



Appeal Decision

Hearing held on 2 August 2023

Site visit made on 2 August 2023

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2023

Appeal Ref: APP/Y1110/W/22/3298452

Land off Pendragon Road, Exeter, Devon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Land Promotion Group Ltd against the decision of Exeter City Council.
 - The application Ref 21/0020/OUT, dated 17 December 2020, was refused by notice dated 29 March 2022.
 - The development proposed is a residential development of up to 100 dwellings and associated infrastructure.
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Decision

1. The appeal is allowed, and planning permission is granted for a residential development of up to 100 dwellings and associated infrastructure at Land off Pendragon Road, Exeter, Devon, in accordance with the terms of the application Ref 21/0020/OUT, dated 17 December 2020, subject to the conditions in Annex 3.

Preliminary Matters

2. The appeal is for outline planning permission with all matters reserved apart from access. An Illustrative Layout Plan¹ has been submitted to which I have had regard as appropriate, whilst acknowledging its illustrative nature.
3. In the lead-up to the hearing a revised site location plan² was submitted. This confirmed the site area as being restricted to the front approximately two thirds of the two fields, with the rear of the fields falling within the appellant's ownership, but outside of the red line. It was agreed between the main parties at the hearing that the site be as depicted on the revised site location plan, ie 4.9 hectares (ha). I have adopted this approach and reflected as appropriate throughout my Decision. I refer to the land outside the red line but within the appellant's ownership as 'the appellant's land'.
4. A duplicate application³ is currently being considered by the Council. At the hearing the Council confirmed this would be refused for the same five reasons as the application the subject of the appeal scheme.

¹ Ref SK020221DG Rev A

² Ref 719 001

³ Ref 22/0511/OUT

5. The Development Plan for the area includes the Exeter Core Strategy 2012 (the CS) and the Exeter Local Plan First Review 2005 (the LPFR). A new Local Plan is being produced. This will be the subject of further consultation, likely late 2023, and is highly likely to be modified. It therefore carries limited weight.

Biodiversity

6. The appeal site comprises semi-improved grassland and substantial hedgerows, hedge trees and part of a woodland area. As confirmed by the appellant's Ecological Impact Assessment, dated March 2021, and associated addendums and updates, the site provides habitat to support, or potentially support, a range of species, including dormice, breeding birds, invertebrates and bats. It was confirmed by the Council at the hearing that the southern boundary hedgerow is no longer a Site of Nature Conservation Importance. However, it does provide an important wildlife corridor between two County Wildlife Sites (CWS) to either side of the appeal site, namely Mincinglake CWS to the west and Savoy Hill CWS to the east.
7. The proposal includes dwellings, lighting, roads and other infrastructure, and landscaped open space. This would result in the loss of most of the grassland and some of the hedgerow along the southern boundary to create the proposed access points. A number of mitigation measures are proposed including an appropriate license for dormice, buffer zones to retained hedgerows, translocation of species, control of lighting, the provision of bird and bat boxes, and control of construction. Of particular importance is the creation of a replacement wildlife corridor to replace the southern boundary, which would be within the appellant's land. Any harm to the southern boundary must also be minimised and development, including for any drainage infrastructure, should be set away from the hedge and the root protection areas of the retained trees.
8. The Council confirmed at the hearing that, subject to the above measures being secured by condition(s) and a s106 planning agreement, it no longer has concerns regarding the effect of the proposal on biodiversity. The third reason for refusal is not therefore a main issue for the appeal.

Local infrastructure

9. The fifth reason for refusal is in relation to the effect on local infrastructure in the absence of a completed s106 planning agreement. A Unilateral Undertaking dated 3 April 2023 (the UU) responds to these concerns. The UU secures:
 - the provision of not less than 10% of the combined appeal site and appellant's land as dedicated open space;
 - an associated Green Infrastructure Management Plan to control the future management and maintenance of the open space, through a Management Company;
 - the provision of a play area;
 - a contribution towards highways mitigation measures set out in the Pinhoe Area Access Strategy;
 - a contribution towards improvements at nearby primary care medical practices;
 - a contribution towards funding for the National Health Service;
 - a contribution towards the off-site Pendragon Road Multi-Use Games Area (MUGA);
 - a contribution towards the off-site Pendragon Road play area;

- a contribution towards the extension of a 20mph zone on Pendragon Road; and,
 - 50% of the proposed homes to be affordable housing, with a split of 70% social rented, 25% first homes, and 5% intermediate housing, and an additional financial contribution if a fractional home is required.
10. The contributions are proportional to the number of proposed dwellings and are in relation to infrastructure that would be impacted upon by the introduction of new residents to the area. The on-site provision of open space, a play area and the ongoing maintenance is necessary to provide suitable opportunities for recreation for the future residents. The contribution towards the extension of the 20mph zone is necessary in mitigation for the increased traffic on the road from the future proposed occupants.
11. I am therefore satisfied that the provisions of the UU would meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended) (the CIL Regs) and the tests at Paragraph 57 of the National Planning Policy Framework (the Framework), and I have taken them into account. The fifth reason for refusal is not therefore a main issue for the appeal. I return to matters of weight and detail of the UU throughout my Decision as appropriate.

Main Issues

12. The main issues are:
- the effect of the proposal on the character and appearance of the area, in particular with regard to landscape and the proposed access roads; and,
 - whether or not the appeal site is open space and the principle of redevelopment of the site.

Reasons

Character and appearance

Existing

13. The appeal site is undeveloped agricultural land, split into two fields by a hedgerow and trees. The site is sloped, upwards from Pendragon Road going north and also downwards to both the east and west. The appeal site only includes part of the fields, which stretch further to the north. On the northern boundary of the fields is a substantial hedgerow and tree line. The area between the appeal site and this hedgerow, ie the rear part of the fields, is the appellant's land. There are fields further to the north and east.
14. There is a substantial banked hedgerow and trees to the southern boundary, running along the northern side of Pendragon Road. The appeal site largely falls just outside this hedgerow, apart from the points of access. The site is adjacent to the northern extent of the built form of Exeter is this location, with housing running along the southern side of Pendragon Road. To the east, the appeal site includes part of the woodland that forms part of the Savoy Hill CWS. To the west is a substantial hedgerow and trees that line the Mile Lane bridleway and footpath. Further to the west is the Mincinglake CWS, a fairly substantial area of publicly accessible open land.

15. There is no formal access to the site at present but there are several informal pedestrian access points from Pendragon Road, Savoy Hill CWS and the Mile Lane path.

Proposed

16. It is proposed to redevelop the site for up to 100 homes with associated roads and infrastructure. Two points of vehicular access are proposed and are set out in full. These would both be from Pendragon Road and would involve removal of vegetation and trees and cutting into the existing bank along this road. A further pedestrian only access is also proposed from Pendragon Road. The Illustrative Masterplan shows retention of the central hedgerow with the proposed built form to be set back from the hedgerows to the west, south and east. The extent of built form and design detail could be controlled by future reserved matters submissions and by condition(s).
17. The appellant's land would become an area of public open space, biodiversity mitigation and likely some drainage infrastructure. Development in this area could also be controlled by condition(s) and is included within the UU.

Assessment

18. The appeal site lies within Area 3 as set out in the Exeter Fringes Landscape Sensitivity and Capacity Study, 2007. Area 3 is a fairly large area stretching to the west and outwards from the City and is seen as having a high sensitivity to change and low capacity for housing. This is because the area provides a rural backdrop to the city and is relatively prominent because it lies on hills rising upwards from the city. The site also falls within the much smaller land parcel LP07, as set out in the Exeter Landscape Sensitivity Assessment, 2022. This land parcel is essentially the same as the appeal site. The Assessment concludes that it has a high to medium sensitivity for housing because of the nearby CWSs, strong hedgerows and trees, relatively high visibility because of its location on slopes above the city, and that it forms an attractive rural setting to Exeter.
19. The proposed development of the appeal site would alter the character through the introduction of built form and the associated infrastructure and lighting. This would likely involve relatively extensive engineering to respond to the slopes within the site. The site would lose most of its rurality and tranquillity. Even the proposed areas of open space would be more landscaped and would be experienced in the context of the proposed housing that would border those spaces. It would result in the loss of some of the substantial hedgerow and trees to the southern boundary and would therefore afford views through into the site that do not exist, or are heavily screened, at present.
20. However, the majority of the southern hedgerow, trees and bank would remain, as could be controlled by condition. The appeal site is well screened by the substantial hedgerows and trees to all sides. It feels self-contained. As viewed from further afield, the site is on a relatively shallow slope with the field behind rising up more prominently, to an obvious ridge line above. The appeal site itself is difficult to discern. It would be more visible in winter but would still be seen in the context of the existing northern extent of Exeter. If it were to be developed, the rural and tranquil setting to Exeter would remain and would simply be pushed slightly further back. Importantly, the steeper and more prominent fields and the ridgeline to the north would remain.

21. There would be some views from the CWSs, Mile Lane and nearby existing housing. However, even these would be largely screened by the retained hedgerows and trees. Mile Lane is a deeply set footpath surrounded by banks and trees to both sides. Only glimpsed views would be possible.
22. Fairly extensive engineering would be required in response to the sloping topography and to create suitable drainage systems, as would buffer zones to the retained hedgerows and trees. However, only up to 100 dwellings are proposed on an area of nearly 5 ha. This is a relatively low density and I am therefore confident that the site could accommodate the proposed development with a high quality design whilst protecting the hedgerows and trees that are proposed to be retained. This could be controlled at reserved matters and condition discharge stages.

Overall

23. There would be some harm to the character and appearance of the site itself, which would clearly lose its rural character and appearance. However, the appeal site, being set lower and heavily screened to all sides, is not prominent and this harm would therefore be limited. Importantly, as viewed from middle and long distances, the locally distinctive rural and tranquil setting of Exeter would remain, particularly because the steeper fields and the ridgeline to the north would remain undisturbed. The proposal would therefore harm the character and appearance of the site and the wider landscape setting, but only to a limited degree.
24. Nevertheless, the proposal consequently fails to comply with Policy CP16 of the CS, which protects the landscape of the hills to the north of the City and the Valley Parks. It fails to comply with Policy LS1 of the LPFR, which requires that proposals to not harm the landscape setting of the city and be integrated into the existing landscape. It fails to comply with Policy DG1 of the LPFR, which requires proposals to be fully integrated into the existing landscape of the City, promote local distinctiveness and to contribute positively to the townscape. It also fails to comply with Chapter 12, and in particular Paragraph 130c, of the Framework, which require high quality design that is sympathetic to local character and landscape setting. Lastly, it fails to comply with Paragraph 174ab of the Framework which recognises the intrinsic character and beauty of the countryside and protects valued landscapes.

Open space

25. The appeal site and appellant's land are agricultural land. It is also private land and there is no formal right of access onto the appeal site. Nor is the site allocated as open space in the Development Plan. However, the two fields are clearly well used by the public. There are several informal but well-worn footpaths throughout and several points of access from Pendragon Road, Mile Lane and the two CWSs. However, the fields are relatively overgrown and the value of the space appears to be largely for walking using the informal footpaths, rather than for sports or other recreation use. Evidence was provided at the hearing that this situation is long lived and has been the character of the site for at least 40 years.
26. The proposal would remove the informal footpaths. However, it would replace this with fairly extensive areas of landscaped and managed open space, including a play area. The provision of this and the ongoing management is

secured through the UU and could be further controlled by condition discharge and reserved matters submissions. This would be formally publicly accessible and the amount of useable open space would increase from as existing. The variety of potential uses would be increased by the provision of the play area and managed open areas. I acknowledge that some of the open space would be used for ecological enhancements and drainage infrastructure. However, significant areas of useable open space would remain because of the relatively large extent of the appeal site and the immediately adjacent appellant's land that would be set aside for this use. Importantly, it is clear that more than the 10% of the site area that is required by Policy DG5 of the LPFR would be set aside for open space and recreation.

27. Although more useable for a wider range of activities, the replacement open space would be more managed and in a less tranquil and rural setting because of the proposed surrounding built form. However, the CWSs to either side of the appeal site provide substantial and pleasant areas of rural and tranquil open space for use by existing nearby residents. I therefore place limited weight on this consideration.

Overall

28. The appeal site provides open space that is established and well used, despite the land being in private ownership. However, the proposal would replace, and in fact enhance, the quality and useability of the open space on the site and on the adjacent appellant's land. It would also secure this for the future through the UU whereas the existing use is informal and could cease at any point. The principle of redeveloping the site is therefore acceptable and the proposal complies with Policy L3 of the LPFR and Paragraph 99 of the Framework, both of which require the replacement of lost open space with open space of at least equivalent overall quality and value.

Other Matters

29. Several letters of objection have been submitted, including from the Exeter Cycling Campaign, Exeter Civic Society, Councillor Allcock, the Exeter Greenspace Group and a petition. The letters raised various concerns in addition to those addressed above, including: reliance on the car due to steep inclines and poor quality cycle paths on the surrounding road network, and poor quality of public transport in the area eg infrequent bus services; local schools are near capacity; highway safety particularly at school pick-up and drop-off times; increased pressure on local health services; Exeter has less green space per capita than the World Health Organisation's suggested minimum of 0.9 ha; lack of detail on various technical matters such as contamination; and highway safety, particularly during construction.
30. I have taken all these factors into consideration. Most are not in dispute between the main parties. Most were addressed in the Officer's Report, with the Council concluding that there would be no material harm in these regards. No substantiated evidence has been submitted that leads me to any different view. Others are addressed in my reasoning above, can be addressed by conditions or are dealt with by the UU. I particularly note that the Highways Authority, Local Lead Flood Authority and Environment Agency do not object to the proposal.

Planning Balance

Positive

31. It is common ground that the Council cannot demonstrate a five year supply of housing land. The agreed position for the appeal is a range of between 4 and 4.1 years. The provision of housing is one of, if not the most, important priorities of national planning policy. In this context, and in the face of the current shortfall in housing delivery, I place substantial weight on the proposed market housing.
32. Policy CP7 of the CS requires 35% of housing to be affordable. The proposal is for 50% affordable housing provision, in excess of the policy requirement. It is common ground that there is a shortfall in the provision of affordable housing within the City. The appellant argues the shortfall is 1,469 homes, which is considered against a target of 35% of the overall housing need. The Council argues the shortfall is 746 homes, which is considered against a target of 35% of delivered homes. Neither adopted target is necessarily the true need for affordable housing in the City and I have not been provided with substantiated evidence regarding affordable housing need. However, it is clear that there is a significant shortfall in affordable housing delivery within the City. In this context, I place substantial weight on the policy compliant level of affordable housing, ie 35%, and very substantial weight on the proposed affordable housing above that level, ie 15%.
33. A Biodiversity Net Gain (BNG) of 10% is proposed. Given the extent of the appeal site and the appellant's land that is to be set aside for landscaping and open space and the limited proposed harm to existing biodiversity rich habitats such as the hedgerows, I see no reason why this could not be achieved. The detail could come forward as part of condition discharge and reserved matters submissions. A 10% BNG is above and beyond the policy requirement for 'a' net gain, as set out in Paragraph 174 of the Framework. I therefore place significant positive weight on the proposed BNG.
34. The proposal would create short term employment benefits from jobs created for construction. It would also create long term benefits from jobs created for the maintenance of the public open space, biodiversity and drainage works, and by the expenditure of future residents on local goods and services. In accordance with Paragraph 81 of the Framework, I place significant positive weight on this factor.
35. The proposed public open space and play area would be useable by existing local residents. It would formalise and broaden the existing recreational amenity value of the site. Contributions are also secured towards upgrading the existing MUGA and play area along Pendragon Road. This provision therefore goes beyond mitigation and provision for future residents. I place moderate weight on these factors.
36. The extension of the 20mph zone would improve highway safety for existing users of the highway. I place limited weight on this factor.

Neutral

37. The proposal would be acceptable with regard to its effect on surface water flood risk and protection from flooding, as confirmed by the Local Lead Flood Authority. Subject to control by condition, the overall effect on trees would be

acceptable due to replacement planting. Contributions secured in the UU towards healthcare would mitigate the effect of the proposal due to increased pressure on local infrastructure from future residents. All these aspects of the proposal weigh neutrally in the planning balance.

Negative

38. As I have set out above, the proposal would cause limited harm to the character and appearance of the site and area. Because the effects would be relatively limited and largely restricted to the appeal site itself, rather than the wider landscape setting, I place moderate weight on this harm.

Balance

39. The starting point for determining the appeal, as set out at s38(6) of the Planning and Compulsory Purchase Act 2004, is the Development Plan unless material considerations indicate otherwise.
40. In the case of the appeal, there would be limited harm to the character and appearance of the area. The Vision for development set out in the CS seeks to deliver housing growth whilst safeguarding the hills to the north of the City. Policy H1 of the LPFR sets out a sequential approach to housing development which complements the vision of the CS, with previously-developed land being sequentially preferable to greenfield land. However, it does not preclude development of greenfield land. In addition, the emerging Local Plan does not allocate the appeal site or any other comparable greenfield sites to the north of the City. It is therefore clear that development of fields to the north of the City, such as those that form the appeal site, does not fall within the overall strategy of the adopted Development Plan. The proposal would, therefore, conflict with the Development Plan, when read as a whole.
41. However, the Framework is an important material consideration. The Council cannot demonstrate a five year supply of deliverable housing sites. There are no assets of particular importance that provide a clear reason for refusing the development proposed. Therefore, as directed by Paragraph 11d and Footnote 8 of the Framework, the 'tilted balance' is engaged. I place very substantial weight on some of the proposed affordable housing and substantial weight on the remainder of the proposed housing. The BNG, public open space, employment, and highway safety improvements also all weigh in support of the proposal. The adverse effects of the proposal are limited and relate only to character and appearance and even there the harm would largely fall on the site itself and not to the wider tranquillity and rural nature of the fields to the north of Exeter. These would not, therefore, significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Planning permission should therefore be granted.

Appropriate Assessment

42. The proposal is within 10km of the Exe Estuary Special Protection Area (SPA) and Ramsar. The qualifying features of the site are that it provides habitat for non-breeding birds. The conservation objectives are to maintain or restore the habitat for the birds. Residential units are proposed and the future occupants would be likely to use the SPA thereby increasing visitor pressures on the protected habitat, leading to potential harm. I therefore consider that the effects of the proposed dwellings, both on their own and in combination with

other development projects, is such that they are likely to have significant effects on the integrity of the SPA. In such circumstances, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) indicates the requirement for an Appropriate Assessment (AA). As the Competent Authority, I have therefore undertaken an AA.

43. Various mitigation measures in response to the pressures on the SPA that I have identified above are set out in the South East Devon European Sites Mitigation Strategy, dated June 2014, in particular at Table 26. The measures include planting, fencing, wardens, interpretation boards, dog control measures, a patrol boat, amongst others. It is a comprehensive suite of mitigation measures. Funding for the measures is calculated and a per dwelling averaged cost provided. I am satisfied that the mitigation payment is required to avoid an adverse effect on the integrity of the SPA. I am also satisfied that the planning obligation meets the tests set out in Regulation 122(2) of the CIL Regs and Paragraph 56 of the Framework.
44. The appellant has proposed to make part of this payment through the UU in relation to the affordable dwellings. The Council has proposed to make the other part of the payment by utilising CIL payments in relation to the market housing. I am therefore satisfied that the necessary payments have been secured. Natural England has been consulted and they agree that the mitigation payments, secured by both methods, are necessary and would ensure that there are no likely significant effects on the SPA. Therefore, the integrity of the SPA would not be adversely affected and the proposal would comply with Policy CP16 of the CS and Policy LS2 of the LPFR in this respect.

Conditions

45. A conditions schedule agreed between the main parties was discussed at the hearing. I have considered this schedule and amended the conditions in the light of the discussion and government guidance on the use of conditions in planning permissions.
46. In addition to the standard submission of reserved matters application(s) and implementation of the permission conditions, a condition specifying the relevant drawings provides certainty.
47. Conditions in relation to landscaping, lighting design, surface water drainage and tree protection are necessary to protect the character and appearance of the area.
48. Conditions in relation to landscaping, lighting design, surface water drainage, Ecological Report, Ecological Management and Enhancement Plan, tree protection, Devon Hedge Bank and Construction and Environmental Management Plan are necessary to protect and enhance biodiversity.
49. Conditions in relation to cycle parking, Construction Method Statement, access, Travel Plan, travel pack and car parking are necessary to protect highway safety and the free-flow of traffic.
50. Conditions in relation to contamination and car parking are necessary to protect the living conditions on future occupiers.

51. Conditions in relation to the Construction Method Statement and Construction and Environmental Management Plan are necessary to protect the living conditions of neighbouring occupiers.
52. Conditions in relation to landscaping, lighting design, surface water drainage, electric vehicle points, Construction Method Statement, Written Scheme of Investigation, contamination and access are necessary to ensure the proposal meets relevant technical standards and to ensure a satisfactory standard of development.
53. The Construction Method Statement, Written Scheme of Investigation, tree protection, Devon Hedge Bank, Construction and Environmental Management Plan and Contamination Risk Assessment conditions are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used.

Conclusion

54. For the reasons above, the appeal is allowed.

O S Woodward
INSPECTOR

ANNEX A: APPEARANCES

FOR THE APPELLANT:

Graham Cridland	Solicitor obo Land Promotion Group Ltd
Adam Davies	Director,
Nick Bunn CMLI	Landscape Architect, Redbay Design
Richard Pash MCIEEM	Director, GE-Consulting Ltd
Dr Carly Benefer MCIEEM	Ecologist, GE-Consulting Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Chris Cummings MRTPI	Principal Project Manager, Exeter City Council (ECC)
Dale Cooper	Ecology and Biodiversity Officer, ECC
Ann Criscot CMLI	Landscape Architect obo ECC
Simon Curran	Solicitor, ECC

INTERESTED PERSONS:

Dr Gillian Baker	Exeter Greenspace Group (EGG)
Michael Bennett	EGG
Cllr Naima Allcock	Ward Councillor, Mincinglake Ward
Victoria Needs	Local resident

ANNEX B: DOCUMENTS SUBMITTED DURING THE HEARING

- 1 Historic OS Maps of the Appeal Site
- 2 Extract from the Exeter Housing and Economic Land Availability Assessment (HELAA) First Edition, dated September 2022
- 3 Updated Conditions Schedule

Richborough

ANNEX C: CONDITIONS SCHEDULE

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application(s) for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved drawings: 719 001, 20.106/001 Rev B, 20.106/004 Rev B.

Reserved matters

- 5) The landscaping reserved matter application shall include the following details:
 - a) a full specification of all proposed tree and hedgerow planting. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting;
 - b) details of soft landscape works, to include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and,
 - c) details of buffer zones in relation to the existing east, west and north and central hedgerows, in general compliance with the Illustrative Layout Plan Ref SK020221DG Rev A and including minimising any works to trees forming the southern boundary of the site.

The works shall thereafter be implemented as approved.

- 6) The reserved matters application(s) shall include a Lighting Design Strategy to maintain 'dark areas' on the site. The Strategy shall include the following details:
 - a) a plan indicating where 'dark areas' will be maintained;
 - b) an assessment of light levels arising from the development (including from building, vehicles, street lighting and any other external lighting sources)
 - c) plans annotated with isolines to show predicted illuminance and light spill in relation to the 'dark areas'; and,
 - d) evidence to demonstrate light spillage arising from the development shall not exceed 0.5lux within 'dark areas' and be maintained in perpetuity.

The Lighting Design Strategy shall thereafter be implemented and maintained as approved.

- 7) The reserved matters application(s) shall include details of the surface water drainage system. The details shall include:
- a) soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with Devon County Council's groundwater monitoring policy;
 - b) a detailed drainage design based upon the approved Flood Risk Assessment Rev P2, dated 21 September 2021, and the results of the information submitted in relation to (a) above;
 - c) a Management and Maintenance Plan for the lifetime of the development, to include: the arrangements for adoption by the relevant public authority or statutory undertaker; and, any other arrangements to secure the operation of the scheme throughout its lifetime;
 - d) the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and,
 - e) confirmation that any attenuation basins installed will not encroach into the root protection area of the trees of the southern boundary.

Prior to first occupation of the development, the works associated with the surface water drainage system shall have been implemented in accordance with the approved details. The works shall thereafter be managed and maintained in accordance with the approved details.

- 8) The reserved matters application(s) shall include details of the specification of the rapid charge electric vehicle charging points. Those details shall show locations of rapid charge points and demonstrate a provision of 1 per 10 spaces of unallocated parking and 1 per 10 dwellings with allocated parking (subject to network capacity). The rapid charge points shall be provided in accordance with the approved details prior to first occupation of the relevant part of the development and maintained (or subsequently upgraded) thereafter.
- 9) The reserved matters application(s) shall include details of cycle parking. Those details shall demonstrate the cycle parking provision satisfies the design and minimum parking standards guidance set out in the Sustainable Transport SPD dated March 2013. The cycle parking provision shall be provided in accordance with the approved details prior to first occupation of the development and maintained thereafter.
- 10) The reserved matters application(s) shall include an updated Ecological Report. The updated report shall be based on the submitted Ecological Impact Assessment dated March 2021 and Ecology Addendum dated July 2021, and shall include updated surveys and compensation and mitigation measures as required.
- 11) The reserved matters application(s) shall include an Ecological Management and Enhancement Plan. The Plan shall include:
- a) the locations and specifications of bat and bird boxes, with a minimum overall average ratio of 1 built-in nest/roost site per dwelling, as well as, but not limited to, other enhancements as detailed within the Ecological Impact Assessment dated March 2021;
 - b) full details of the long-term operational ecological management of the site, with reference to the landscape detail, that includes the

management objectives, management prescriptions and a rolling 5-year schedule of works; and,
c) full details of Biodiversity Net Gain (BNG) to secure a minimum 10% BNG that includes on-site habitats, and any off-site compensatory habitat creation if required.

The habitat and works secured by the scheme shall be functional within 12 months of commencement of development and be managed for a minimum of 30 years. The approved bat and bird boxes shall be installed prior to first occupation of the relevant dwellings.

Pre-commencement

- 12) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall include:
- a) the provision of site accesses haul routes, parking of vehicles for site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant, materials or other equipment used in constructing the development;
 - d) the erection and maintenance of security hoarding;
 - e) the supply of water for damping down and wheel washing;
 - f) wheel washing protocols and facilities;
 - g) a timetable of dust generating activities and details of measures to control the emission of dust and dirt during construction (including prohibiting burning of any materials or vegetation on site);
 - h) a Waste Audit Statement for recycling/disposing of waste resulting from demolition and construction works;
 - i) measures to minimise noise/vibration disturbance to nearby residents from plant and machinery;
 - j) delivery, site clearance, piling and construction working hours;
 - k) detailed proposals for the management of surface water and silt run-off from the site during construction;
 - l) air quality monitoring objectives and protocols, including site log book and procedures by which to notify the Environment and Safety Services Department of any air quality objectives being exceeded or other exceptional incidents; and,
 - m) the name, role and contact details of the authorised personnel responsible on site for fulfilling the Strategy including the Air Quality Monitoring Log Book during the course of construction works.

The approved Strategy shall be adhered to throughout the construction period for the development.

- 13) No development shall take place until a Written Scheme of Investigation (WSI) with regard to archaeological work has been submitted to, and approved in writing by, the local planning authority. The WSI shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved WSI.
- 14) No development, including site vegetation clearance or works to trees or hedgerows on site, shall take place until a scheme for the protection of

trees and hedgerows has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:

- a) a Tree Protection Plan showing the position of every tree or hedgerow on the site and on land adjacent to the site that could influence or be affected by the development, indicating which trees are to be removed, and any proposed pruning, felling or other work; and,
- b) an Arboricultural Method Statement in relation to every existing tree or hedgerow identified to be retained on the plan referred to in a) above, details of any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and, all appropriate tree or hedgerow protection measures required before and during the course of development in accordance with Paragraphs 5.5 and 6.1 of BS 5837 (or in an equivalent BS if replaced).

The vegetation clearance or works to trees or hedgerows shall subsequently be carried out in accordance with the approved details.

- 15) No development, including site vegetation clearance or works to trees or hedgerows on site, shall take place until details of a Devon Hedge Bank running east/west on land to the north of the site (shown as public open space on the submitted Illustrative Layout Plan Ref SK020221DG Rev A) has been submitted to, and approved in writing by, the local planning authority. The hedge bank shall have a minimum buffer zone of 10 metres to the built area of the development. The approved hedge bank shall be installed prior to any works being undertaken to the existing southern hedgerow or trees, with planting occurring within the first planting season following commencement of works.
- 16) No development, including site vegetation clearance or works to trees or hedgerows on site, shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall be prepared in accordance with clause 10 of BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and shall include the following:
 - a) risk assessment of potentially damaging construction activities;
 - b) identification of "biodiversity protection zones";
 - c) Mitigation Method Statements, in accordance with the recommendations of the Ecological Management and Enhancement Plan submitted under Condition 11;
 - d) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - e) the location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs;
 - f) the times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken;
 - g) responsible persons and lines of communication; and,
 - h) the role and responsibilities on site of an Ecological Clerk of Works or similarly competent person.

The development shall thereafter be constructed in accordance with the approved CEMP.

- 17) No development shall take place until a Contamination Risk Assessment has been submitted to, and approved in writing by, the local planning authority. The Assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

Other triggers

- 18) In the event of there being evidence of contamination from the Assessment carried out under Condition 17, details of remedial works shall be submitted to, and approved in writing by, the local planning authority. Prior to first occupation of the development, the approved remedial works shall have been implemented and a Remediation Statement submitted to the local planning authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
- 19) In the event of there being evidence of contamination as the development proceeds, the development shall cease pending the carrying out of an investigation of the extent and nature of contamination, the risks that it poses, together with the preparation of a Remediation Strategy, that shall be submitted to, and approved in writing by, the local planning authority. The development shall subsequently be carried out in accordance with the approved details.
- 20) No external lighting shall be installed on the site unless details of the lighting (including location, type and specification) have previously been submitted to, and approved in writing by, the local planning authority. The details shall demonstrate how the lighting has been designed to minimise impacts on living conditions and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall thereafter be installed in accordance with the approved details.

Pre-occupation

- 21) The development shall not be first occupied until the vehicular and pedestrian access points and junctions have been constructed in accordance with the approved details. The junctions and access points shall thereafter be retained.
- 22) The development shall not be first occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) has been submitted to, and approved in writing by, the local planning authority. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document.
- 23) The relevant dwelling(s) shall not be first occupied until a travel pack has been provided informing the residents of walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car sharing schemes and car clubs, as appropriate. The form

and content of the travel pack shall have previously been submitted to, and approved in writing by, the local planning authority.

- 24) The relevant dwelling(s) shall not be first occupied until the car parking for the dwelling and access thereto has been provided and made available for use. The car parking shall be maintained at all times thereafter and kept permanently available for the purpose of car parking.

===== END OF SCHEDULE =====

Richborough