swanland Doctor's Surgery.
- INQ37: Closing submissions of behalf of East Riding of Yorkshire Council and separate authorities relied on in the LPA closing submissions bundle.
- INQ38: Closing submissions on behalf of Pocklington Town Council
- INQ39: Closing submissions on behalf of the Appellant and appellant reply to closing submissions table.

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

- Updated list of conditions – submitted 23 February 2021
- Certified copy of the Unilateral Undertaking - submitted 23 February 2021

ANNEX C: CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 7216-L-05A Location Plan
 - P18102-001E Proposed Access Arrangement
 - P18102-200B Proposed Footway Provisions
- 5) Any reserved matter applications made pursuant to the development hereby permitted shall demonstrate compliance with the Development Framework plan (drawing no. 7216-L-02 rev B).
- 6) No more than 380 residential dwellings and 60 C2 units shall be built on the site.
- 7) The retail store shall be limited to a maximum of 280 square metres gross internal floor area and shall be limited to convenience retail use.
- 8) In the event that the development is phased, a phasing plan showing the proposed phases of development, including the provision of affordable housing and open space shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. The development shall be carried out as approved.
- 9) Before the development commences, an investigation and risk assessment of land contamination shall be completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems. Where unacceptable risks are identified, an appropriate scheme of remediation to make the site suitable for the intended use must also be submitted to and approved in writing by the local planning authority.
- 10) Where remediation is necessary, and unless otherwise agreed in writing by the local planning authority, none of the dwellings shall be occupied until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the local planning authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste

documentation for any contaminated material removed from the site. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the local planning authority. An appropriate investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

- 11) Within one month of commencement of the development (on each phase where applicable), a Wildlife Enhancement Plan (WEP) shall be submitted to and approved in writing by the Local Planning Authority. The WEP shall be compiled by a suitably qualified ecologist and include:
 - ii) A timetable for implementation;
 - iii) A detailed plan showing the locations and specification of the enhancement measures;
 - iv) The enhancement measures outlined in Sections 5.49 to 5.55 of the Preliminary Ecological Appraisal (FPCR Environment and Design Ltd, February 2019);
 - v) A 25% bird box to building ratio;
 - vi) A 25% bat box/tube/adapted tile to building ratio;
 - vii) Details of the means of enclosure to demonstrate that boundary treatments will not result in a loss of habitat connectivity through the development, by creating 'hedgehog highways' which provide holes under boundary features for hedgehogs to pass through;
 - viii) Hedgehog friendly garden features including hedgehog houses which should be positioned round the site within hedge bases;
 - ix) Insect boxes and log piles to increase the habitat for local biodiversity;
 - x) The landscaping strategy shall incorporate wildlife friendly landscaping throughout the site and utilise British species of local provenance wherever possible.
- 12) No site clearance, preparatory work or development shall take place tree and hedgerow protection measures have been put in place in accordance with the Figure 3 Tree Retention Plan and Appendix B Protective Fencing Specifications of the Arboricultural Assessment dated November 2018 and include an arboricultural method statement prepared in accordance with the recommendations of section 6 of the Arboricultural Assessment. The development shall be carried out in accordance with the approved plans and details.
- 13) Before the development commences, details of a surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall:
 - i) include a site survey to determine if there is a piped land drainage system within the site/sites and include details of any mitigation works necessary to preserve flow from any adjacent affected sites;

- ii) be designed to secure separate systems of drainage for foul and surface water. If it is proposed to discharge surface water to the public sewer network, it must be demonstrated to the satisfaction of the local planning authority that other means of surface water drainage have been properly considered and are not reasonably practicable;
- iii) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- iv) include a timetable for its implementation;
- v) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out and maintained in accordance with the approved scheme and no dwelling shall be occupied until the surface water drainage scheme serving it is operational.

- 14) No development shall commence until an initial written scheme of investigation (WSI) for archaeological investigation has been submitted to and approved by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
- i) The programme and methodology of site investigation and recording
 - ii) Provision to be made for analysis of the site investigation and recording.
 - iii) The programme for post investigation assessment and mitigation recommendations.
 - iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - v) Provision to be made for archive deposition of the analysis and records of the site investigation.
 - vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Development shall take place in accordance with the approved WSI. Unless otherwise agreed beforehand in writing with the Local Planning Authority, the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with a programme of works set out in the approved WSI and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. The archaeological programme shall be carried out as approved, unless otherwise agreed in writing beforehand with the Local Planning Authority.

- 15) Prior to the commencement of development, the following shall be submitted to and approved by the local planning authority:

- A Construction Method Statement (CMS)
- A construction traffic management plan (CTMP)
- A construction environmental management for biodiversity plan (CEMP: Biodiversity)
- A construction environmental management plan for groundwater (CEMP: Groundwater)

The development shall be carried out in accordance with the approved CMS, CTMP, CEMP: Biodiversity and CEMP: Groundwater, unless otherwise agreed in writing by the Local Planning Authority.

- 16) During the construction phase of the development, no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site outside the hours of 07.30 hours to 18.00 hours Monday to Friday, nor outside the hours of 08.00 hours and 13.00 hours on Saturdays, nor at any time on Sundays or Public Holidays, unless previously approved in writing by the Local Planning Authority.
- 17) No dwelling or building shall be occupied until the off-site highways works shown on drawings P18102-001E and P18102-200B have been implemented.
- 18) The development hereby approved shall not commence until a scheme for the access route connecting the new junction on the A1079 to the existing public highway at The Balk has been submitted to and approved by the local planning authority. The new junction shall be implemented in accordance with, and operational at the time set out in the agreed scheme. The new junction shall:
 - (i) provide as a minimum a three-arm roundabout in accordance with an appropriate scheme at the time of detailed design;
 - (ii) ensure the closure of the existing junction of the A1079 with The Balk junction; and
 - (iii) make suitable provision for access for the existing development along The Balk.

End of schedule (18 Conditions)