



Appeal Decision

Site Visit made on 3 August 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2021

Appeal Ref: APP/Q1153/W/21/3273815

**Brandize, Road From Meadowbright To Folly Gate Cross, Folly Gate
EX20 3AQ**

- 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 Mr & Mrs J Seale against the decision of West Devon Borough Council.
 - The application Ref 0321/20/OPA, dated 25 January 2020, was refused by notice dated 4 December 2020.
 - The development proposed is 10 new houses (6 affordable, 4 open market).
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Decision

1. The appeal is allowed and planning permission is granted for 10 new houses (6 affordable, 4 open market) at Brandize, Road From Meadowbright To Folly Gate Cross, Folly Gate EX20 3AQ in accordance with the terms of the application, Ref 0321/20/OPA, dated 25 January 2020, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was in outline with all matters reserved. One of the submitted plans shows a housing layout, access, and drains, however it is labelled as indicative and I have treated it as such, because all of these matters are reserved for future consideration.
3. During the appeal, on 20 July 2021, the Government published its revised National Planning Policy Framework (the Framework). The Framework represents the Government's up-to-date planning policies for England and how they should be applied. Both parties have been given the opportunity to make comments relating to the updated Framework.
4. During the appeal, the appellant submitted an updated Unilateral Undertaking dated 9 September 2021 (the UU) made as a Deed pursuant to section 106 of the 1990 Act. The Council had the opportunity to comment on it, and I have made my decision based on the evidence and submissions before me.

Main Issues

5. The main issues are:
 - a) Whether the site is suitable for the development, bearing in mind the settlement policies of the development plan and the accessibility of the site;
 - b) Whether the proposal would meet an identified local housing need;

- c) The effect of the development on the character and appearance of the countryside; and,
- d) Whether the necessary infrastructure to support the development could be secured.

Reasons

Settlement policies and accessibility of services

6. The settlement policies for the area are set out in the Plymouth and South West Devon Joint Local Plan 2014-2034 (the Local Plan). Based on a sustainable strategy for linked neighbourhoods and rural communities, growth is prioritised through a hierarchy of settlements, which is described in Policy TTV1. Within this hierarchy, Folly Gate is categorised as a Sustainable Village, where development to meet locally identified needs and to sustain limited services and amenities will be supported. The Policy identifies that the Sustainable Villages level of the hierarchy is expected to deliver 550 homes across the plan period.
7. The services within the village are limited to a public house and a village hall. However, Okehampton, with its wide range of public facilities, lies only approximately 2.5 kilometres to the south. Hatherleigh also contains a range of services, and lies around 7 kilometres to the north. Both of these settlements can be reached from Folly Gate, via a bus service that runs through the village. There is, therefore, reasonable access to vibrant mixed-use centres, in accordance with the strategy set out in Policy SPT2. Consequently, and as Folly Gate is specifically identified by Paragraph 5.10 of the Local Plan as a Sustainable Village, it is a settlement that is suitable for development to meet locally identified needs.
8. The Local Plan does not define settlement boundaries for Sustainable Villages. Paragraph 5.5 clarifies that development outside built-up areas will be considered in the context of Policy TTV26 (development in the countryside), which seeks to protect the special characteristics and role of the countryside, and to avoid isolated development. The appeal site is an agricultural field, with similarly undeveloped land to the west, north, and east. So, although it lies adjacent to housing within the village to the south, it is outside the built-up area, and therefore in the countryside. Consequently, it would not normally be an acceptable location for residential development under Policy TTV26.
9. Policy TTV27, however, supports residential development on sites adjoining or very near to an existing settlement, which would not otherwise be released for this purpose, where it meets a proven need for affordable housing for local people, and accords with other relevant policies of the Local Plan. The site adjoins the main part of the village to the south, so is well-related to the existing built-up area. There is a bus stop, accessed by a safe, level walk, approximately 375 metres from the site, which would give occupants of the development a realistic alternative to the private car to access services and facilities in Okehampton and Hatherleigh. Consequently, and bearing in mind the role of Folly Gate as a Sustainable Village, the site is a suitable location for a rural exception site under Policy TTV27.
10. Policy TTV27 also requires that the affordable and market housing mix is informed by financial viability; that the affordable dwellings meet the identified

need in perpetuity; and that the proposal meets all other relevant policies of the Local Plan. Subject to these considerations, I conclude that the site would provide a suitable location for the development, having regard to the settlement policies of the development plan and the accessibility of services.

Local housing need

11. The requirements of Policy TTV27 are in broad accordance with paragraph 78 of the Framework, which advises that, in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. It is also advised that opportunities to bring forward rural exception sites to meet identified local needs should be supported, and consideration given to whether allowing some market housing on these sites would help to facilitate this. The proposed development would include four market houses, but would also provide six discounted market sale dwellings, which would comply with the Framework definition of affordable housing.
12. It is not disputed by the Council that there is a need for affordable housing in the local area that exceeds the number of units proposed. The provision of six affordable units out of the ten proposed is the minimum level that would be acceptable under the terms of Policy TTV27. However, the viability of this level of affordable housing has been tested through a Viability Report (the VR). The mix of tenure types was also tested through the VR, and it was concluded that, even with the maximum level of market housing, mixes that included social rent, or affordable rent would not be deliverable. The only viable scenario for 60% affordable housing, which would also allow for the required level of infrastructure payments, was for all of the affordable housing to be discount market housing. There is no evidence to cast doubt on the VR, which was compiled by an independent expert.
13. It is contended in the Council's appeal submissions that the discounted market houses would not meet local housing need as, even with a discount of 20%, they would still command an unaffordable asking price. However, the figure of £280,000 that is referred to in their statement is projected from the £350,000 market price suggested in the VR for one of the four detached houses shown on the indicative plans. The discount market houses shown on the indicative plans, and used in the VR, are smaller semi-detached houses, so would not attract such a high value. Furthermore, scale and layout are reserved matters, so control could be exercised through the detailed application, to ensure that the size and type of dwellings did not result in values that were outside the reach of local people.
14. It is also suggested that the VR demonstrates that a higher level of discount could have been achieved against open market values, as it supported a 30% reduction. However, this was on the basis that £95,000 would be required towards infrastructure provision. During the application this sum rose to over £122,000. An update to the VR, taking account of this additional cost, concluded that reducing the discount to 20% would maintain the deliverability of the scheme, whilst allowing for the full contribution to necessary infrastructure. The level of contribution modelled in this further work was £150,000, rather than £122,000, but the outcome was somewhat marginal, with the adviser exercising caution about the trigger-point for payments. Consequently, it is unlikely that further modelling, with a slightly reduced

infrastructure figure, would result in a material change to the discount that could be achieved.

15. ONS data shows that Inwardleigh Parish has a lower level of one-bedroomed housing than is the case for the Borough as a whole. The Council contends that this demonstrates that there is a need for one-bedroomed terraced housing, rather than the semi-detached housing shown on the indicative scheme. The Council's Housing Officer has also commented that the stock in Folly Gate is predominantly 3-bed houses and bungalows, which do not meet the need for accommodation for singles and couples. As the size and layout of the houses is not for determination at this stage, the suitability of the dwellings to meet the specific needs of the parish could be addressed through the reserved matters application. It could also be ensured at that stage that the affordable housing would be indistinguishable from other houses on the site, in accordance with Policy DEV10 of the Local Plan.
16. The development would provide six affordable houses to meet an identified local need. The VR has demonstrated that the quantum and tenure is the optimum level of affordable housing that can be delivered on the site. The proposal is supported by the Council's Housing Officer, who points to the limited options for young people to get on the housing ladder. Moreover, the suitability of the precise size and design of the houses to meet local needs can be addressed at reserved matters stage. As a result, I conclude that the proposal would meet an identified local housing need. In this regard it would comply with Policies SPT2 and TTV27 of the Local Plan.

Character and appearance of the countryside

17. The appeal site is a level pasture field adjacent to the northern edge of the village, but with undeveloped countryside on the other three sides. It is entirely surrounded, including on its road frontage, by mature hedgerows and trees. It is, therefore, physically and visually separated from the wider surrounding countryside. There is no higher land around the locality from which views into the site could be obtained. In view of its enclosure and the lack of viewpoints from which it can be seen, the Council's Landscape Officer concluded that the character of the wider landscape would be conserved by the proposal. No expert advice has been provided to cast doubt on this conclusion, and I did not observe anything at my site visit to lead me to a contrary view.
18. There would be some localised effect on the character and appearance of the area, by the creation of an access through the roadside boundary hedge, and the construction of houses on what is currently a green field. However, due to the enclosed nature of the site, the visual impact would principally be limited to viewpoints from a relatively short stretch of the lane passing the site.
19. Access is a reserved matter, so whilst the indicative drawings show a rather standard engineered road junction, this would not be binding on a future submission of details. Traffic passing the site is infrequent, and passes at slow speeds. The UU includes provision of a financial contribution to cover the cost of extending the 30-mph speed limit. In these circumstances, and from my observations, it appeared that a safe access could be achieved with the retention of the roadside trees, and a significant proportion of the hedge, with any necessary visibility splays being achieved across grass verges, rather than hard surfacing.

20. When viewed from the lane to the south of the site, the access would be visible, but with suitable design, it would not result in significant harm to the rural character of the area. Most of the site would remain hidden behind Brandize Cottage, the roadside trees, and the boundary hedges. The roofs of the new houses may be glimpsed through the gap between Brandize Cottage and Twesseldown, but from here they would be viewed in the context of the relatively recent housing near the road junction, so would not appear as an unrelated addition to the rest of the village.
21. Viewed from the lane to the north, the development would be largely hidden by the hedges on the roadside, and on the northern boundary of the site. The roofs of the houses near the frontage of the site may be visible above the roadside hedge, but would be seen in conjunction with Brandize Cottage and the other houses to the south. They would, therefore, be visually well-related to the existing built-up part of the village, and would not appear as isolated development in the countryside.
22. Proposals that come forward as rural exception sites, in accordance with Policy TTV27 of the Local Plan, must be adjoining or very near to an existing settlement. By definition, therefore, they will be outside the settlement, so will involve development in the countryside, which will inevitably have some impact on its character and appearance. In this case, that impact would be limited and localised. In this context, I conclude that the proposal would not be harmful to the character and appearance of the wider countryside. Suitable details of the access, scale, layout, appearance, and landscaping could be secured at reserved matters stage, to ensure that the development would accord with Policies TTV26, DEV10 and DEV20 of the Local Plan. These policies seek to protect the special characteristics and role of the countryside; deliver high quality housing; and meet good standards of design, contributing positively to both townscape and landscape.

Infrastructure

23. Policy DEL1 of the Local Plan sets out the Council's approach to development delivery, viability, and the funding of infrastructure that is necessary to mitigate the impacts of development. It identifies that necessary infrastructure improvements can be through direct provision, or by a financial contribution. Robust viability evidence is required where it is contended that planning obligations sought, including for affordable housing, would make a proposal economically unviable. In this instance, the VR has demonstrated that the development is viable with the financial contributions that have been sought towards infrastructure, with 60% affordable housing in the form of discount market housing. At the time of the Council's decision, however, there was not a completed planning obligation to secure the affordable housing or financial contributions.
24. Schedule 1 of the UU secures the delivery of the affordable housing, on first and subsequent sales, to local people in housing need. As I have found that the site is only acceptable for residential development based on it being an exception site, the obligations within this Schedule are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to it.
25. To mitigate the impact of the development on open space and recreation provision, the UU secures a Village Hall contribution of £21,771, and on-site

public open space in accordance with an Open Space Delivery Plan to be approved by the Council. These provisions accord with the requirements set out in the consultation reply from the Council's Open Space, Sport and Recreation Specialist. Policy DEV4 of the Local Plan identifies that planning obligations will be sought to mitigate the impact of new residents from smaller sites. On the evidence before me, these obligations are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to it.

26. The UU also secures contributions of £95,538 towards educational infrastructure and £5,000 towards the cost of a traffic regulation order (TRO) for the imposition and installation of an extended 30mph speed limit. The education contribution accords with the request from the Education Authority, which is based on its Education Infrastructure Plan 2016-2033. The TRO contribution has been sought by the Highway Authority. As there are no footways in the lane that connects the site to the facilities in the village, a reduction in the speed limit is necessary to ensure the safety of pedestrians. I am therefore satisfied that both contributions are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to it.
27. The obligations in the UU ensure that the necessary infrastructure to support the development can be secured in accordance with Policies TTV27, DEV4 and DEL1 of the Local Plan. Accordingly, I find that all the obligations in the UU meet the tests set out in paragraph 57 of the Framework, and constitute a reason for granting planning permission in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

Other Matters

28. A number of other issues have been raised in representations, and I have taken all of these into account in arriving at my decision. The nearest listed building, Butterford Cottage, lies some distance away from the site, and is screened by two significant lines of hedges and trees. Consequently, the development would have no impact on its setting.
29. Concerns have been raised regarding the potential drainage/flooding and highway safety impacts of the development. However, no compelling evidence has been submitted to weigh against the expert advice of the Local Lead Flood Authority and Highway Authority, who have not objected to the proposals. Detailed drainage and highway matters can be covered by conditions, and can also be considered further at reserved matters stage.
30. Although concerns have been raised about the impact of the development on biodiversity, there is no compelling evidence that the site is of particular ecological importance. Nevertheless, it will be necessary for the reserved matters application to demonstrate that the development will minimise impacts on and provide net gains for biodiversity, in accordance with paragraph 174 of the Framework.
31. Concerns have been raised about the impact of the development on the residential amenity of nearby dwellings. Details of scale and layout are reserved for future consideration. Consequently, the impact of the buildings in this regard cannot be properly judged at this stage. However, the evidence before me indicates that, with suitable scale, layout and design, the proposed

development could be achieved without any harm to the living conditions of the occupants of any nearby residential properties.

Conditions

32. I have attached conditions relating to the submission of reserved matters and the associated time limits. I have also included a condition specifying the approved plan as this provides certainty. The Council has submitted a schedule of suggested conditions to cover other matters. I have considered these against the advice in the Framework and the Planning Practice Guidance. Where I have agreed that the conditions are necessary, I have altered some of them, in the interests of clarity and precision, to better reflect the guidance.
33. I have imposed a condition setting out further details which need to be submitted as part of the reserved matters application(s). This condition is necessary to ensure that adequate information is available for the proper consideration of the detailed proposals. I have included within this condition, a requirement to specifically address the hedgerow removal and replacement for the proposed access as part of the submission of reserved landscape details. I have also included a requirement for a Tree Survey identifying Root Protection Areas and Construction Exclusion Zones. I have also identified the need to submit details of how the development will deliver an employment and skills plan to support local employment and skills in the construction industry in accordance with Policy DEV19 of the Local Plan.
34. Conditions securing the prior provision and maintenance of the access, roads and footways are necessary to ensure that adequate access is available during the construction phase, and for use by the occupiers of each dwelling thereafter. To maintain the safety of surrounding roads, and the residential amenity of nearby residents, during the construction phase, a condition is necessary to secure a Construction Method Statement. I have included within this condition a requirement for a construction waste management plan.
35. To ensure that the impact of the development on the landscape is minimised, I have imposed a condition requiring a Landscape and Visual Impact Appraisal to be submitted with the first application for approval of reserved matters.
36. A condition relating to low carbon and renewable energy generation is necessary to ensure the delivery of a low carbon development in accordance with Policy DEV32 of the Local Plan. A condition requiring each dwelling to provide a charging point for electric vehicles is also justified by this policy, as well as by the advice at paragraph 112 of the Framework. To comply with Policy DEV10 of the Local Plan, I have imposed a condition requiring compliance with the Nationally Described Space Standards. However, the adequacy of the outdoor amenity spaces and private gardens is a matter that can be considered under the reserved matters application(s).
37. The UU already requires the submission of an Affordable Housing Scheme to the Council for approval. Furthermore, control over the scale and composition of the houses can be exercised through consideration of the reserved matters. It is not necessary, therefore, to impose a condition requiring submission of a scheme to demonstrate that the development meets local housing needs.
38. To protect the rural character of the area, and to avoid harm to biodiversity, a condition limiting the installation of external lighting is reasonable and

necessary. To ensure the delivery of net biodiversity gains, as encouraged by the Framework, I have imposed a condition requiring the submission of a Landscape and Ecology Management Plan for approval.

39. A suite of conditions has been recommended by the Lead Local Flood Authority to ensure that surface water is suitably managed, both through the construction phase, and for the lifetime of the development. I have no reason to doubt that they are reasonable and necessary to avoid flood risk to the development or off-site.
40. Although the Environmental Report did not identify any known sources of contamination, it is reasonable to adopt a precautionary approach on such matters. Consequently, I have attached a condition requiring remedial action should any unexpected contamination be encountered.

Conclusion

41. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR

Schedule of Conditions

- 1) Details of the access, 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 commence 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 plan: 1:2,500 scale Site Location Plan labelled Rev A 09/10/2020.
- 5) The development hereby authorised shall be carried out in accordance with detailed drawings and documents which shall previously have been submitted to and approved in writing by the local planning authority. These detailed drawings and documents shall show the following: (a) the design and external appearance of the proposed buildings; (b) their siting; (c) existing and proposed site levels (together with proposed slab levels); (d) the materials for their construction; (e) the areas for parking and turning of vehicles; (f) all other works including walls, fences, means of enclosure and screening; (g) the design, layout, levels, gradients,

- materials, drainage, lighting and method of construction of all new roads and connection with the existing road; (h) details of hedgerow removal and replacement to accommodate the site access, together with a timetable for implementation; (i) a Tree Survey to BS 5837:2012 and Hedgerow Protection Plan showing the Root Protection Areas and the Construction Exclusion Zones; (j) a Skills Management Plan.
- 6) All proposed roads, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details that shall first have been submitted to, and approved in writing by, the local planning authority before their construction begins. For this purpose, plans and sections indicating, as appropriate, their design, layout, levels, gradients, materials, and method of construction shall be submitted to the local planning authority.
- 7) No other part of the development hereby approved shall be commenced until the access road has been laid out, drained, and constructed up to base course level for the first 20 metres back from its junction with the public highway, and any visibility splays required by the approval of the reserved matters have been laid out.
- 8) The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the local planning authority:
- A) The carriageway, footways and footpaths which provide that dwelling with direct vehicular and pedestrian routes to an existing highway maintainable at public expense, have been constructed up to and including base course level, including the vehicle turning head within that phase, and the sewers, manholes and service crossings have been completed;
- B) The site access visibility splays have been laid out to their final level;
- C) Any approved street lighting has been erected and is operational;
- D) The approved car parking and any other vehicular access facility required for the dwelling has been completed;
- E) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- F) The street nameplates for the roads have been provided and erected.
- 9) Once constructed and provided in accordance with conditions 6, 7 and 8 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the nameplates and any street lighting shall be permanently retained.
- 10) No development shall commence until a Method of Construction Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include details of:
- (a) parking for vehicles of site personnel, operatives and visitors;

- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials;
- (d) programme of works (including measures for traffic management);
- (e) provision of site enclosure;
- (f) a waste management plan.

Development shall proceed in accordance with the approved Method of Construction Statement for the duration of the construction period.

- 11) Not later than the submission of the first reserved matters application, a Landscape and Visual Impact Appraisal (LVIA) shall be submitted to and approved in writing by the local planning authority. The LVIA shall assess the impact of the development on the landscape and inform the design, siting, and layout of the reserved matters application.
- 12) No development shall commence until a scheme to demonstrate how the development will incorporate low carbon or renewable energy generation, to achieve regulated carbon emissions levels of 20% less than Building Regulations Part L, has been submitted to, and approved in writing by, the local planning authority. Development shall be completed in accordance with the approved details prior to the occupation of the dwelling to which they relate.
- 13) No dwelling shall be occupied until it has been provided with an electric vehicle charging point, in accordance with details that have first been approved in writing by the local planning authority.
- 14) All dwellings shall meet or exceed the internal floor areas and dimensions set out in the Technical housing standards – nationally described space standard¹.
- 15) No external lighting shall be installed within the site other than in accordance with details that have first been submitted to, and approved in writing by, the local planning authority. Any submitted lighting scheme shall include details of the position, type, luminance and cowl of all external lights to the building and external areas. Any external lighting approved under the terms of this condition shall be installed and permanently maintained in accordance with the approved details.
- 16) No development shall commence until a Landscape and Ecology Management Plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The LEMP shall include details of the ongoing management of the boundary features and structure planting to maximise wildlife value and deliver a net gain in biodiversity. The LEMP shall also include details of provision of inbuilt/tree mounted bat and bird boxes, and reptile hibernacula, with details of ongoing management and replacement. Development shall proceed in accordance with the approved LEMP.
- 17) No development shall commence until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the local planning authority. The application for the detailed drainage should be submitted and agreed

¹ <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard/technical-housing-standards-nationally-described-space-standard>

at the same time that the reserved matters for layout are submitted and agreed. The design of this permanent surface water drainage management system shall be in accordance with the principles of sustainable drainage systems, and those set out in the "Drainage Statement Storm in relation to Planning Application 0321/20/OPA Proposed 10 New Dwellings with All Matters Reserved land North of Brandize Cottage EX20 3AQ (Rev. B, dated 12th May 2020)". No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details, and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

- 18) No development shall commence until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the local planning authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.
- 19) No development shall commence until full results of a groundwater monitoring programme, undertaken over a period of 12 months, have been submitted to, and approved in writing by, the local planning authority. The monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.
- 20) No development shall commence until the detailed design of the proposed surface water drainage management system, which will serve the development site for the full period of its construction, has been submitted to, and approved in writing by, the local planning authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.
- 21) No development shall commence until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the local planning authority.
- 22) No development shall commence until full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the local planning authority.
- 23) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to, and approved in writing by, the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to, and approved in writing by, the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.