



Appeal Decision

Hearing Held on 3 August 2021

Site visit made on 5 August 2021

by Mrs H Nicholls FdA MSc MRTPI

An Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal Ref: APP/W3330/W/21/3272670

Land off Shurton Lane, Stogursey, TA5 1RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Land Allocation Ltd against the decision of Somerset West and Taunton.
 - The application Ref 3/32/20/003, dated 9 January 2020, was refused by notice dated 9 October 2020.
 - The development proposed is outline application with all matters reserved except for access for a residential development of up to 27 No. dwellings (resubmission of 3/32/19/011).
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Decision

1. The appeal is allowed and planning permission is granted for outline application with all matters reserved except for access for a residential development of up to 27 No. dwellings (resubmission of 3/32/19/011) at Land off Shurton Lane, Stogursey, TA5 1RW, in accordance with the terms of the application, Ref 3/32/20/003, dated 9 January 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was made in outline form with all matters saved for access reserved for future consideration. Consequently, all plans pertaining to the layout of the site have been treated as purely indicative.
3. During the course of the appeal application, the proposed number of dwellings was reduced from a maximum of 32 to 'up to 27 no. dwellings'. I have taken the description of development from the Council's decision notice to reflect this change and took account of the parties' reasoning behind the change.
4. The National Planning Policy Framework (the Framework) was revised in July 2021. Though the submitted evidence of the parties was based on the superseded version of the Framework, the changes of relevance were discussed during the hearing and the views of the parties were taken into account in reaching my decision.
5. A Unilateral Undertaking (UU) made as a deed under Section 106 of the Town and Country Planning Act 1990, executed on 22 June 2021, was submitted prior to the hearing. The Council confirmed in writing that the UU addressed the reasons for refusal (RfR) relating to the absence of affordable housing (RfR 2), children's play space (RfR 3) and a travel plan (RfR 4). As such, I have considered the appeal on the basis of the single outstanding reason for refusal.

Application for costs

6. An application for costs was made by Land Allocation Ltd against Somerset West and Taunton. This application is the subject of a separate Decision.

Main Issue

7. The single main issue is whether the site would provide an appropriate location for the development, having regard to local and national planning policies relating to the location for new development.

Reasons

8. This appeal follows an earlier scheme on the same site which was dismissed on 29 March 2021 following an appeal against non-determination¹. That scheme was based on an outline application for up to 70 houses.
9. The current scheme is for a much reduced scale of up to 27 houses. The figure of 27 is allegedly based on discussions between the appellant and Council on the likely acceptable scale of increase of the settlement of Stogursey up to 2032 based on Policy SC1 of the West Somerset Local Plan 2015 (WSLP).
10. Under the WSLP, Stogursey is defined as a 'Primary Village' based on the number of available facilities and services, its distant relationship from other main settlements on which it relies for higher order shopping, employment and secondary schooling opportunities, and limited public transport provision. It was agreed that no material change had occurred in relation to local services or public transport availability since the earlier appeal hearing.
11. At the hearing, it was agreed between the parties that the 'most important' policies for determination of the appeal were Policies SC1, SV1 and TR2 of the WSLP. In summary, Policy SV1 requires that new developments form an integral, harmonious addition to the settlement's existing character, help to maintain or enhance the existing level of service provision and help to create balanced communities at a level appropriate to their role and function. Policy TR2 stipulates that development should complement the existing service provision within the settlement and surroundings without generating new unsustainable transport patterns (as a consequence), and should not result in significant additional traffic over minor roads.
12. Policy SC1 is the key policy seeking to guide the scale of development relative to the hierarchy of settlements in the WSLP area. As Stogursey is a 'primary village', the relevant wording of the Policy is as follows:

"Limited development in the primary villages, including... Stogursey, will be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area."
13. The parties agree that there is no contention with any of the criteria a) to e) listed in Policy SC1 4). However, as the Policy wording refers to the term 'limited development', the relevant definition from the preamble is as follows:

"... 'Limited development' means individual schemes of up to ten dwellings providing about a 10% increase in a settlement's total dwelling number during

¹ Appeal Ref: APP/W3330/W/19/3243508

the Local Plan period, limited to about 30% of this increase in any five year period."

14. Clearly the proposal would not be an individual scheme of 'up to 10 dwellings' in line with that particular, unambiguous part of the Policy. The increase of 'about' 10% of the total dwelling number of Stogursey for the Plan period was agreed as around 39 dwellings (10% of 388). Due to other permissions either granted or very likely to be granted imminently, the remainder of the dwellings that could be permitted in line with the Policy would be around 25, taking into account deductions for the Paddons Farm scheme² and Castle Street scheme³.
15. In reference to the '*limit [of] about 30% of this increase [i.e. 39 dwellings] in any five year period*', the first nine years of the Plan period have elapsed, nearly five since its adoption in 2015 and approximately 30% of that increase (around 12 dwellings) have been, or are imminently due to be permitted with incremental deliveries expected to follow therefrom. There are eleven years of the Plan's life yet to run.
16. The scheme would comprise broadly 70% of the total allowable 39 dwelling/ 10% increase in Stogursey's total size. It would monopolise the remaining growth quota for the Plan period by placing it all on a single site at broadly the halfway point in the Plan's life. As this would largely preclude policy support being offered to future infill, redevelopment, intensification or other more organic, 'limited development' schemes, it would be counter to the aims of Policy SC1.
17. However, the overall quantum would not be disproportionate to the scale of growth envisaged for Stogursey within the Plan. In this context, the dwellings would maintain or enhance the existing level of service provision and help to maintain a balanced community at a level appropriate to its role and function. It would do so without an unacceptable impact on transport patterns or significant additional traffic on minor roads.
18. Taking account of the above, in my view, the proposal would conflict with WSLP Policy SC1 by reason of its scale and its monopolisation of the remaining permissible growth for Stogursey. However, insofar as the scale of growth is envisaged for the settlement over the plan period in any event, the proposal would not directly conflict with Policies SV1 or TV2.

Other Considerations

19. The appellant asserts that the Council cannot demonstrate a five year supply of housing land (5YHLS). On the basis of the evidence before him in the previous appeal hearing, my colleague found that the Council was incapable of demonstrating a 5YHLS and that it was more likely that the Council could demonstrate a supply of around 3.93 years. Whilst I am not duty bound to accept my colleague's findings in relation to the 3.93 year supply, it was confirmed by the parties that the appeal decision is a relevant and recent material consideration and the Statement of Common Ground (SoCG) defines its materiality as significant.
20. It was also clarified during the hearing that the appellant's newly revised housing supply figure of 3.74 years (scenario 2) differs from that previously

² Paddons Farm

³ Castle Street scheme

accepted by my colleague of 3.93 years, due to the Council's recent inclusion of a shortfall of 174 dwellings from previous years within the supply calculation. As this explanation was accepted by the Council, I find no reason to disagree with this general approach.

21. Since the earlier appeal was determined, the Council has published its 2021 Strategic Housing Land Availability Assessment (SHLAA) 2021 which suggests a 5YHLS of 5.21 years can be demonstrated. It was confirmed at the hearing that this is the same figure before my colleague in January 2021, within the Council's 2021 SHLAA and within the Council's Statement for this appeal.
22. Clearly, events can have occurred between the date of the previous appeal decision that alter the 5YHLS situation. The discussion during the hearing included reference to the contested sites⁴ to which my colleague referred in his decision.
23. From the evidence put to me, the actual notable changes that have occurred since 29 March 2021 include the granting of the following permissions:
 - Outline permission, ref 3/37/17/019 granted on 15 June 2021, subject to a Section 106 at Liddymore Estate, Watchet for 139 dwellings.
 - Full permission, ref 3/21/21/015 granted on 14 July 2021 for 54 dwellings on Land at Seaward Way, Minehead.
24. Only the 54 dwelling scheme at Seaward Way, Minehead is a new addition to the supply and does not form one of the previously contested sites. Its contribution of 54 dwellings can be included as an entirely new contribution of dwellings to the 5YHLS calculation as it appears that there is certainty over delivery with the Council being both the landowner and developer.
25. A yield from the other two schemes at Liddymore Estate and Liddymore Farm had already been factored into the 5YHLS scenarios before my colleague, i.e. for the Liddymore Estate scheme, 105 dwellings had been factored into the calculation and in the case of Liddymore Farm, 172 dwellings had been included, even though the permission for the reserved matters consent is still not issued following the Planning Committee's resolution to grant on the 10 June 2021 (ref 3/37/20/006). So whilst a permission has been issued and some progress made with another, to add them in would amount to double counting.
26. The Council discussed the other contested sites and progress that had been made on those. It became apparent that there would be likely changes on some of those either in the near future or within a reasonable timeframe up to around the end of 2021 / early 2022, with a number of other large schemes planned to go before the Council's Planning Committee and the finalisation of S106 or conditions matters on others for which there is already a longstanding positive committee resolution. However, despite the clear intent to progress these matters, the status of those has not yet changed to a degree that would enable me to reach an alternative view to my colleague and consider those sites deliverable, using the unchanged definition in the Framework. Nor do I have the level of evidence before me in relation to the commitment to early

⁴ Hopcott Road, Minehead, ref 3/21/13/120; South of Hopcott Rd, Minehead, ref 3/21/19/092; Wansborough Paper Mill, Watchet, ref 3/37/19/021; West of and North of A39, Williton, ref 3/39/20/003; South of B3192 Cleeve Hill, Watchet, ref 3/37/18/015; Liddymore Estate, Watchet, ref 3/37/17/109 and Liddymore Farm, Watchet, ref 3/37/17/020

delivery of these contested sites as claimed exists by the Council that would enable me to reach an alternative conclusion.

27. Consequently, based on the evidence before me and the discussion which took place as part of the hearing, I reach the view that the Council is still incapable of demonstrating a 5YHLS at the present time and that the appellant's figure of 3.74 years is to be preferred. Whilst I accept that this position is dynamic and can be overtaken by changes in circumstances, I do not agree that sufficient actual changes have occurred since the previous appeal decision that enable me to reach the same view as the Council. However, without fettering any future decision on the future supply position, it is unlikely that the 5YHLS deficit will persist for long, with the five year anniversary of the WSLP scheduled in November 2021. At this juncture, the Council will be capable of using the Government's standard methodology for calculating housing supply and a materially different outcome could be reached.
28. Nevertheless, the pertinent conclusion is that the Council is presently incapable of demonstrating a 5YHLS and thus, the Policy which is agreed as being most important to the determination of the appeal, Policy SC1, is considered out-of-date in the context of paragraph 11 d) of the Framework. The 'tilted balance' outlined in the same requires that where policies that are most important for determining an application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The tilted balance is engaged in this case.
29. The harm would result from the large scale of the scheme in contrast with the desired organic growth envisaged by the Plan, essentially monopolising the increase in housing in the village for the remainder of the plan. The Council also raise concerns with the previous slow rate of delivery of large housing schemes in Stogursey, which further explains the desire to enable smaller schemes to come forward over the Plan period.
30. In terms of the benefits of the scheme, it is clear that the provision of housing would be beneficial both socially and economically. It would create construction phase job opportunities in the short to medium term and help to sustain local services and facilities in the longer term. It would also deliver 35% affordable housing, which inadvertently, Policy SC1 has the effect of constraining delivery of due to its upper threshold of 10 dwellings under the definition of 'limited development'. The parties agreed that there was a high level of affordable housing need and that the provision of affordable housing would be considered beneficial in this context. Overall, I attribute the benefits of the scheme considerable weight.

Other Matters

Exmoor and Quantocks Oak Woodlands Special Area of Conservation (SAC)

31. The appeal site is within around 4 km of the above SAC and could have effects on its integrity through harm, directly or indirectly, to its qualifying features and the habitats on which they rely, including Oak tree species, Barbastelle bats and Bechstein bats and otters. The harm could arise from the development considered either alone or in combination with other plans or projects from increased recreational activity from visitors to the woodlands; air quality degradation from increased car journeys around the SAC; damage to flyways and foraging habitat for the bats; increased lighting on foraging routes,

and unintentional increased disturbance to either bats, otters and their respective roosts or areas functionally linked to the SAC.

32. As such effects cannot be ruled out, I have undertaken an Appropriate Assessment using comprehensive information submitted by the parties in order to assess the likelihood and significance of effects. Though my conclusions are that such potential effects on integrity could be slight rather than significant, there are obvious opportunities to design any scheme and apply conditions that would mitigate them. These mitigation and enhancement measures would include robust landscaping and habitat features on site, conditions seeking details of external lighting schemes and adherence to a Landscape and Ecology Management Plan that would preserve the value of such features throughout the lifetime of the development. Having regard to these conclusions and the view of Natural England as the Statutory Nature Conservation Body (SNCB) which corroborate the same, as competent authority, I consider that the scheme would avoid significant effects on the integrity of the SAC. The proposal therefore complies with the requirements of the Conservation of Habitats and Species Regulations 2017, and Policy NH6 of the WSLP.

General Matters

33. I have noted the comments in objection to the scheme from the Parish Council and a number of other individuals. In respect of the subdivision of the larger field and the part which would remain undeveloped, I do not share the view that this would necessarily lead to another similar development in the future for reasons outlined above. The Council's housing position is likely to change in due course and the attribution of weight to policies of the existing WSLP would also change as a consequence.
34. Despite the claims that the highways are unsuited to additional traffic for reasons of narrowness, insufficient capacity and use by farm machinery, the absence of any objection from the Highway Authority on safety grounds suggests that they are capable of accommodating such. There is no accident data to suggest that the scheme would be so problematic in this regard or at one particular junction that it would fail to comply with the relevant local and national planning policies.
35. I note the generally limited services in the village and the suggestions that they, and other village infrastructure, would not cope with an increase in population. However, the Council indicated at the hearing that the future occupants would likely increase the patronage and consequently, the viability and vitality of these services. As such, I do not have cogent evidence on which to base an appeal on the limited nature of services or oversubscription thereof.
36. Whilst I accept that the indicative details suggest two storey houses would back onto existing bungalows, these details would be reserved for future consideration. The boundary treatment that would be maintained and improved as part of any future scheme between the existing and proposed housing would also help to protect the living conditions of neighbouring occupiers.
37. In terms of the nature and location of the indicative scheme, I do not consider that it would be unsympathetic to the area when considered alongside the existing housing. The comments from the Council's Landscape Officer also appears to corroborate this view, subject to conditions to secure a strong structural landscape treatment on the northern boundary. In this sense, the

scheme would comply with Policy SV1 which requires development to be designed to form an integral, harmonious addition to a settlement.

38. I accept that mitigation and enhancement measures are required to protect the area's biodiversity interests, and these aspects would be necessary to secure by way of planning conditions and within future reserved matters scheme/s.
39. In terms of flooding, there would be requirements for both surface water and foul water drainage schemes to be detailed by way of planning conditions to avoid any increased risks or harm in this regard. Furthermore, as the site is greenfield and has no real existing drainage infrastructure, there is an ability to seek to improve on any unmanaged flood issues that may periodically arise.

Conditions and S106 Planning Obligation

40. I have considered the suggested conditions in light of the Framework and the Planning Practice Guidance (PPG). Where necessary, with agreement, I have undertaken minor alterations in the interests of precision.
41. As the scheme is in outline form, a number of standard conditions are necessary seeking the submission of reserved matters applications and standard time limits for implementation. In the interests of certainty, a condition is also required specifying the approved plans, which are limited to the site location plan, existing site plan and site access plan.
42. In the interests of highway safety, it is necessary to ensure by way of conditions that details of estate roads, car parking layouts, the access works and footpath connection to the village are all submitted to and approved in writing, provided at the appropriate juncture and provided at suitable specifications, i.e. gradients. For similar reasons, it is also necessary to ensure that the visibility at the access junction is continually maintained as such. Additionally, in order to maintain the correct and safe number of car parking spaces, a condition is required precluding the conversion of garages to additional living accommodation under permitted development rights.
43. In order to minimise disruption to adjoining occupiers, to maintain biodiversity and in the interests of highway safety, it is necessary to seek the submission of a Construction Environmental Management Plan.
44. Given the site's proximity and the potential effects of the scheme on the SAC, relevant bat mitigation and enhancement measures must be secured by condition and subsequently delivered within any future reserved matters scheme approved. For similar reasons, but also in view of the more general site and area-specific biodiversity value, landscape quality and visual amenities, a condition is necessary to secure a Landscape and Ecological Management Plan.
45. Specifically in relation to the potential effects on bats, it is necessary to secure details of any external lighting by way of condition before installation within the scheme. For the protection of reptiles that may be present on site, a condition is necessary to ensure that preparatory works are undertaken prior to construction to encourage them to disperse to neighbouring agricultural land.
46. In the interests of flood prevention and to protect human health, it is necessary to ensure a surface water drainage scheme is agreed by way of condition and subsequently implemented prior to occupation of any dwellings hereby

approved. For similar reasons, it is also necessary to secure a scheme in relation to foul water drainage.

47. Lastly, in order to protect any potential archaeological remains, it is necessary to secure approval and adherence to a Written Scheme of Investigation.
48. I have considered the suggestion about the use of a phasing condition to stagger the development in line with other housing deliveries in Stogursey over the Plan period. Due to the absence of a 5YHLS, the imposition of a condition that would in some way preclude, or delay the delivery of housing, would undermine the intent of the Framework to significantly boost the supply of housing. Additionally, I also foresee practical complications with requiring adherence to a phasing plan on a scheme which would not easily lend itself to a phased delivery, which could run into years beyond the grant of outline permission and which would require some interaction with the rate of progress of delivery of other schemes in the village. As such, I do not consider this condition necessary, reasonable or enforceable.
49. In terms of the executed UU, I have considered the obligations included therein in the context of the PPG, the Framework and the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regs).
50. In respect of the affordable housing provision, I am content that the UU provides for the requisite amount, tenure and affordability of affordable housing and contains the correct local connection clauses to meet the locally identified housing need in order to meet the requirements of WSLP Policy SC4.
51. In terms of the provision of public open spaces on site, their management, and the contribution towards the upgrade of the existing adjacent play space, I am satisfied that the obligations secure the necessary provisions, actions and timely contributions in order to comply with Policies CF1 and ID1 of the WSLP.
52. In terms of the travel plan obligations, I am satisfied that the obligation to submit a travel plan, inclusive of a schedule of payments of contributions, would fulfil the requirements of Policies TR1 and ID1 of the WSLP.
53. Considered as a whole, the UU is a deed containing obligations that are all necessary, relevant and appropriate in scale and kind to the development, thus compliant with the Framework, PPG and CIL Regs.

Overall Conclusion

54. Taking all of the above into account, the scheme is in conflict with the Development Plan when considered as a whole.
55. At the present time, I consider that the tilted balance is engaged owing to the absence of a 5YHLS. Though I accept that this is likely to be short-lived and that the Council is making progress towards achieving a more robust 5YHLS position, this in itself is not a reason to disapply the tilted balance. Similarly, there are no reasons in relation to particular sites or assets afforded greater protection by the Framework for it to be disengaged.
56. The harm arising from the conflict with the development plan which seeks a more organic and staggered delivery of housing over the plan period would not significantly and demonstrably outweigh the numerous sustainability benefits of the scheme, which includes the delivery of housing of around the overall

58. For the reasons set out above, the appeal is allowed.

INSPECTOR

APPEARANCES

Joe O'Sullivan
BSc (Hons) PGDIP URP MRTPI

Jeremy Guise
BSc (Hons) Dip TP MRTPI

Ann Rhodes
BA (Hons) PG DIP

Paul Browning
BSc (Hons) Dip TP MRTPI

SCHEDULE OF 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 commences and the development shall be carried out as approved.
2. Application for the approval of Reserved Matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall be begun not later than 2 years from the date of approval of the last reserved matters to be approved.
3. The development shall conform in all aspects with the plans and details shown in the application as listed below:
 - Site Location Plan Ref CAL061119 01
 - Existing Site Plan Ref CAL061119 02
 - Site Access Plan Appendix B to Transport Statement dated 18th November 2019
4. No part of the development hereby permitted shall be first occupied until the access works have been carried out.
5. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.
6. No dwelling hereby permitted shall be occupied until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above groundworks. The parking spaces and Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.
7. The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The development shall be completed in accordance with the approved details.
8. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each

dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

9. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), the use of any garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and shall not be used for additional ancillary residential accommodation or business use.
11. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
 - Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport or car sharing amongst contractors;
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network, if required.
12. A minimum accessible habitat enhancement area for Barbastelle bats of 0.34ha shall be provided, to include a bat corridor with a minimum width of 15 metres around the north western and southern boundaries of the site. The replacement habitat shall be a long sward meadow, scrub, and shall include hedgerow enhancement along the edge of the north-western and southern boundaries of the site. The layout and a planting schedule for the habitat creation and hedgerow enhancement shall be submitted to and approved in writing by the Local Planning Authority as part of the Reserved Matters layout/s or at least prior to any development commencing on site. These features shall be planted/provided as part of the development prior to occupation of any dwelling hereby approved.
13. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of any dwellings hereby approved. The content of the LEMP shall include the following.
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

g) Details of the body or organization responsible for implementation of the plan.

h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully-functioning biodiversity objectives of the originally approved scheme.

The approved LEMP will be implemented in accordance with the approved details.

14. Prior to the occupation of the first dwelling, a "lighting design for bats" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) identify those areas/features on-site that are particularly sensitive for bats and that are likely to cause a disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of lighting contour plans and technical specifications) for all access routes and paths so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

15. Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with overnight temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. Once cut or if as managed, vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Written confirmation of these operations will be submitted to the Local Planning Authority.

16. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post-development is attenuated on-site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works

shall be carried out in accordance with the approved details. These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post-development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off-site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.
- Infiltration testing undertaken in accordance with Building Research Digest 365 and a viable surface water drainage strategy based on these results. If infiltration is found to be unviable a surface water drainage strategy based on using SuDS features and attenuation should be progressed further.
- Further site investigation carried out to explore the site constraints, such as groundwater levels, and the drainage design based upon these results to ensure a viable drainage strategy.

17.No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved foul water strategy relevant to that dwelling.

18.No development shall commence until the applicant, or their agents or successor in title shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The WSI shall include details of the archaeological investigation, the recording of the heritage assets, analysis of evidence recovered from the site and publication. The development shall be carried out in accordance with the approved WSI.