



Adroddiad

Ymweliad â safle a wnaed ar 06/08/2021

gan Clive Sproule BSc MSc MSc
MRTPI MEnvSci CEnv

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 14.02.2022

Report

Site visit made on 06/08/2021

by Clive Sproule BSc MSc MSc
MRTPI MEnvSci CEnv

an Inspector appointed by the Welsh
Ministers

Date: 14.02.2022

TOWN AND COUNTRY PLANNING ACT 1991

**LAND ADJACENT KINNERTON MEADOWS, KINNERTON LANE,
HIGHER KINNERTON CH4 9FW**

CONTENTS

	Page No.
Procedural Matters	3
The Site, its Surroundings and the Proposal	3
The Case for the Appellant	4
The Case for the Council	8
Other Representations	11
Inspector's Conclusions	15
Inspector's Recommendation	21
Appendix 1: Planning Conditions	

Appeal Ref: APP/A6835/A/21/3275487

Site address: Land adjacent Kinnerton Meadows, Kinnerton Lane, Higher Kinnerton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Elan Homes Ltd against the decision of Flintshire County Council
- The development proposed is residential development of 95 dwellings (including affordable housing), means of access, open space and all associated works.

Summary of Recommendation: That the appeal be dismissed for the reasons that follow.

Procedural Matters

1. Neither of the main parties had specifically addressed the potential relevance of *Future Wales – The National Plan 2040* (“*Future Wales*”) Policy 22 to the determination of this appeal. After the site visit, they were provided with an opportunity to do so.
2. On 07/01/2022, the appellant provided copies of correspondence between the Inspectors carrying out the Local Development Plan Examination and Flintshire County Council. The correspondence concerns the Matters Arising Changes (“MACs”) in that examination, and the possible implications of phosphates in the water environment for the delivery of LDP allocated sites. Flintshire County Council’s response to the appellant’s representation was received on 04/02/2022.

The Site, its Surroundings and the Proposal

3. The application form notes the appeal site to be 6.03ha of grade 3b agricultural land. It has the appearance of a single field of lowland pasture. Low hedging is present along the roadside. A number of large mature trees are present within the roadside hedge, and other large trees are scattered across the appeal site.
4. When viewed from the roadside, the appeal site has a character that is typical of this countryside, and that extends across into Cheshire as the border with England is very nearby. It is gently rolling lowland pasture with hedges and large trees. There is occasional, often agricultural or residential, development within it.
5. The appeal site lies next to Higher Kinnerton, which is a small rural settlement that sits within this countryside.
6. A recent housing development is immediately to the east of the appeal site. That recent development occupies an area that stood between Kinnerton Lane and existing development within Higher Kinnerton. The recent development has extended the western edge of Higher Kinnerton to provide a strong boundary that marks the maximum extent of the settlement when viewed from Kinnerton Lane.
7. The proposed development would place 95 dwellings, roads, associated infrastructure, areas of open space, and attenuation ponds on the appeal site.
8. The drawings accompanying the application are listed on page 7 of the appellant’s “*Planning Statement*”, dated “Prepared July 2020”. Appendix 1 to this report includes possible condition 2, which is based on the drawings listed in the subsequent and extended “*Appeal Document List*”. The *Appeal Document List* has been extended from that prepared in July 2020 by the inclusion of seven additional documents. Possible

condition 2 also includes some minor corrections (for example, the Location Plan is Revision “B”), and what is understood to be a full list of house type drawings.

The Case for the Appellant

The Appellant’s detailed case is provided within its Statement of Case and Evidence for Appellant and associated documents, which are summarised here.

9. Evidence in support of the appeal is provided within the “*Statement of Case and Evidence for Appellant*” and the Grounds of Appeal are set out in Appendix 1 of that document. Final Comments were also received.
10. The first Ground of Appeal is that the appellant considers the application (and now appeal) to be fully supported by evidence confirming the development is: free from constraint; is economically viable; and, would be deliverable to meet housing need, including providing 30% Affordable Housing.
11. Its design, layout and delivery of Planning Obligations would provide a high quality and well-designed place, social infrastructure and connections to Active Travel networks to adjacent Employment Areas that will fully secure national placemaking outcomes. The Council has no adopted Development Plan, whilst its emerging Local Development Plan (“LDP”) remains [Inspector note: at the time of writing] untested at Examination. Higher Kinnerton is a sustainable location where the Council consider it suitable as a location for significant housing provision. The continued absence of an up to date Development Plan and uncertainty around the timeframe of a new plan-led solution to housing delivery should therefore be given considerable weight as a material consideration such as to warrant granting planning permission.

Reason for refusal 1

12. In relation to the County Council’s first reason for refusal, the appellant’s case is summarised as follows.
13. No existing or proposed development plan policies are referred to in the first reason for refusal regarding the need for the housing proposed. Nor is it clear how the proposal conflicted with section 4.2 of Planning Policy Wales (“PPW”) – Edition 10. The latest Development Plan in Flintshire is the Unitary Development Plan 2000-2015 (“UDP”) is time expired, and the Local Development Plan (“LDP”) Examination is ongoing.
14. Attention is drawn to the Inspector’s comments, dated 15/02/2021, in case Ref: APP/A6835/A/20/3251359 which included that “...*The Council will not be able to demonstrate that it can provide a supply of land to meet Flintshire’s housing requirement as required by PPW until the emerging LDP is adopted....Even if the Council is right the ability to demonstrate an adequate supply of housing does not mean that planning permission should be withheld, it would just not be a material consideration that weighed in favour...*”.
15. Included within the Deposit LDP is the Warren Hall Key Site. It lies to the north of the appeal site and the appellant questions matters such as its viability and deliverability.
16. The appellant’s *Statement of Case and Evidence for Appellant* states that it provides the necessary evidence that, in the absence of an adopted LDP, there can be no certainty that the proposed LDP housing allocations or the delivery of committed sites (and draft Housing Trajectory) will be found sound. The Council proposes 7,950 dwellings to meet

the housing need of the County to 2030 in its deposit LDP. To date 2,609 units (33%) of those units are recorded as delivered. The as yet undelivered need based on the Councils deposit LDP figures is a further 5,341 units, including from large site windfalls. Given that level of need and the ongoing absence of a plan-led solution to housing delivery, the Appellant would accept a variation to the standard condition 1 (Time Limit) requiring the Development to be commenced within 2 years of the appeal being allowed. Elan Homes Ltd is confident of the need for the development in the locality and has a track record of delivery on its adjacent Kinnerton Meadows development.

17. The appellant invites the conclusion that:

- a) the appeal scheme will not prejudice the LDP;
- b) the continuing absence of, and uncertainties relating to, an adopted LDP carry considerable weight;
- c) there is no up to date Development Plan or other means for plan-led housing supply in Flintshire; and,
- d) the development is sustainable development in a sustainable location and would deliver clear economic, social and environmental benefits.

18. The appellant's Final Comments note the County Council has not provided a further update on the progress of the LDP. Appendices to the Final Comments provide two letters from the LDP Examination Inspectors seeking clarification of matters regarding the Warren Hall allocation and noting the temporary suspension of the Examination. The scope and scale of the still unresolved matters are significant, and it remains the appellant's position that the Council is unable to demonstrate any certainty on the expected adoption of the LDP.

19. If anything the LDP Inspectors' current position, as set out in Appendix 1 of the Final Comments, creates further uncertainty in respect of the underlying evidence and background to allocating Warren Hall. The evidence at this point is that the LDP Inspectors have significant concerns. That is a significant risk to the LDP and its adoption. The appeal scheme would provide housing in the absence of the Warren Hall allocation. The appellant disputes the County Council's certainty on delivery of allocated sites and provides details.

20. The appellant considers that, overall, very limited weight can be given to the certainty of progressing other sites before LDP allocations are confirmed and the Inspectors' binding report is delivered and the LDP adopted.

21. The appellant does not dispute the revocation of Technical Advice Note 1 ("TAN 1"). It is however a matter for the decision-maker to judge the weight to be given to the need, in the continuing uncertainty surrounding progress and adoption of the LDP, to deliver housing.

22. Accordingly, the LDP housing figure and trajectory must therefore continue to be treated with a high degree of caution (as the Development Plan Manual requires). The County Council does not dispute the appellant's evidence on the consistent approach taken by Inspectors where there is no development plan or that its most recent tested figure dates back to 2014. The level of uncertainty around the LDP remains. It is considered very little

weight can be given in this appeal to the LDP or the County Council's case in respect of the first reason for refusal.

23. In relation to the possible effect of phosphates on riverine Special Areas of Conservation, the appellant has provided a copy of recent correspondence between the LDP Examination Inspectors and the County Council on this topic. The appellant notes the appeal site not to be affected by concerns regarding the effect of phosphates in the water environment and as such, is immediately deliverable.
24. Having regard to the County Council's case, it is the appellant's view that considerable weight should be given to the release of the appeal site as sustainable development.

Reason for refusal 2

25. The second reason for refusal solely references UDP policy HE1, which deals with Development Affecting Conservation Areas. However, the site is not within or close to a Conservation Area. It is assumed "HE1" is a typographical error and that policy HE2 (Development Affecting Listed Buildings and their settings) is the correct reference. Reference is made to the text in paragraphs 6.1.7 and 6.1.10 of PPW.
26. The second Ground of Appeal is that the proposed development has been fully and objectively assessed and is designed so it would neither dominate any statutory historic asset nor detract from an ability to understand and appreciate them. The appeal site is agricultural land, and the appellant does not consider it to be an open space of public value for the purposes of definition in TAN 16. Furthermore, the second refusal reason makes no attempt to objectively assess or quantify the alleged harm to the setting of historic assets.
27. It is the appellant's case that the proposal includes a landscape buffer that would lessen the impact of the development in the environment and in relation to the listed buildings within it.
28. Relevant listed buildings are identified in Cadw's representations on the application and appeal and in section 5.2 of the appellant's appeal stage "*Statement on Heritage Matters*". The appellant accepts that the proposed development would have an impact on the setting of listed buildings but the impact would be spatially limited and would not dominate any historic asset or detract from an ability to understand and appreciate it.
29. It is accepted that the proposed development would have an adverse impact on the setting of Kinnerton Lodge and Compton Hall. However, the impact would be mitigated through the design of the proposed development. It would have no negative impact on an ability to understand, appreciate and experience Little Farm and the significance of Little Farm would not be harmed.
30. Through, "good" design and placemaking, the appeal development takes full account of the impacts and mitigates against them. Attention is drawn to the mitigation that would be provided by the proposed Public Open Space to be created along the northern boundary of the appeal site (see paragraph 6.6 of the *Statement on Heritage Matters*).
31. On completion of the development, the listed historic assets would still be read as historic buildings within the landscape and their relationships with the surrounding landscape would, though changed, remain discernible. The change would be neither so

harmful nor significant when balanced against all other material considerations, including the housing need as to warrant withholding planning permission.

Reason for refusal 3

32. The third reason for refusal references policy HE7 “*Other Sites of Lesser Archaeological Significance*”. Appeal documents include a heritage statement that details the appellant’s case in relation to the historic environment. The heritage statement confirms the planning balance and the statutory duty in relation to Listed Buildings to be dealt with in the appellant’s “*Statement of Case and Evidence for Appellant*”.
33. The third and final Ground of Appeal is that additional archaeological reporting and a Geophysical Survey have been carried out in support of the appeal enabling the decision-maker to fully, and objectively, understand the significance of the location and extent of the boundary of the Llwydcoed Royal Park. Any mitigatory measures to cater for the archaeological interest at the site could have been secured via a condition on a planning permission, consistent with the application of: PPW paragraph 6.1.27; UDP paragraphs 9.41 and 9.46; and, Flintshire Supplementary Planning Guidance No. 28 “*Archaeology*” paragraph 2.7.

Future Wales

34. In response to the Inspector’s query regarding Policy 22 of *Future Wales*, the appellant acknowledges that since 24/02/2021, *Future Wales* has formed part of the development plan. The application was submitted in July 2020 and determined at Committee on the 03/03/2021, a week following its publication. The appellant has already set out evidence on the scope of the Council’s policies that it has, and has not, referred to in its refusal reasons. This is by virtue of the duties imposed on it by Article 24 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
35. *Future Wales* became part of the Development Plan the week prior to the Committee appearance of this application. Given the scope of the Council’s objection to this development, it follows that the Council would have included it as a reason for refusal had it considered Policy 22 to be applicable. It also follows that the delivery of housing here supports the objective of *Future Wales* Policy 20.

Conclusion

36. The appellant’s case can be summarised as follows:
- a) The Flintshire UDP is outdated and failed to meet its housing delivery target causing a significant shortfall.
 - b) There remains no imminent plan led solution to address the delivery and supply of housing in Flintshire at this time.
 - c) Uncertainties inherent in an emerging LDP persist (until the Inspectors’ binding report is delivered).
 - d) Benefits of this scheme in delivering social, economic and community benefits to deliver sustainable development.
37. Nexus Heritage and Tigergeo set out additional evidence in respect of the setting of adjacent listed buildings, the scale of that impact and that a balanced and reasonable

approach can be taken, having regard to the scale of that assessed impact. The archaeological evidence with respect to the identification of the boundary of Llwydcoed Royal Park and so the reason for refusal is no longer sustainable. The appellant maintains that this could have reasonably been dealt with by planning condition.

38. In a letter, dated 01/03/2021, to the County Council's Planning Committee the applicant sought to set out the benefits of the proposed development (the letter has been submitted with the appeal documentation and has a filename that includes "...DOC001_061530PC..."). In addition to the deliverability of the appeal site and financial contributions that are the subject of the unilateral undertaking, the letter notes the proposal would provide 28 affordable homes, including 7 affordable bungalows, and 67 market dwellings.
39. The appellant considers its evidence to confirm that considerable weight should be given to the continuing need to deliver housing in Flintshire, and that weight is further supplemented by the (UDP) policy compliant level of affordable housing to be provided along with other planning obligations. The planning balance of those benefits outweigh any perceived harmful effect of development on the setting of adjacent heritage assets (including the boundary of Llwydcoed Royal Park). Therefore, it should be concluded that the appeal development should be allowed.

The Case for the Council

Introduction

The County Council's detailed case is provided within the appeal statement, which is summarised here.

Reason for refusal 1

40. The County Council strongly disputes the appellant's argument that Flintshire has a "zero" land supply, and reference to a six year old study carried out within the context of TAN 1 is not appropriate for assessing the adequacy of the current housing land supply.
41. With reference to paragraphs 8.2 and 3.3 of TAN 1, it is the County Council's view that: TAN 1 specifically required local planning authorities without an adopted plan to carry out an objective assessment of their housing land supply; and, TAN 1 did not say that no weight should be attributed to such an assessment, rather less weight should be attached than would be to a formal study.
42. Several objective assessments of housing land supply have been carried out since 2014, with the latest (based date 01/04/2019) including past completions over 5 and 10 years and also based on the housing requirement in the Deposit LDP, of 6,950. All three comparison methods showed that the County Council had a more than adequate housing land supply.
43. In the five years since 01/04/2015, when under the then TAN 1 guidance the Council was unable to demonstrate a five year housing land supply, a total of 2,609 housing units were completed in the County. This averages over 521 dwellings per annum and is greater than LDP annual housing requirement, clearly demonstrating that despite the then TAN 1 guidance, the Council has had an adequate land supply over the period.
44. In July 2018, and following a consultation exercise, the Welsh Government formally dis-applied paragraph 6.2 of TAN 1 which dealt with the weight to be given to the lack of a

five year housing land supply. Then, TAN 1 was revoked in its entirety in March 2020, including its requirement for local planning authorities to maintain a five year supply of housing land. The Housing Delivery section of PPW was being removed and replaced by a policy statement making it explicit that the housing trajectory, as set out in an adopted LDP, would be the basis for monitoring the delivery of development plan housing requirements as part of LDP Annual Monitoring Reports (“AMRs”).

45. Clearly therefore, since March 2020 the requirement to demonstrate a five year supply of housing land has not been Welsh Government policy, and it has not been appropriate to base an assessment of the adequacy of housing land supply on the 5 year requirement contained in TAN 1.
46. The adequacy of the housing land supply is now properly to be assessed against a housing trajectory contained in the LDP, based on the calculation of an Anticipated Annual Build Rate (“AABR”).
47. Paragraph 2.5 of the appellant’s statement incorrectly references 5,341 units as the undelivered ‘need’ in the LDP. The Deposit LDP housing requirement is in Policy STR1, which would make provision for 7,950 units to deliver 6,950 units. This flexibility is supported by *Development Plans Manual Edition 3*. Housing land supply information produced in September 2019 for the Deposit LDP uses a 01/04/2018 base date, and in February 2021 this was updated to a 01/04/2020 base date for the LDP Examination.
48. Based on the updated information, the housing provision figure of 7,950 increased to 8,210 units, providing an over provision (or flexibility allowance) of 1,260 units above the Plan’s housing requirement of 6,950 units. As referenced above, at 01/04/2020 (i.e. one third of the way through the Plan period) a total of 2,609 units had been completed in the County, leaving a residual to be met by 2030 of 4,341 units. Even with a time expired UDP, over the first five years of the LDP period the Council has therefore been delivering housing completions above the LDP annual requirement.
49. It can be seen from the relevant LDP Examination evidence, that the Council has more than sufficient housing sites available to meet the residual requirement of 4,341 units to 2030.
50. With regard to Warren Hall it is noted that the appellant references objections to the viability and deliverability of the site in the Plan period and the issue raised by Airbus. As landowner the Welsh Government will not be seeking a land value for the site given its policy objectives. Issues raised by Airbus relate to safeguarding of the Hawarden Airfield and flight path issues. Further work is being undertaken and it is understood that positive progress is being made in discussions between Airbus and Welsh Government and its consultants.
51. Following the LDP Examination sessions that considered housing land supply and trajectories, the only issue on which the Inspectors have requested further information relates to the Warren Hall site, and a further hearing session will be held following the conclusions of the discussions with Airbus referenced above. In the unlikely event that the whole of the residential element of the Warren Hall allocation did not progress, the LDP land supply would still provide an overprovision (or flexibility allowance) of some 960 units (1260-300), which would equate to nearly 14% of the Plan’s housing requirement and still well above the 10% flexibility in the Manual.

52. The Welsh Government has raised no objection to the County Council's approach and evidence relating to housing land supply and in its statement to the Examination notes the proposed delivery rates to be "...*realistic and deliverable in the light of past build rates...*". The County Council believes that some weight should be given to the LDP trajectory, and there can be no reasonable justification for the argument put forward by the appellant, that the Council has a zero land supply.
53. Regarding phosphate levels in the water environment and the possible implications for LDP allocations, the County Council notes the LDP Inspectors to have confirmed there not to be large numbers of committed or windfall units whose delivery would be hindered by the phosphates constraint. The LDP Inspectors have concluded that "...*All in all we are now satisfied that, despite the uncertainties thrown up by the need for phosphorus mitigation, we have sufficient information to determine whether the housing provision and measures proposed in Flintshire are likely to be sufficient to ensure that the LDP housing requirement is achieved during the plan period...*", and the MACs consultation could proceed as proposed by the County Council.
54. These LDP exchanges demonstrate that the Plan is reaching the end of the Examination period, and it is evident that the Examination Inspectors do not have any remaining concerns about the ability of the plan's housing supply to deliver the housing requirement. Although the LDP Inspectors have yet to complete their binding report.

Reason for refusal 2

55. The County Council confirms that reference to UDP policy HE1 in a typographical error, the correct policy, as noted by the Appellant, is UDP policy HE2.
56. The additional Nexus Heritage evidence has been noted. However, the County Council maintains its objection. The proposed development will have a significant adverse impact upon the listed buildings' settings due to the loss of the important rural setting and replacement with suburban development. The Council's case remains unchanged and can be found within paragraphs 7.21 – 7.27 of the committee report.

Reason for refusal 3

57. The additional Nexus Heritage evidence and Geophysical Survey has been taken into account, and further consultation has taken place with Clwyd Powys Archaeological Trust ("CPAT") (see Appendix 2 of the County Council's Appeal Statement).
58. It is considered that the additional information satisfies the original concerns of CPAT. However, work to further characterise and potentially date the two main north/south boundary ditch fills, and the potential structure with investigative excavation is considered necessary. This could be completed as a condition of any consent that may be given in accordance with TAN 24 (May 2017), with two suggested conditions within the attached list of conditions (see Appendix 3 of the County Council's Appeal Statement).
59. Comments on planning obligations are provided in Appendix 3 to the County Council's Appeal Statement, which considers that if this appeal were to be allowed:
- a) It would be necessary to secure a scheme for the delivery of affordable housing within the development;

- b) Cycling Contribution. £80,000 to provide the payment towards connecting site to Warren Hall and Broughton Employment areas; and,
- c) Education Contribution. £245,140 as a contribution to Primary Education and £313,973 as a contribution to Secondary Education.

Future Wales

- 60. Policy 22 in *Future Wales* refers to the establishment of a green belt around Wrexham and Deeside to manage urban form and growth. However, *Future Wales* Policy 20 also identifies Wrexham and Deeside as a National Growth Area. These designations are illustrated broadly on the diagram on “pdf” page 111 of the digital version of *Future Wales*. This was plotted onto an Ordnance Survey base map.
- 61. It really is not clear whether the notation is just symbolic or whether it is trying to broadly identify a boundary, however *Future Wales* doesn’t appear to be suggesting a green barrier on the western side of Higher Kinnerton. Due to the ongoing LDP examination, no detailed work has taken place on a Strategic Development Plan.
- 62. At Deposit consultation stage of the LDP, the Council had representations seeking the designation of a green barrier (wedge) to the east of Penyffordd / Penymynydd. These parties prepared Hearing Statements and appeared at the Hearing Session for Matter 16 Green Barriers on Tuesday 18th May. These can be viewed under the Matter 16 ‘heading’ on the Council’s website here. The Council opposed a green barrier between Penyffordd / Penymynydd and Higher Kinnerton as it was not considered to meet the tests in para 3.67 of PPW Edition 10.
- 63. Therefore, the Council do not consider that the appeal is contrary to Policy 22 of *Future Wales*.

Other Representations

Higher Kinnerton Community Council (“HKCC”)

- 64. While the LDP is not yet adopted, it was placed on deposit in September 2019 and a housing trajectory was prepared which clearly shows there is no shortfall of housing land in Flintshire. The proposed site is no longer considered a candidate site for the LDP.
- 65. HKCC considers the proposed speculative development not to be sustainable as the village has already absorbed exceptional development on the adjacent large speculative site and the development proposals would not deliver any positive economic, social or environmental outcomes. The economic benefit from this proposal is primarily for the developer and its subcontractors.
- 66. Although there is no objection from the Highway Authority, the Community Council raises concerns in relation to unrecorded highway incidents of concern to local residents.
- 67. The information provided by the applicant regarding village amenities and services is both out of date and misleading, for example, the bus services are extremely limited. Despite recent development there has been a decline in local service provision and the existing amenities and services do not have the capacity to accommodate the additional development.

- 68. Concerns have also been raised in relation to the proposed drainage, including attenuation ponds, and previous flooding events in the locality.
- 69. The proposed development conflicts with UDP Policy HE2 as the proposed development would fail to preserve the settings of the listed buildings around it.

Flintshire Country Council – Highway Development Control

- 70. A number of concerns raised at the statutory pre-application process have been adequately addressed. Other matters could be dealt with by planning condition and a planning obligation to address the cost of a Traffic Regulation Order. Eleven planning conditions are sought.
- 71. In addition to the representation of 13/08/2020, a second Highway Development Control representation, dated 13/11/2020, seeks the inclusion of a pre-commencement condition or planning obligation to cover off-site Active Travel linkages.

Flintshire County Council – Housing Strategy

- 72. Details the demand for affordable housing in Flintshire and its demonstration through the Local Housing Market Assessment and the County Council's housing lists.

Flintshire County Council – Rights of Way

- 73. Public Footpath 5 abuts the site but appears unaffected by the development.

Welsh Government - Land Quality Advice Service ("LQAS") / Soil Policy & Agricultural Land Use Planning Unit

- 74. Initially objected to the proposal, and validated the subsequent Agricultural Land Classification ("ALC") report survey, dated 13/10/2020, which found the appeal site to be ALC Subgrade 3b and not to be Best and Most Versatile ("BMV") agricultural land. This is reflected in the County Council Officer's report to Committee, dated 03/03/2021.

Cadw

- 75. Cadw note the proposed development would not involve demolition works to a listed building, nor does the appeal site fall within a Conservation Area. Supplemental comments note the relevance to the determination of the appeal of policies for the protection of historic assets within PPW and TAN 24. Specifically, Cadw states that *"...PPW explains that where development proposals affect a listed building or its setting, the primary consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses..."*.

- 76. Cadw also provides comments from its Inspector of Historic Buildings, which are:

"...Kinnerton Lodge, Crompton Hall, the Stables and Little Farm are all essentially rural buildings, dependent on their rural surroundings to maintain their overall character, their position in the landscape and separation from the neighbouring settlement. They are not insignificant or humble rural structures but key buildings of the local estate of which Kinnerton Lodge was the centre. This principal house dates from the Regency period but likely replaced an earlier house and there are many layers of history to its parkland setting. It is believed the site forms part of the fourteenth century medieval royal park of Llwydcoed, created by Edward III,

and further research will hopefully enable it to be recorded in Cadw's Historic Parks & Gardens Register as part of the historic interest of the later park.

The scale of the Kinnerton Lodge estate has inevitably diminished over time and the village settlement has predictably expanded in recent years. But the important relationship has survived, with the tight cluster of dwellings in the village contrasting markedly with the open parkland setting of the lodge and hall. The formality of the setting may have been diluted to some extent by agricultural operations but it still has a parkland feel, is still referred to as the park and still protects and buffers the listed buildings and maintains the separation from the village.

The importance of protecting this land to the south of Kinnerton Lodge was recognised by the planning inspector in the 2017 planning appeal. He allowed the appeal for the Kinnerton Meadows development but clearly felt it was important that the setting of Kinnerton Lodge should remain as it is. This current proposal totally disregards the inspector's conclusion.

The site is not a logical infill of an indent in the boundary of the village settlement but projects unashamedly into the open countryside, the former parkland and essential setting of the listed buildings that border it. Such a development would instantly transform the setting of the listed buildings from rural to suburban, which would inevitably have a significantly damaging impact...".

Clwyd-Powys Archaeological Trust ("CPAT")

77. Advised that further information would be required on the wholly sub-surface prehistoric potential of the plot and the potential sub-surface survival of a medieval park boundary crossing the land.

NRW

78. Has no objection to the appeal scheme. The site falls within Zone A as defined on the Development Advice Map ("DAM"). NRW assumes the local planning authority have screened the proposal and concluded that there is not a reasonable likelihood of protected species being present on the site.

Dwr Cymru

79. Requests a condition to address and only permit the discharge of foul water to the sewerage system.

Airbus

80. Hawarden Aerodrome Safeguarding identifies that the proposed development would have an impact on operations and safeguarding criteria, and if the appeal were to be allowed, seeks the imposition of a condition that would require the submission of a scheme of Aerodrome Safeguarding Measures.

Other Interested Parties

81. Representations from other interested parties raise matters including in relation to sustainable development, appropriate levels of development, availability of and impact on local services, sustainable travel, landscape, character and appearance / design

issues, external lighting, visual impact, noise levels, the historic environment, biodiversity, flooding and drainage, loss of agricultural land, public rights of way, and highway safety.

Richborough Estates

Inspector's Conclusions

Square brackets in these conclusions contain numbers which refer to earlier paragraphs in this report that contain material of relevance to my conclusions.

The Main Considerations

82. The Council's decision notice has three reasons for refusal included on it. These are reflected in the two main issues in this case, which are:
- a) whether the proposed development would be necessary for the provision of housing; and,
 - b) the effect of the development proposed on the historic environment.

Planning Policy

Flintshire Unitary Development Plan ("UDP")

83. In relation to housing, the UDP was adopted in 2011. Accordingly, its policies and the evidence base that supported them are now out of date.
84. The second reason for refusal deals with the possible effects of the proposed development on historic assets such as the setting of listed buildings. However, it refers to UDP policy HE1, which deals with conservation areas. No conservation area has been identified in the vicinity of the appeal site. [25]
85. Confirmation of a typographical error is provided in the County Council's Appeal Statement. The second reason for refusal should have referred to UDP policy HE2, which is entitled "*Development Affecting Listed Buildings and their Settings*". Consequently, it is apparent that UDP policy HE2 is the relevant policy for matters that are the subject of the second reason for refusal. [25, 55]
86. UDP policy HE2 seeks to safeguard listed buildings and their settings. UDP policy HE7 requires an archaeological assessment on where there is known or suspected archaeological interest. Policy HE7 also requires that archaeological remains, that would be affected but their preservation in situ is not merited, are excavated and recorded prior to development.

Future Wales – The National Plan 2040

87. The application and appeal were made either on side of the publication of *Future Wales*, which now forms part of the development plan for the locality that includes the appeal site. As such, the parties' cases at appeal were able to address its policies. However, neither the Council nor the appellant had explicitly dealt with the potential relevance of *Future Wales* Policy 22 "*Green Belts in the North*" to the determination of this appeal. An opportunity was provided for the main parties to comment on *Future Wales* Policy 22. [1] [34, 35] [60-63]

Flintshire (Deposit) Local Development Plan

88. The first reason for refusal refers to the Deposit LDP. The examination of the Deposit LDP is ongoing and is addressed in relation to housing below.

Planning Policy Wales (“PPW”) (Editions 10 and 11)

89. The Council’s first reason for refusal refers to Planning Policy Wales (Edition 10) section 4.2, entitled “*Housing*”. Paragraph 4.2.1 of PPW Edition 10 stated:

“... Planning authorities must understand all aspects of the housing market in their areas, which will include the requirement, supply and delivery of housing. This will allow planning authorities to develop evidence-based market and affordable housing policies in their development plans and make informed development management decisions that focus on the creation and enhancement of Sustainable Places. New housing development in both urban and rural areas should incorporate a mix of market and affordable house types, tenures and sizes to cater for the range of identified housing needs and contribute to the development of sustainable and cohesive communities...”

90. Paragraph 4.2.1 remains unchanged in the current PPW Edition 11. However, PPW Edition 11 has changed text in relation to matters such as the deliverability of housing sites, and the monitoring a development plan’s housing trajectory.
91. PPW Edition 11 was published alongside *Future Wales* after the application was made. Edition 11 of PPW reflects relevant key themes in *Future Wales*.
92. Chapter 6 of PPW Edition 11 is entitled “*Distinctive and Natural Places*” with paragraph 6.1.10 confirming that “*...For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses...*”.
93. In relation to historic parks and gardens, PPW Edition 11 states that “*...Planning authorities should value, protect, conserve and enhance the special interest of parks and gardens and their settings included on the register of historic parks and gardens in Wales...*”.
94. A section of PPW Edition 11 entitled “*Managing Settlement Form – Green Belts and Green Wedges*” begins at PPW paragraph 3.64 and may be relevant to this case for matters concerning *Future Wales* Policy 22.

Technical Advice Note 24 “*The Historic Environment*” (“TAN 24”)

95. In providing detailed planning advice on the historic environment, TAN 24 lists the six *Conservation Principles* that guide the advice from Cadw, and are relevant to matters in this case, such as, the setting of historic assets and the Register of Historic Parks and Gardens.

Whether there is a need for housing

96. A previous Inspector concluded that the County Council would not be able to demonstrate that it could provide a supply of land to meet Flintshire’s housing

requirement until the emerging LDP is adopted. However, that decision was issued nearly 12 months ago. [14]

97. Since then, the LDP Examination has moved forward substantially. *The Development Plans Manual Edition 3* is clear that Matters Arising Changes (“MACs”) are aimed at addressing necessary revisions to a plan to ensure it meets the soundness tests. Given the very advanced stage of the Flintshire LDP Examination and the nature of the MACs identified for the plan, I agree with the County Council’s position on the increased confidence that can be placed on the likely soundness of the LDP and consequently, the deliverability of the allocations within it. [12-20] [53, 54]
98. Accordingly, confidence can also be placed on the evidence base for the LDP. Referring back to a 2014 Joint Housing Land Availability Study carried out under TAN 1 is no longer appropriate given the advanced stage of the LDP Examination and the testing of the housing evidence within it. [21-22] [40-46]
99. I also find the County Council’s evidence on recent housing completion rates and the likelihood of the continued delivery of the LDP housing requirement to be persuasive. This includes having taken into consideration matters raised in relation to phosphates in the water environment. [23][47-52, 53]
100. Consequently, it has not been shown that there would be a need to bring forward the appeal proposal to assist in meeting the housing requirements, and the associated need, in Flintshire.

Possible Effects on Historic Environment

101. The County Council’s second reason for refusal addresses the possible effect of the proposed development on historic buildings. Cadw’s summary descriptions for the listed buildings around the appeal site have been provided with the appellant’s Final Comments (and previously in the *Statement on Heritage Matters* that accompanied the appeal).
102. Kinnerton Lodge is noted to be a two storey dwelling that was Grade II listed as a good example of a Regency villa in its original setting and retaining much of its original character. That is how I found it to appear in views across this landscape. Its scale, form and setting communicate its heritage value in the views obtainable through the mature vegetation in its grounds and across the countryside around it that provides its separation from the development within Higher Kinnerton.
103. The Stables at Kinnerton Lodge form a u-shape part two-storey structure, and were Grade II listed for their group value with Kinnerton Lodge.
104. Evidence, including that from Cadw, contains references to Little Farm and the effect on its setting is within the County Council’s second reason for refusal. Little Farm is not a named listed building, but it lies next to Kinnerton Lodge and the Stables. Section 5.2 of the *Statement on Heritage Matters* sets out the context for the appellant’s consideration of Little Farm.
105. Crompton Hall lies immediately to the south of the appeal site and close to existing residential development within Higher Kinnerton. Nevertheless, Crompton Hall retains both a degree of separation from the settlement and open aspects across the

countryside that surrounds this part of Higher Kinnerton, including toward the historic assets at Kinnerton Lodge.

106. Cadw's appeal stage comments note the historic context of the listed buildings, their contribution to the existing landscape, and the former parkland countryside's contribution to their setting. The reason for the listed building designation of Kinnerton Lodge is stated as "*...Listed as a good example of a Regency villa in its original setting and retaining much of its original character...*". While the interrelationship between the listed buildings on either side of the appeal site is not referred to in their listing descriptions, it is nonetheless apparent in views across the appeal site. Given its character and location, and its positioning between the historic assets and the housing within Higher Kinnerton, the appeal site and the countryside that it forms part of makes a significant contribution to their settings.
107. The openness provided by the appeal site and adjoining countryside currently provides a clear break between Higher Kinnerton and the rural listed buildings on the northern side of the settlement. Cadw notes the agricultural activities on the appeal site not to have removed its parkland character, and that is how I found it to be when I took views across it. The appeal site provides the clear historic context of these historic assets, including the inter-visibility between their locations, and forms part of their settings.
108. Cadw's "*Setting of Historic Assets in Wales*" (2017) explains what setting is and why it is important, and it outlines the principles used to assess the potential impact of development or land management proposals within the settings of historic assets. This guidance also confirms that the applicant should prepare a proportionate and objective written assessment of that impact to inform the decision-making process (which is reflected in paragraph 1.26 of TAN 24). This proposal is supported by such reports. [26]
109. However, the consideration of the settings of historic assets and the possible effects of development upon them involves matters of judgement, on which, assessors and decision-makers necessarily must come to their own view. The proposed layout would provide open space across the central part of the proposed development from its north western site boundary with Kinnerton Lodge across the centre of the appeal site to the southern boundary with Crompton Hall Farm. However, the proposed open space would not be sufficient to retain the setting of these historic assets, which is the unbroken countryside and the openness that is currently provided by the undeveloped pasture around this part of Higher Kinnerton. The appeal site makes a key contribution to this unbroken countryside and its openness. [27]
110. The setting of the listed buildings immediately to the northwest and south of the appeal site would not be preserved by the development proposed. For the reasons given above, the setting provided by the appeal site is especially important to the significance of these historic assets. And the significance of these historic assets would be significantly diminished by the development proposed through the removal of the open countryside between them. Therefore, the appeal proposal conflicts with UDP policy HE2. [28-30, 36] [56]
111. Turning to the third reason for refusal, section 7 of TAN 24 indicates that the Welsh Ministers have a statutory duty to compile and maintain a register of historic parks and gardens in Wales. Cadw's comments note that further research is required to enable the

appeal site to be recorded as part of the fourteenth century medieval royal park of Llwydcoed in the Historic Parks and Gardens Register.

112. As noted above, the appeal site currently forms part of the former parkland setting of the listed buildings to the north and south of the appeal site. PPW confirms that specific objectives for the historic environment include preserving the special interest of sites on the register of historic parks and gardens. This land is not on the register of historic parks and gardens.
113. The County Council has confirmed that it considers: the additional Geophysical Survey work carried out by the appellant to be sufficient to address the original concerns of the Clwyd and Powys Archaeological Trust (“CPAT”); and, any further work could be the subject of planning condition(s). This resolves the third reason for refusal and there is no conflict with UDP Policy HE7. [32-33, 37] [57-58]
114. However, the manner in which the settings of the listed buildings to the north and south of the appeal site would fail to be preserved, and the resulting extent to which the significance of these historic assets would be diminished, provides very significant weight against the appeal scheme.

Other matters

Flooding and drainage

115. According to the appellant’s “Flood Consequence Assessment” (“FCA”) there is only a low risk of surface water flooding, and it would be below 150mm on parts of the appeal site through rainfall with a return period of 1 in 1000 and 1 in 100 in any given year. The FCA confirms that Sustainable Drainage Systems (“SuDS”) features would be built into the proposal to manage surface water. It also concludes that no defences would be required to mitigate flooding caused from or to the proposed development.
116. While concerns have been raised regarding the possible impact of the proposed development on drainage, evidence has not been provided to demonstrate any relationship between the existing conditions on the appeal site and flooding observed in the locality. Nor with regard to how the proposed development would be likely to cause or exacerbate any flooding events.

Best and Most Versatile (“BMV”) land

117. Welsh Government’s Soil Policy & Agricultural Land Use Planning Unit initially objected to the proposal. However, the County Council’s Committee report explains that following receipt of a land quality survey report it was satisfied that the site in question is not BMV agricultural land and confirmed that the Department for Environment, Energy & Rural Affairs does not object to the proposal.

Biodiversity

118. A representation notes the presence of one protected species on the site, and that another i.e. a Great Crested Newt (“GCN”) was found on the appeal site and photographed in a container. The applications preliminary Ecological Appraisal notes: the possible presence of Great Crested and other newts in the locality with one pond within 350m of the appeal site; the improved grassland on the appeal site not to provide optimal refuge habitat; and, a precautionary method of working would be considered adequate to reduce the small risk of harm or injury to common amphibians during development. Work

would need to cease immediately and a licensed ecologist contacted if a GCN were to be found during works.

119. It is apparent that the appeal site is within an area where Great Crested Newt may be found. However, there is no evidence to suggest that if an appropriately worded condition were to be imposed, the direct and indirect in principle impacts would not to be adequately addressed. Therefore, Appendix 1 to this report includes a possible condition to address GCN.

Planning obligations

120. Appendix 2 of the *Statement of Case and Evidence for Appellant* sets out the matters to be covered by a unilateral undertaking pursuant to section 106 of the Town and Country Planning Act 1990.
121. A unilateral undertaking, dated and submitted on 23 August 2021, makes provision for affordable housing in the form of: 9 dwelling that would be let on Social Rent Tenancies; 9 dwellings let on Affordable Rent Tenancies; and, 10 dwellings to be provided as Equity Share Dwellings. It would also provide financial contributions toward: a cycling route to the Warren Hall and Broughton employment areas; a High School education contribution to be used for a sports pitch; a primary education contribution toward improvements at Ysgol Derwen; and, a contribution toward the advertising and making of any Traffic Regulation Order (“TRO”) in relation to the development proposed.
122. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (Statutory Instrument 2010 No. 948) (“the CIL Regulations”) states that a planning obligation may only constitute a reason for granting planning permission if the obligation is: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
123. Evidence in this case confirms that the planning obligations within the unilateral undertaking comply with CIL Regulation 122. [59]

Conditions

124. I have considered the conditions suggested by the County Council in light of the tests in Welsh Government Circular (“WGC”) 016/2014 *“The Use of Planning Conditions for Development Management”*.
125. Suggested planning condition 1 would provide a two year commencement period rather than the normal five year period for a full planning permission. It is not apparent that housing need is such that a shorter period would be necessary and possible condition 1, in Appendix 1 to this report, would provide the normal five year commencement period.
126. The suggested planning condition requiring the submission of a scheme for off-site cycling facilities appears to duplicate a planning obligation included within the unilateral undertaking. Therefore, it has not been shown that the suggested planning condition would be necessary to meet the tests of a condition within WGC 016/2014.
127. Matters covered by suggested conditions for site access and highway works have been shown to be necessary given the details submitted with the application. However, these matters have been combined into a single condition and scheme to address the creation of the site access. This condition would apply to the works along with possible

condition 2, which would ensure the development is carried out in accordance with the approved drawings including that providing the site layout.

128. For the reasons given above in relation to biodiversity, Appendix 1 to this report includes a possible condition to address GCN, and is additional to those suggested by parties to this case.

The Planning Balance

129. The Welsh Ministers need to ‘weigh’ the competing merits of the proposal (i.e. the arguments for and against the works), to arrive at their decision, as I now do in readiness to make my recommendation on the application.

Matters weighing in favour of the appeal scheme

130. The provision of housing would bring social and economic benefits through: the provision of homes in a location that has been shown to be desirable and deliverable through the success of the neighbouring development; and, the economic activity that would result from the construction and occupation of the homes proposed. Also, and within the context of the controls from possible planning conditions, there may be environmental benefits due to the variety of habitats that would be created by the proposal. However, the weight that can be attributed to such benefits from the appeal scheme is limited given the late stage of the LDP Examination and the deliverable housing allocations within it that would also provide such benefits through a plan-led approach. [38]

Matters weighing against

131. I consider the harm to the historic environment that would result from the development proposed to attract very significant weight in this case.

Conclusion and the balance

132. I find the harm that would occur to the historic environment to be of such significance that matters weighing in favour of the proposed development, including the scope of possible planning conditions, are not sufficient to outweigh the harm that would be caused to the historic environment. Accordingly, the appeal proposal would not be a sustainable form of development. [11, 24, 31, 39]

Inspector’s Recommendation

133. For the reasons above, I recommend that the appeal be dismissed.

Clive Sproule

Inspector

APPENDIX 1 – POSSIBLE PLANNING CONDITIONS

1. The development shall begin not later than five years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

Drawing no.: HK2-LP-001 Rev. B, entitled *Location Plan*

Drawing no.: HK2-PL-001 Rev. B, entitled *Planning Layout*

Drawing no.: HK2-PL-002 Rev. C, entitled *Planning Layout – B/W*

Drawing no.: HK2-SS-001 Rev. B, entitled *Streetscenes*

House type drawings

Drawing no.: HK2-G-P/WIN-01 Rev. A - Planning Drawing – Windermere

Drawing no.: HK2-G-P/BEE-01 Rev. A - Planning Drawing – Beeston Type 1

Drawing no.: HK2-G-P/BEE-02 Rev. A - Planning Drawing – Beeston Type 2

Drawing no.: HK2-G-P/HOW-01 Rev. A - Planning Drawing – Howden

Drawing no.: HK2-G-P/MAL-01 Rev. A - Planning Drawing – Malham Type 1

Drawing no.: HK2-G-P/MAL-02 Rev. A - Planning Drawing – Malham Type 2

Drawing no.: HK2-G-P/FEA-01 Rev. A - Planning Drawing – Fearn Special

Drawing no.: HK2-G-P/RIP-01 Rev. A - Planning Drawing – Ripley Type 1

Drawing no.: HK2-G-P/RIP-02 Rev. A - Planning Drawing – Ripley Type 2

Drawing no.: HK2-G-P/AVI-01 Rev. A - Planning Drawing – Aviemore

Drawing no.: HK2-G-P/FAI-01 Rev. A - Planning Drawing – Fairford

Drawing no.: HK2-G-P/BRA-01 Rev. A - Planning Drawing – Bramley

Drawing no.: HK2-G-P/HAR-01 Rev. A - Planning Drawing – Harborough

Drawing no.: HK2-G-P/BRP-01 Rev. A - Planning Drawing – Brampton

Drawing no.: HK2-G-P/BRN-01 Rev. A - Planning Drawing – Brandon

Drawing no.: HK2-G-P/BUN-01 Rev. A - Planning Drawing – Bunbury

Drawing no.: HK2-G-P/OAK-01 Rev. A - Planning Drawing – Plan – Oakham

Drawing no.: HK2-G-P/OAK-02 Rev. A - Planning Drawing – Elevations – Oakham

Drawing no.: HK2-G-P/STR-01 Rev. A - Planning Drawing – Stratford Special Type 1

Drawing no.: HK2-G-P/STR-02 Rev. A - Planning Drawing – Stratford Special Type 2

Drawing no.: HK2-G-P/WAR-01 Rev. A - Planning Drawing – Warminster Special

Drawing no.: HK2-G-P/MAY-01 Rev. A - Planning Drawing – Mayfair Type 1

Drawing no.: HK2-G-P/MAY-02 Rev. A - Planning Drawing – Mayfair Type 2

Drawing no.: HK2-G-P/WES-01 Rev. A - Planning Drawing – Plans – Weston

Drawing no.: HK2-G-P/WES-02 Rev. A - Planning Drawing – Elevations – Weston

Drawing no.: HK2-G-P/CHE/01 Rev. A - Planning Drawing – Plans - Chesham

Drawing no.: HK2-G-P/CHE/02 Rev. A - Planning Drawing – Elevations – Chesham Type 1

Drawing no.: HK2-G-P/CHE/03 Rev. A - Planning Drawing – Elevations – Chesham Type 2

Drawing no.: HK2-G-P/MEL-01 Rev. A - Planning Drawing – Plans – Mellor

Drawing no.: HK2-G-P/MEL-02 Rev. A - Planning Drawing – Elevations – Mellor Type 1

Drawing no.: HK2-G-P/MEL-03 Rev. A - Planning Drawing – Elevations – Mellor Type 2

Drawing no.: HK2-GAR-01 Rev. A - Planning Drawing – Garages

Drawing no.: EH.TS.35 Revision E - TOPOGRAPHICAL LAND SURVEY SHEET 1 OF 4

Drawing no.: EH.TS.35 Revision E - TOPOGRAPHICAL LAND SURVEY SHEET 2 OF 4

Drawing no.: EH.TS.35 Revision E - TOPOGRAPHICAL LAND SURVEY SHEET 3 OF 4

Drawing no.: EH.TS.35 Revision E - TOPOGRAPHICAL LAND SURVEY SHEET 4 OF 4

Reason: To ensure that the development is carried out in accordance with the approved drawing and other details submitted during the application.

3. No development shall take place until a scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. The scheme of archaeological investigation shall be implemented as approved.

Reason: In the interests of securing an appropriate archaeological investigation of the historic assets on the appeal site in accordance with UDP policy HE7.

4. No development shall take place until a Scheme of Aerodrome Safeguarding Measures to address the construction works for the development hereby permitted and mitigation for the creation of attenuation ponds has been submitted to and approved in writing by the Local Planning Authority. The Scheme of Aerodrome Safeguarding Measures shall be implemented as approved.

Reason: To ensure that construction activities on the site and adjoining land do not breach the Obstacle Limitation Surface (OLS) surrounding Hawarden Airport and/or endanger aircraft movements and the continued safe operation of the aerodrome through the attraction of birds after the development has been completed in accordance with UDP policy GEN1.

5. No development shall take place until a scheme for the siting, layout, design and timing of works for the means of site access has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and the character and appearance of the locality in accordance with UDP policy GEN1.

6. No development shall take place until a scheme for the discharge of foul water to the public sewerage system has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with UDP GEN1.

7. No development shall take place until a Great Crested Newt ("GCN") Conservation Plan has been submitted to and approved in writing by the local planning authority. The GCN Conservation Plan shall include measures to: prevent the accidental capture/killing of GCN and amphibians during construction works and the resulting surface water management system; and, auditing to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, The Great Crested Newt Conservation Plan shall be implemented as approved.

Reason: In the interests of biodiversity and in accordance with UDP policy GEN1.

8. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details

Reason: In the interests of protecting the character and appearance of the locality in accordance with UDP policy GEN1.

9. No development or site clearance shall take place until a scheme of landscaping that includes boundary treatments and a planting programme, has been submitted to and approved in writing by the local planning authority. The scheme shall indicate all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The landscaping scheme, including boundary treatments, shall be implemented as approved and retained as such thereafter. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species,

Reason: In the interests of protecting the character and appearance of the site and locality, and the living conditions of local residents in relation to potential overlooking, in accordance with GEN1.

Richborough Estates