



Appeal Decision

Site visit made on 5 October 2022

by A. Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2023

Appeal Ref: APP/Z1510/W/21/3289751

Land West of Boars Tye Road, Silver End CM8 3PN

- 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 M Scott Properties Ltd against the decision of Braintree District Council.
 - The application Ref 21/00850/OUT, dated 12 March 2021, was refused by notice dated 15 October 2021.
 - The development proposed is outline planning application with access to be determined for up to 94 dwellings and new landscaping, open space, access, land for allotments and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning application with access to be determined for up to 94 dwellings and new landscaping, open space, access, land for allotments and associated infrastructure at Land West of Boars Tye Road, Silver End CM8 3PN in accordance with the terms of the application, Ref 21/00850/OUT, dated 12 March 2021, subject to the conditions appended to this decision.

Preliminary Matters

2. The planning application was submitted in outline with all matters, apart from access, reserved. I have had regard to the submitted plans but have regarded these drawings, apart from those relating to access, as indicative.
3. An updated Proposed Access Layout Plan¹ was submitted with the appeal. This, in part, indicates a proposed 3m wide footpath leading to the south-east corner of the site. I accept that this plan responds to a planning condition proposed by the highway authority. However, I am not confident that all parties have had sufficient opportunity to comment on those amendments. Accordingly, I have not taken this plan into account in determining this appeal.
4. A signed unilateral undertaking under Section 106 of the Town and Country Planning Act 1990, dated 25 May 2022, has been submitted. I deal with this matter further below.
5. Since the application was determined, Braintree District Local Plan 2013-2033 was formally adopted (on 25 July 2022). This supersedes the 2005 Local Plan and the 2011 Core Strategy. Policies set out within the original decision notice have therefore been superseded. I have determined the appeal in accordance

¹ W961_PL-SK202 Rev F

with the plan in force at the time of this appeal decision. The appellant has had the opportunity to comment on this matter and would not be prejudiced.

Main Issues

6. The main issues are:

- whether the site is a suitable location for housing with particular regard to the accessibility of services and facilities; and
- the effect of the proposed development on heritage assets.

Reasons

Appropriateness of Location

7. The appeal site comprises an undeveloped parcel of land, currently in agricultural use. It lies outside of, but adjacent to, the settlement boundary of Silver End and consequently within the open countryside.
8. Despite falling within a countryside location, the surrounding area is not entirely rural in character. On the opposite side of the road lies a linear group of residential properties, with built form becoming gradually more consolidated along Boars Tye Road, towards the centre of Silver End. A car garage exists to the north of the site. The site is visible predominantly from Boars Tye Road through gaps in an established hedgerow. Through these gaps can be viewed reasonably prominent residential developments within Silver End.
9. Policy LPP1 of the Braintree District Local Plan 2013-2033 (LP, 2022) restricts development outside of settlement boundaries to direct development to sustainable locations. In addition, LP Policy LPP42 requires that sustainable modes of transport are facilitated through new development to promote accessibility.
10. Silver End contains some key services such as shops, post office, village hall, medical centre and school. Street-lit footways exist to the south-east of the site, along Boars Tye Road, leading to the village amenities and facilities, together with bus stops providing regular services to Witham and Halstead.
11. The distance between the appeal site and village facilities and amenities is reasonably short, whether by foot, bicycle or bus. The scheme proposes a length of footway along the site frontage, leading from the site access to its south-eastern boundary. However, no access is proposed connecting the site with the established residential area to the west of the site, and there would be a short physical break in footway between the proposed development and existing footways further along Boars Tye Road. As a result, pedestrians who wished to access the village amenities to the south-east would need to cross the road, via a new uncontrolled crossing point, to reach the north-eastern footway which leads into the village.
12. I accept that this arrangement would deter some residents from accessing the village centre by foot, particularly in darker parts of the day and in inclement weather conditions. Nevertheless, I consider that reasonably convenient and accessible walking links would be provided, albeit with the need to cross Boars Tye Road. No highway safety concerns have been raised by the highway authority in this respect and there is no substantive evidence before me to demonstrate that anything other than an uncontrolled crossing is required in

this location. In addition, it is proposed to upgrade bus stops to the north of the site and to provide travel information packs to future occupants to encourage use of sustainable transport.

13. Whilst there are no dedicated cycle routes to and from the village centre, this is not unusual for a small village in a rural location. Boars Tye Road is not of a design or character that, in my opinion, would deter cyclists from using it for a relatively short journey to nearby services and facilities. Accordingly, a range of sustainable transport options would be available to future occupants to access the reasonably close services and facilities in Silver End.
14. My attention has been drawn to a recent development further along Boars Tye Road, namely Manor Grove². The Council contends that this scheme differs from the proposed development as it was approved at a point when it could not demonstrate a five year housing land supply, which attributed significant weight in the determination of the application. The Council also contends that the site lies closer to the village centre than the appeal site, with occupiers needing to cross the road only once to access services and facilities. Similarly, my attention has been drawn to another recent and nearby development, namely Francis Gate³. The Council sets out that that scheme was determined when it had a five year housing land supply, albeit that was based on lower numbers and again is not comparable to the appeal site. The Council sets out that occupiers of this site do not need to cross the road in order to access services and facilities.
15. Notwithstanding the differing context between the determination of those schemes and the appeal before me, including in respect of siting and housing land supply, those developments nevertheless exist in close proximity to the appeal site, in a similar part of the village, and did not fall within the settlement boundary at the time of their decision. Moreover, whilst both sites are positioned a little closer to the centre of Silver End, this is only marginal when compared with the appeal site. Whilst the Council argues that these sites are positioned adjacent to established footways, unlike the appeal site, occupants at those sites would still be required to walk the same stretch of footway along Boars Tye Road, with a need to cross the road in the case of Manor Grove.
16. My attention has also been drawn to dismissed schemes along the A131/High Garrett. I do not have all of the details of these schemes before me. However, from what I have seen, the circumstances there are different, not least as they are located in a different settlement. Furthermore, the nature of the A131 appears, based on the evidence before me, to be different to that of Boars Tye Road, albeit both may, in part, be subject to a 40MPH speed limit. The schemes, in my view, are not directly comparable.
17. Overall, I conclude that the site is a suitable location for housing with particular regard to the accessibility of services and facilities, providing suitable opportunities for walking and cycling to access the village centre, and there are bus stops nearby. The proposed development would be in accordance with the relevant provisions of LP Policies LPP1 and LPP42, which in summary seek to ensure development is sustainably located. This is in a similar vein to the

² Ref 16/01653/OUT

³ 15/01004/OUT

National Planning Policy Framework (the Framework) in so far as good design and the promotion of sustainable transport is concerned.

Heritage assets

18. The site is located to the north of the Silver End Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
19. The significance of the CA lies in its built form and layout, based on garden village principles and founded by The Crittall Manufacturing Company. The CA Appraisal acknowledges that twentieth and twenty-first century development, extending the village, now encloses the CA. It also notes that the surrounding area is rural in character.
20. The proposed development is positioned along Boars Tye Road, to the north of the CA boundary. Given the intervening housing development between the site and the CA, both established and emerging, there is a clear sense of separation from the CA. To this end, the site cannot be said to contribute to any substantial degree to the significance of the CA. As such, the scheme would have a neutral effect on, and would therefore preserve, the character and appearance of the Silver End CA.
21. Rolph's Farmhouse, to the north of the appeal site, is a grade II listed building. The property is a two-storey seventeenth century timber framed and plastered house, renovated in the twentieth century. The property is most clearly viewed from the east and west approaches along Boars Tye Road. The property can be viewed within the context of neighbouring properties and a well landscaped garden, set back from the road. The significance of the property lies in its traditional form and historic value, which pre-dates the Crittall development of Silver End.
22. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of listed buildings. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
23. The proposed development would be set close to Rolph's Farmhouse, on the opposite side of Boars Tye Road. Historically, the farmhouse would once have been associated with the surrounding agricultural land. However, whilst there is some intervisibility between it and the fields opposite, there is now no obvious connection. The intervening main road and boundary treatments contribute to this lack of obvious connectedness. The property is perceived as a relatively discrete residential entity, separate and functionally and visually removed from the appeal site opposite.
24. Although there would be some change to the relationship between the appeal site and property through the site's redevelopment, the mitigating factors of the scheme, including a setback from the road frontage and landscaping proposals, reinforcing rather than introducing landscaping along the Boars Tye Road frontage, means that this change would be limited. For this reason, I find

the setting of the listed building would not be harmed and the significance of the heritage asset would therefore be preserved.

25. There is no dispute between the main parties in respect of the setting of Egypt Farmhouse, which although visible from the site is positioned some distance away and would not be harmed by the proposed development. I have no reason to come to any alternative conclusion.
26. Consequently, I conclude that the proposal would not adversely affect heritage assets, which would be preserved. It would therefore be in accordance with the relevant provisions of LP Policies LLP53 and LLP57, which in summary seek to ensure that development preserves the setting of heritage assets.

Other Matters

Third party comments

27. I have carefully considered the comments received from neighbours and others including in respect of character and appearance, the development of an agricultural site over brownfield land, the impact on local infrastructure and biodiversity and the impact on the sewerage system and mains water pressure.
28. In respect of biodiversity, there is no dispute between the Council and appellant. The measure set out in the submitted Preliminary Ecological Appraisal have been accepted by the Council and would be secured by condition. Moreover, I note that the proposed development would achieve a biodiversity net gain of 14.3%. Although measures would take some time to mature, this is not unusual. Accordingly, I have no reason to disagree with the Council's findings in this respect. Anglican Water have confirmed that foul drainage is in the catchment of Witham Water Recycling Centre, which has available capacity. I have no reason to disagree with those findings. There is no substantive evidence before me that demonstrates that water pressure would be reduced as a result of the proposed development.
29. In respect of character and appearance, details of appearance, scale, layout and landscaping are not before me and would be dealt with by later reserved matters applications. The Council concedes that the site, in agricultural use, is reasonably small but could accommodate the quantum of development proposed. I have no reason to disagree with that finding. Matters relating to infrastructure, including education, healthcare and playspace, are dealt with below in respect of planning obligations.
30. I also note comments raised in respect of highway safety, the living conditions of the occupants of neighbouring properties and the affordability of properties. The highway authority raises no objection in respect of highway safety and I have no reason to conclude differently. I also have no substantive evidence before me that concludes that traffic flows were unduly influenced by the COVID-19 pandemic. The effect of the proposed development on the living conditions of neighbouring properties is not in dispute between the Council and appellant. Based on the illustrative plans before me, I have no reason to disagree with those findings. The Council have found the affordable housing offer to be satisfactory and in line with planning policy objectives and definitions. This would be secured as a planning obligation.
31. Matters relating to quality of life, loss of views and devaluation of property are noted but do not form planning considerations that would lead me to an

alternative conclusion on the main issues. Matters relating to noise, contamination and archaeology are dealt with by condition.

Housing supply

32. There is a dispute between the main parties in respect of the Council's five-year supply of housing land. The Council is of the opinion that it has sufficient supply, set out as 5.1 years. This was recently contested at appeal⁴. The appellant sets out that this figure stands at 4.87 years. In either case, the housing land supply figure is close to 5 years. Even were I to accept that the Council has sufficient supply, this does not change my conclusion in respect of the main issues.

Unilateral Undertaking

33. A signed Unilateral Undertaking has been submitted by the appellant. This would secure the provision of 40% affordable housing in line with the Council's policies. The UU would also secure the provision of on-site open space, amenity space and allotments.
34. The education financial contributions would be put towards the provision of early years and childcare, primary and secondary places within the immediate area, together with provision for primary and secondary school transport. The library financial contribution would be put towards the upgrading of local library facilities and the healthcare financial contribution would go towards Silver End Surgery, both to meet the demands of future occupiers of the proposed dwellings.
35. The appeal site lies within the Zone of Influence for the Blackwater Estuary Special Protection Area (SPA) and Ramsar site and the Essex Estuaries Special Area of Conservation (SAC). Any residential development in this area of this scale is likely to have a significant effect through increased recreational pressure, unless it is appropriately mitigated. A financial contribution is proposed towards offsite visitor management measures.
36. Paragraph 56 of the Framework and Regulation 122 of the CIL Regulations sets out three tests that planning obligations must meet. Firstly, they must be necessary to make the development acceptable in planning terms. Secondly, they must be directly related to the development. Thirdly, they must be fairly and reasonably related in scale and kind to the development.
37. I am satisfied that the planning obligations would meet the requirements of the Framework and the CIL Regulations.

Conditions

38. The Council has provided a list of conditions that it suggests should be applied in the eventuality that the appeal is allowed. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance, and have amended the wording of some, and combined provisions of others, without altering their fundamental aims.
39. I have imposed condition 1 to secure the Reserved Matters submission. Condition 2 is imposed in respect of standard time limits. Condition 3 lists the approved plans to provide certainty.

⁴ APP/Z1510/W/21/3281232

40. Conditions 4 and 17 are imposed in the interests of the character and appearance of the area and the development. Condition 9 is imposed in order to ensure that suitable bin and cycle storage facilities are provided for future occupiers. Conditions 15 and 16 are imposed in the interests of highway safety and in support of sustainable transport.
41. I have imposed conditions 14, 18, 19, 20, 21 and 22 to ensure that the development is acceptable and safe in terms of the living conditions of existing neighbouring and future occupiers during construction and once occupied. Conditions 10, 11, 12 and 23 are imposed to ensure that suitable drainage arrangement are implemented to protect the surrounding area and future residents from adverse impacts of flood risk.
42. Conditions 5, 6, 7 and 8 are imposed in the interests of protecting and enhancing biodiversity. Condition 13 is necessary to protect any archaeological remains that may be found on site. Conditions 1, 5, 10, 11, 13, 14, 15, 17, 19 and 21 are pre-commencement conditions as it is fundamental for these details to be agreed prior to any works starting on the site and the Appellant is in agreement with these.

Conclusion

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

A. Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of appearance, landscaping, layout, and scale (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

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 the approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 19.1396.100; Access Plan W961_PL_SK_202 rev D.
- 4) The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. These details shall include: tree types and sizes; plant numbers and siting; soil specification; seeding and turfing treatment; colour and type of material for all hard surface areas and method of laying; minor artefacts and structures (e.g. street furniture, signs and lighting).

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.

Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from completion of the development, shall be replaced in the next planting season with others of a similar size and species.

- 5) Prior to the commencement of the development hereby permitted all construction related mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Geosphere Environmental Ltd, March 2021) and Breeding Bird Survey (Geosphere Environmental Ltd, July 2021).
- 6) Prior to the commencement of above slab work a Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) purpose and conservation objectives for the proposed enhancement measures; b) detailed designs to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans; d) persons responsible for implementing the enhancement measures; e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented and maintained in accordance with the approved details and shall be retained in that manner thereafter.

- 7) Prior to the occupation of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures.

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

The approved plan shall be implemented and maintained in accordance with the approved details.

- 8) Prior to the occupation of the development hereby permitted a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the approved details and maintained thereafter.
- 9) The appearance, layout and scale details required by Condition 1 of this permission shall be accompanied by full details of the location and design of the refuse bins and recycling materials separation, storage areas and collection points. Where the refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes.
- The refuse storage, collection facilities and vehicular access as approved shall be provided prior to the first occupation of the development and shall be retained in the approved form thereafter.
- 10) Prior to the commencement of the proposed development hereby permitted, a detailed surface water drainage scheme for the site, based

on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, must be submitted to and approved in writing by the Local Planning Authority. The scheme should include:

- Limiting discharge rates to 1.9l/s/ha for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated;
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event;
- Rainwater reuse should be utilised as much as feasibly possible;
- Final modelling and calculations for all areas of the drainage system;
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753;
- Detailed engineering drawings of each component of the drainage scheme;
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to the occupation of the development hereby permitted.

- 11) Prior to the commencement of the development hereby permitted a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution shall be submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
- 12) Prior to the occupation of the development hereby permitted a maintenance plan detailing the maintenance arrangements including who is responsible 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. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided. The scheme shall be maintained in accordance with the approved details.

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

- 13) Prior to the commencement of the development hereby permitted:

- A) a Written Scheme of Investigation (WSI), which shall include details for a programme of archaeological investigation, shall be submitted to and approved in writing by the Local Planning Authority.
- B) the approved WSI as required by this permission shall be fully implemented and a report of the findings including any mitigation strategy and/or preservation strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved mitigation strategy and/or preservation strategy.
- C) within six months of the completion of the fieldwork in connection with the WSI a post excavation assessment of the findings shall be submitted to an appropriate depository and the Local Planning Authority shall be notified in writing. This will result in the completion of post excavation analysis, preparation of a full site archive and report, and publication report.
- 14) Prior to the commencement of the development hereby permitted a construction traffic management plan, to include details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway; construction work times; delivery of materials; dust control; use of equipment; controls regarding waste disposal/restrictions re burning shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan.
- 15) Prior to the commencement of the development hereby permitted a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented for a minimum period of 1 year from first occupation of the development.
- 16) Prior to the occupation of the development hereby permitted the following shall be provided or completed:
- A) the site access as shown in principle on the submitted drawing W961_PL_SK202 Rev D. The access shall include a clear to ground visibility splay with dimensions of 2.4m by 120m in both directions.
- B) the footway as shown in principle on the submitted drawing W961_PL_SK202 Rev D to the south east of the site access, to join with the footway as conditioned in applications 16/01653/OUT and 19/00634REM. The footway shall measure a minimum of 2m wide and include dropped kerbs.
- C) Residential Travel Information Packs to be agreed in writing by the Local Planning Authority.
- D) the upgrade of the two bus stops at the north west of the site to be agreed in writing by the Local Planning Authority.
- 17) Prior to the commencement of any buildings hereby permitted, a schedule of the types and colour of the materials to be used in the external finishes of the buildings shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 18) No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant

noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.

- 19) Prior to the commencement of the development hereby permitted an Air Quality Assessment shall be undertaken, submitted to and approved in writing by the Local Planning Authority. The assessment shall be in accordance with current guidance Land Use Planning and Development Control: Planning for Air Quality (Institute of Air Quality Management) or equivalent. The report shall present details of how any adverse effects will be offset, and where necessary the development shall be carried out in accordance with the outcomes of this report.
- 20) In conjunction with the submission of reserved matters pertaining to layout a noise assessment in relation to the adjacent commercial use shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the recommendations of the noise assessment report and shall thereafter be retained in the approved form.
- 21) Prior to the commencement of the development hereby permitted (with the exception of demolition works), an assessment of the risks posed by any contamination within that phase shall be 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 British Standard BS 10175: Investigation of Potentially Contaminated Sites – Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent), 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;
 - An assessment of the potential risks to:
 - a) human health;
 - b) property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
 - c) adjoining land;
 - d) groundwater and surface waters;
 - e) ecological systems; and
 - f) archaeological sites and ancient monuments.

If following the risk assessment unacceptable risks are identified from land affected by contamination, no work shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), 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 after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act

1990). The development shall only be carried out in accordance with the approved details.

Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

- 22) In the event that any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 23) Prior to the occupation of any phase of the development hereby permitted, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.