



Appeal Decision

Hearing Held on 11 August 2021

Site visit made on 26 August 2021

by S Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal Ref: APP/J1535/W/20/3259315

Langley and Mile Nurseries, Waltham Abbey EN9 2ER

- 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 Lee Valley Regional Park Authority against the decision of Epping Forest District Council.
 - The application Ref EPF/0695/19, dated 7 March 2019, was refused by notice dated 13 March 2020.
 - The development proposed is residential development comprising up to 52 dwellings (including 40% affordable housing) with vehicular access from Crooked Mile, associated open space, children's play area and ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for residential development comprising up to 52 dwellings (including 40% affordable housing) with vehicular access from Crooked Mile, associated open space, children's play area and ancillary works at Langley and Mile Nurseries, Waltham Abbey EN9 2ER in accordance with the terms of the application, Ref EPF/0695/19, dated 7 March 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. The application was submitted in outline form, with all matters reserved for future consideration except for access. I have referred to the submitted illustrative site plan as an indication of how 52 dwellings could be arranged within the appeal site, and the land use parameters plan which sets out the proposed zoning of areas of the site including areas of open space.
3. The Development Plan for the area comprises the saved policies of the Epping Forest District Local Plan (1998) Alterations 2006 (the Local Plan). I was informed at the Hearing that the emerging Epping Forest District Local Plan is at an advanced stage towards adoption. The policies of the 2017 Local Plan Submission Version (LPSV) are included in the reasons for refusal. Since submission of the appeal and at the time of the Hearing, consultation has been carried out on Main Modifications to the LPSV. I have therefore afforded weight to the relevant emerging Policies accordingly as set out in each of the main issues below.
4. The Council confirmed at the Hearing that reference to LPSV Policy SP1 should be deleted from the second reason for refusal as set out in the decision notice,

following its removal in the Main Modifications. I therefore make no further reference to it in this decision.

5. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021. I allowed the main parties an opportunity to provide comments as to whether this had any bearing on the appeal before me. I have taken the responses into consideration in my decision.
6. A signed Statement of Common Ground (SoCG) was submitted prior to the Hearing, and I have noted that both parties concur that the Council cannot demonstrate a five-year deliverable housing land supply. I will return to this matter later in the decision.
7. An agreed Section 106 Agreement (S106) was submitted prior to the Hearing, including obligations relating to affordable housing provision, education contributions and an air pollution contribution. A signed completed version of the S106 was submitted following close of the Hearing. Again, I return to this matter later in the decision.

Main Issues

8. The main issues are:
 - Whether the proposed development would represent inappropriate development in the Green Belt;
 - Whether it would be appropriately located having regard to local and national policies and guidance; and
 - The effects of the proposed development on the Epping Forest Special Area of Conservation (EFSAC).

Reasons

9. The appeal site lies within the Metropolitan Green Belt to the edge of the settlement of Waltham Abbey. Dwellings adjoin the southern boundary, which also forms the settlement development limit. On the opposite side of the road (Crooked Mile) there is a public house, a small number of dwellings and a vehicle accident repair centre. Elsewhere, surrounding the appeal site, is open land associated with the Lee Valley Regional Park.
10. The site is currently in use for commercial purposes, occupied by two separate businesses. A range of both permanent buildings and temporary single storey structures are located within the site with associated hardstandings, outside storage and parking areas. Aside from the hedges and trees on the boundaries, and between the two commercial uses, the site is generally devoid of vegetation. The main parties are in agreement that the site comprises previously developed land, and following my site visit I have no reason to disagree.

Whether Inappropriate Development in the Green Belt

11. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and substantial weight should be given to that harm. Paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt, then lists a range of exceptions.

12. The parties agreed that part g) of paragraph 149 is of primary relevance to the determination of this appeal. It relates to the partial or complete redevelopment of previously developed land. To comply with this exception and be not inappropriate, the development needs to satisfy one of two criteria: it would a) not have a greater impact on the openness of the Green Belt than the existing development, or b) not cause substantial harm to the openness of the Green Belt where the development would re-use previously developed land and contribute to the meeting of an identified affordable housing need within the area of the local planning authority.
13. Taking the first bullet point, the parties agreed that the proposed development would represent a greater height and spread than the commercial structures which presently occupy the appeal site. As such, it is unavoidable that it would have a greater impact on the openness of the Green Belt than the existing development. As such, I concur that the first bullet point of paragraph 149 g) would not be satisfied.
14. In respect of the second bullet point, I acknowledge that the proposals are in outline form, and the parameters plan could be conditioned so that future development would include a sizeable area of open space to the north side of the site. However, the plans indicate that the vast majority of the site would still be occupied by built development of 52 dwellings of greater height, spread and density than the existing structures. Consequently, I find that there would be spatial harm to openness of the Green Belt.
15. During my site visit, I found that the site is largely self-contained and the existing structures and outside storage areas benefit from good screening by mature boundary vegetation. The existing development is, in the main, low in height and unobtrusive in longer range views. The visual effects of the proposed development would similarly be limited to the immediate area around it. The appeal site sits immediately adjacent to and opposite existing residential and commercial development, and the proposals would be viewed in longer distance views in the context of the urban edge of Waltham Abbey. This would limit the obtrusiveness of the visual harm which would result from the proposed development. Overall, I find the harm to openness would be moderate and not substantial.
16. With regard to the remainder of the second bullet point of paragraph 149 g), the proposed development includes the provision of 40% affordable housing, equating to 21 units. The appellant directed me to the West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) Affordable Housing Update (July 2017). The SHMA indicates that the overall affordable housing need for the period 2011-2033 is 3,100 dwellings, which equates to a requirement of 141 affordable dwellings per annum in the District. The Council's Authority Monitoring Reports indicate that 319 affordable housing units have been delivered since 2011, equating to an average of 35 per annum.
17. This data was not disputed by the Council, although they referred to the affordable housing need being satisfied in the future by emerging allocations for housing. Whilst the LPSV is at an advanced stage, the progress or status of the emerging housing allocations is not before me, and I was not assured that those allocations would satisfy the unmet need within any reasonable time period.

18. The completed S106 would secure a minimum of 21 affordable dwellings. It reflects the requirements set out by the Council's Housing Enabling Officer and the Council's affordable housing policies. I am satisfied that the obligation would therefore meet the tests set out in paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Regulations 2010 (CIL Regulations). Given the significant deficit in affordable housing delivery against the overall need set out in the SHMA, I am satisfied that the development would contribute to meeting the current identified affordable housing need.
19. Consequently, I find that the criteria within the second bullet point in respect of paragraph 149 g) of the Framework would be met. Because I have found that the harm to openness would not be substantial, I am satisfied that the proposed development would not constitute inappropriate development in the Green Belt.
20. I acknowledge that the proposal would fail to comply with any of the criteria within Local Plan Policies GB2A and CP2(ii) which relate to the Green Belt. However, I find that the policies are not fully consistent with the Framework because they do not reflect the full list of exceptions to inappropriate development set out at paragraphs 149 and 150. Accordingly, I have afforded them with little weight in my decision.
21. I find that the proposed development is compliant with emerging LPSV Policy DM4, which is generally consistent with the Framework in its exception criteria. There are no significant amendments to the Policy set out in the Main Modifications, but as the comments on the recent consultation are presently unknown, I can only give it moderate weight.
22. Other Green Belt issues, including potential conflict with the purposes of including land within the Metropolitan Green Belt and consideration of very special circumstances were discussed at the Hearing. However, given that I have found that the proposals represent not inappropriate development in the Green Belt, it is not necessary for me to consider such matters any further.

Location and Spatial Strategy

23. The appeal site is situated outside of the development limits of the settlement of Waltham Abbey. It is therefore situated in the countryside for the purpose of planning policies. I do not consider the site to be isolated in the meaning of paragraph 80 of the Framework given that it lies immediately adjacent to and opposite existing housing.
24. Emerging LPSV Policy SP2 sets out the spatial development strategy for the District, including a hierarchy of suitable locations for new homes. Point v) of the Policy does not restrict previously developed land within the Green Belt.
25. It is common ground that the site lies in an accessible location, with regard to the proximity to existing public transport, town centre, community facilities and employment opportunities. I noted on my site visit that there is a well-lit footway on both sides of Crooked Mile, from the adjacent housing estate at Marle Gardens, and which lead towards the centre of Waltham Abbey. It was put to me at by a local resident at the Hearing that bus services are infrequent and there is no railway station, however the Transport Statement details adequate access to the site by non-motorised users and I find no harm in this respect. Furthermore, the Council agreed that development of the site would

not prevent proposed allocations from coming forward in Waltham Abbey as set out in emerging LPSV Policy P3.

26. Notwithstanding its location in the Green Belt, I conclude that the site is otherwise appropriately located for residential development. Consequently, I do not find conflict with the Council's emerging spatial development strategy set out in LPSV Policy SP2 nor the specific requirements for Waltham Abbey set out in LPSV Policy P3. Both policies are subject to amendments in the recent round of Main Modifications therefore I can only give them limited weight.
27. Notwithstanding its lack of inclusion in the second reason for refusal, Local Plan Policy CP2 was cited by the Council at the Hearing. The proposed development would conflict with part i) of the Policy in terms of 'protecting countryside for its own sake'. However, there is no such reference to this within the Framework and when read as a whole the proposed development would broadly comply with the aims of the Policy to protect the quality of the rural and built environment.

Epping Forest Special Area of Conservation

28. The appeal site lies within the 6.2 km zone of influence¹ for the Epping Forest Special Area of Conservation (EFSAC). The EFSAC is a European site designated for beech forests and heathland 'Annex I' habitats, as well as the stag beetle 'Annex 2' species. The EFSAC is currently assessed as being of 'unfavourable conservation status', partly as a result of the effects of air-borne pollutants, including from traffic.
29. The Council has screened the application as having a likely significant effect on the integrity of the EFSAC. Taking a precautionary approach, in view of the type and level of development proposed, and the site's proximity to the EFSAC, I agree with the conclusions of the Council that a likely significant effect cannot be excluded. Consequently, an Appropriate Assessment must be undertaken.
30. The recent publication of the Schedule of Main Modifications includes a significant level of amendments to emerging LPSV Policy DM2, reflective of the publication of the Council's most recent Habitat Regulations Assessment (HRA) in June 2021. Given the appeal site is a windfall site it is not covered by the HRA but requires its own site specific assessment. Nonetheless, the issues set out in the HRA are of direct relevance.
31. The Main Modifications include a requirement for new development to secure and deliver measures to ensure there will be no harm to the integrity of the protected sites. Such measures relate to recreational pressure, air pollution and green infrastructure. It is common ground that no mitigation is required in respect of recreational pressure nor green infrastructure, given that the appeal site is located more than 3 km from the EFSAC, outside of its recreational zone of influence. As such, this impact pathway has been scoped out of the assessment. I have no reason to disagree with the Council's conclusions on this matter.
32. LPSV Policy DM2 also requires all development giving rise to a net increase in average annual daily traffic (AADT) to mitigate for potential or identified adverse effects on air quality in accordance with measures identified in the Council's Air Pollution Mitigation Strategy (APMS). Furthermore, LPSV Policy

¹ Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation 2018

DM22 (Air Quality) has been similarly modified and also requires compliance with the APMS. I note that the APMS has been published since the Council made its decision on the application and the appeal was lodged.

33. The appellant has provided information to inform the Appropriate Assessment in the form of three Technical Notes² (TN). The evidence indicates that residential vehicle trips from the appeal site would result in an impact on the EFSAC, equating to a total of 56 AADT. I requested an update to the Council's Appropriate Assessment to take account of their concerns raised at the Hearing. These included the methodology for calculating the AADT and the impacts of ammonia generated by traffic, together with the need to take account of the publication of the APMS and the Council's HRA for the emerging local plan.
34. Following the Hearing, I received further details from the appellant (TN3) in response to the Council's updated Appropriate Assessment. Whilst the data includes assumptions, in the absence of evidence to the contrary, I consider the data to represent a robust representation of the existing industrial traffic movements. I note that the trip methodology, as used in the Transport Statement, was not disputed by the local highway authority.
35. TN3 re-iterates the information previously provided in TM2 that the residential vehicle trips from the proposed development would equate to a net change of 27 AADT from the existing trips. It is noteworthy that there would be an overall reduction in HGV activity through the EFSAC. Emission rates including particulate matter and nitrogen oxides, considered harmful to the integrity of the EFSAC, are provided for both standard vehicles and HGV in Table 10 of TM3. This shows that HGV rates are typically four times higher than a standard vehicle at speeds of 30mph. Taking this into consideration, the proposed development would result in an effective reduction in such pollutants through the EFSAC.
36. In respect of ammonia emissions, appropriate assumptions are made regarding splits between petrol and diesel vehicles which would make up the traffic arising from the proposed development as well as modal splits of vehicle types. TM3 (table 13) demonstrates that the proposed development has the potential to result in a decrease of total ammonia emissions from the extant use, owing to the removal of regular HGV movements from the site. Consequently, there would be a quantifiable overall improvement in terms of air quality and pollutants potentially generated by traffic associated with the site. I note that no assumptions are made regarding the increasing numbers of electric and hybrid vehicles, so that the data gives a worst-case scenario.
37. In the absence of evidence to the contrary I am satisfied that the data presented in TM3 is robust and fit for purpose and provides an acceptable response to the outstanding matters raised by the Council.
38. A range of mitigation measures are specifically identified in the APMS³ which need to be secured to ensure no adverse effect on the integrity of the EFSAC in accordance with LPSV Policy DM2. The required measures relevant to this proposal are i) the provision of electric vehicle charging points; ii) the provision

² Epping Forest SAC Technical Note 1 (5 August 2020), Technical Note 2 (26 April 2021), and Technical Note 3 (31 August 2021)

³ Air Pollution Mitigation Strategy for EFSAC Annex 3: A Framework for Delivery

of digital communications infrastructure; and iii) a financial contribution of £335 per dwelling to assist in funding the range of initiatives set out in the APMS. Conditions have been put to me which would secure the provision of i) and ii), and the completed S106 includes the necessary financial contribution iii). I am satisfied that both conditions and the obligation meet the tests set out in paragraphs 56 and 57 of the Framework and the CIL Regulations.

39. I consulted Natural England on the matter in accordance with discharging my obligations in undertaking an Appropriate Assessment under Regulation 63(3) of the Habitats Regulations 2017. No response was received however I have had regard to their standing advice provided to the Council⁴. In the absence of any further information from Natural England in contrary to my position, and in view of their involvement in the HRA and the APMS adopted by the Council, I consider the proposal is acceptable in this regard. Therefore, I am satisfied that adverse effects on the integrity of the EFSAC could be avoided and the proposed development would not impede the aforementioned habitats and species from achieving a favourable conservation status.
40. The proposed development therefore complies with LPSV Policies DM2 and DM22 (as modified). Whilst I can only give limited weight to these Policies given the significant amendments put forward in the Main Modifications, it is evident that they reflect the recommendations of the Local Plan Inspector and the publication of the HRA and APMS. Furthermore, I do not find conflict with national policy contained within section 15 of the Framework.

Other Matters

41. Reference has been made to other appeal decisions and planning applications. However, the details of the quoted sites are not before me and, in any event, I am dealing with the proposed development on its own merits.
42. I have noted the concerns raised by third parties in respect to the perceived effects of the proposed development on the local highway network. However, these have not been adequately substantiated in evidence before me and I have no obvious reason to doubt the appellant's evidence that the proposed development would not have an unacceptable impact on highway safety and would be in an accessible location in compliance with paragraphs 110-112 of the Framework. I note the reduction in the existing speed limit on this stretch of highway and the provision of appropriate footway links on Crooked Mile which could be secured as part of a future agreement under the Highways Act.
43. There is little evidence before me to indicate that local infrastructure would suffer significant additional strain as a result of the proposed development, nor that anti-social behaviour would increase. Education contributions are secured in the completed S106.
44. I am satisfied that the Ecological Impact Assessment demonstrates that the site is of insufficient biodiversity conservation value, and a condition would ensure that the protection and enhancement measures set out in the Assessment would be appropriately secured.
45. There is no suggestion by the Council that the removal of the existing businesses on the site would be contrary to any policies which seek to retain

⁴ Overarching Standard Advice for Development Applications within Epping Forest District: Natural England, 10 August 2021

existing employment uses. The site is not currently in productive agricultural or horticultural use and it is an agreed matter that it comprises previously developed land. The Neighbourhood Plan is not at a stage where I can give it any weight in my decision.

46. I am satisfied that, indeed I heard no sufficient evidence to the contrary, to suggest that any risk of flooding would be exacerbated by the proposed development. Appropriate consideration has been given to use of sustainable drainage systems in accordance with the relevant policies and guidance.
47. Concerns relating to effects on living conditions such as overlooking would be a matter for future reserved matters applications when the design, layout and scale of the proposed dwellings would be fully assessed. However, I was not made aware of any such likely intrusion occurring from the indicative layout to raise any significant concerns that a suitable scheme would be capable of avoiding direct losses of privacy. The submission of a construction method statement, to be agreed by condition, would assist in minimising effects during construction on nearby occupiers both in relation to construction traffic and pollution.
48. Any potential breach of regulations or land ownership matters relating to the Lee Valley Regional Park Authority are not matters which are of relevance to my decision.

Legal Agreement

49. A completed and signed S106 has been submitted which deals with matters relating to affordable housing provision, education contributions and an air pollution contribution.
50. I am satisfied that the proposed 40% affordable housing provision would comply with Policy H5A of the Local Plan and Policy H2 of the LPSV. It also reflects Council's requirement on appropriate tenure mix. The S106 also provides for an early years and childcare contribution. This is reflective of the County Council's consultation response which appropriately sets out the relevant calculations and projections for demand for school places in the area of the Waltham Holy Cross Primary School, which is close to capacity.
51. As detailed in the main issues above and as part of my Appropriate Assessment, an air pollution contribution is necessary in accordance with the LPSV Policies DM2 and DM22 and the provisions of the APMS.
52. No party questioned the need for, or the level of, financial contributions sought for services made necessary by the proposed development. On the evidence before me, I observed no obvious concerns with the legal agreement and thus I am satisfied that the obligations are necessary to make the development acceptable in planning terms, that they are directly related to and are fairly and reasonably related in scale and kind to the development. I therefore consider that the submitted obligation meets the tests set out in paragraph 57 of the Framework and the CIL Regulations 2010.

Conditions

53. I have considered the suggested planning conditions against the advice set out in paragraph 56 of the Framework. Where necessary I have made minor amendments to a number of the conditions in the interests of clarity, precision, conciseness and enforceability. Pre-commencement conditions were agreed at the Hearing by the appellant.
54. Standard conditions are imposed limiting the life of the planning permission and setting out the requirements for the submission of reserved matters. I have imposed a condition relating to the approved site location plan and parameters plan in the interests of certainty.
55. In the interests of highway safety and minimising impact on the living conditions of neighbouring occupiers it is necessary to include a condition in respect of the submission of a construction method statement. I have included the need to submit details of delivery and construction working hours (as opposed to a separate condition) for flexibility.
56. There are a number of trees on the site boundary which are worthy of retention therefore I have included a condition to ensure tree protection measures are carried out in accordance with the approved details. There are historical potentially contaminative features located within and around the appeal site. Therefore, conditions are needed to require a full assessment of risks and, if necessary, submission of a remediation scheme and verification report.
57. The site lies in close proximity to known archaeological features including Scheduled Monuments and there is potential for remains to extend into the proposed development area. Therefore, a pre-commencement condition is necessary for a programme of trial trenching and excavation to be agreed.
58. As set out in the main issue regarding the potential effects of air quality on the EFSAC, and in accordance with the APMS and LPSV Policies DM2 and DM22, conditions are required to secure details of electric vehicle charging points and broadband communications infrastructure.
59. Details of a drainage scheme both during construction and when operational are required to ensure satisfactory drainage of the site to reduce the risk of flooding and contamination to waters. I have simplified the surface water drainage condition given that the details as suggested by the Lead Local Flood Authority would be inherent in the scheme and informed by the submitted Flood Risk Assessment. Details of management and maintenance are also necessary to ensure the submitted drainage scheme operates as intended.
60. Full details of access arrangements, including off-site works, are necessary in the interests of highway safety. The provision of a residential travel information pack to all new dwellings would be necessary in the interests of reducing the need to travel by private car in accordance with the Council's supplementary planning guidance. I have made amendments to the Council's suggested wording so that it is more precise and enforceable.
61. The District is classed as being in an area of severe water stress and measures to ensure water efficiency are required in accordance with the figure set out in LPSV Policy DM19. The submitted Ecological Impact Assessment includes a range of biodiversity mitigation and enhancement measures which need to be secured by condition to ensure they are carried out in a timely manner. A

condition is necessary to require replanting of existing trees and hedges in the event that any die or are removed in the interests of biodiversity and character and appearance.

62. I have included a condition which limits the development to the terms of the description for no more than 52 dwellings given that effects on the Green Belt and other matters were considered based on this level of development. Both parties agreed to this additional condition at the Hearing.
63. The Council wish to impose a condition removing permitted development rights for Classes A, B & E of Part 1 to schedule 2 of the GPDO⁵. The Framework at paragraph 54 advises that conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. However, I find no justification for imposing such a condition at outline stage when the layout, scale and appearance of the dwellings are all unknown.

Planning Balance and Conclusion

64. It is common ground that the Council is unable to demonstrate a five-year supply of deliverable housing sites. I have found that there would not be clear reasons for refusing the proposed development by virtue of the site's location within the Green Belt nor the effects on the EFSAC. As such, in relation to paragraph 11(d) of the Framework, those development plan policies which are most important for determining the application are out-of-date.
65. The proposed development would include a range of benefits which include the contribution of up to 52 dwellings towards the supply of housing in the District, and the provision of a minimum of 21 affordable dwellings (40%). I give significant weight to these benefits. Furthermore, I note that the construction of the scheme would bring moderate benefits to the local economy, albeit for a temporary period. Re-use of previously developed land which is in untidy condition, provision of landscaping and biodiversity enhancements would also bring moderate benefits.
66. The adverse impacts of granting planning permission relating to the main issues would not significantly and demonstrably outweigh the above benefits of the proposed development, when assessed against the policies in the Framework taken as a whole.
67. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

S Hunt

INSPECTOR

⁵ Town and Country Planning (General Permitted Development) Order 2015 (as amended)

APPEARANCES

FOR THE APPELLANT:

Nik Smith
Mark Powers
Amy Petrikova
Beryl Foster
Claire Martin

Nexus Planning
Technical Director, Waterman
Nexus Planning
Lee Valley Park Authority
Lee Valley Park Authority

FOR THE LOCAL PLANNING AUTHORITY:

Muhammed Rahman
James Rogers

Epping Forest District Council
Epping Forest District Council

INTERESTED PARTY:

Mr Stephen Lok

Local Resident

DOCUMENTS SUBMITTED AFTER CLOSE OF THE HEARING

1. Epping Forest District Local Plan Submission Version 2017
2. Natural England Standing Advice 10 August 2021
3. Local Plan Review – table of conformity with National Planning Policy Framework
4. Epping Forest SAC map
5. Suggested viewpoints for site visit
6. Epping Forest District Council Habitats Regulations Update 19 August 2021
7. Epping Forest SAC Technical Note 03 (31 August 2021) – response to Council's amended Habitats Regulations Assessment
8. Completed Section 106 Agreement dated 30 September 2021

Schedule of Conditions

- 1) 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.
- 2) 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.
- 3) Details of the appearance, landscaping, layout, and scale 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.
- 4) The development hereby permitted shall be carried out in accordance with the approved plans listed below:

Site Location Plan	1823-D1-001 P1
Parameter Plan – Land Use	1823-D1-001 P1

- 5) No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - safe construction access into the site;
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - wheel and underbody washing facilities;
 - measures to control the emission of dust and dirt during construction; and
 - delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) No development shall take place, including any works of demolition or site clearance, until Tree Protection measures in accordance with BS:5837:2012 have been installed at the edge of the calculated rooting area as shown on the Tree Protection Plan (15527-WIE-ZZ-XX-SU-77101 P01). The protection measures shall be retained throughout the construction of the development.
- 7) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- A survey of the extent, scale and nature of contamination; and
 - An assessment of the potential risks to: human health; property, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.
- 8) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred options, the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The remediation scheme shall be carried out as approved, and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority, before the development is occupied.
- 9) No below ground works shall take place until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme of investigation and programme.
- 10) Prior to any above groundworks, a scheme for provision of electric vehicle charging points shall be submitted to and approved in writing with the Local Planning Authority. The charging points shall be completed in accordance with the approved scheme and made operational prior to first occupation and thereafter retained.
- 11) Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority. The strategy shall ensure that upon occupation of a dwelling, ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. The development of the site shall be carried out in full accordance with the approved strategy.
- 12) No development shall take place, including demolition, until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved.
- 13) Prior to any preliminary ground works taking place, details of a surface water drainage scheme for the site, based on sustainable drainage principles and the submitted Flood Risk Assessment (Waterman, March 2019) shall be

submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, shall be provided on site prior to the first occupation, and shall be retained for the lifetime of the development.

- 14) Prior to completion of the drainage scheme approved under condition 12 above, a plan detailing the maintenance arrangements including responsibilities for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed in writing by the Local Planning Authority. Logs of maintenance must be available upon a request by the Local Planning Authority.
- 15) Prior to the first occupation of the development the access works shall be fully implemented, with all detail being agreed in advance with the Local Highway Authority. The works shall include, but not be limited to:
 - A new bellmouth access with minimum 6m radii;
 - Provision of the visibility splays clear to ground level to the site maximum;
 - Provision of 2 no. x 2m wide footways into the site;
 - Closure of the existing redundant vehicular accesses prior to completion of the last dwelling;
 - Provision of dropped kerb crossing points across the B194 Crooked Mile in proximity to the site; and
 - Provision of dropped kerb crossing points across the B194 Crooked Mile within the vicinity of the existing bus stops to the south of the site.
- 16) Prior to the first occupation of the development, details of a Residential Travel Information Pack to promote sustainable methods of travel shall be submitted to and approved by the Local Planning Authority. The approved packs shall therein be distributed to each occupier, free of charge, within one month of their respective occupation.
- 17) Prior to the first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 18) Prior to the first occupation of the development a scheme to enhance the ecological value of the site, based on the measures set out in section 5 of the Ecological Impact Assessment (Waterman, February 2019), shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator where appropriate. The scheme shall be implemented in accordance with a timetable to be agreed as part of the approved scheme.
- 19) If any tree, shrub or hedge shown to be retained is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously

damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place within 3 months.

- 20) The development hereby approved shall be limited to no more than 52 residential units.

End of Schedule.

Richborough Estates