



Appeal Decision

Hearing held on 16 January 2024

Site visit made on 16 January 2024

by **H Nicholls FdA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 February 2024

Appeal Ref: APP/N0410/W/23/3328366

Fourells Paddocks, Richings Way, Iver SL0 9DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Hundal against the decision of Buckinghamshire Council.
 - The application Ref PL/22/2678/OA, dated 25 July 2022, was refused by notice dated 16 May 2023.
 - The development proposed is outline planning application for the demolition of existing residential properties and equestrian buildings to facilitate the construction of up to 30 dwellings to include 40% affordable housing provision with First Homes, up to 2 self-build plots, public open space and associated infrastructure and landscaping. All matters to be reserved except for the creation of new site access.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning application for the demolition of existing residential properties and equestrian buildings to facilitate the construction of up to 30 dwellings to include 40% affordable housing provision with First Homes, up to 2 self-build plots, public open space and associated infrastructure and landscaping. All matters to be reserved except for the creation of new site access at Fourells Paddock, Richings Way, Iver, SL0 9DE, in accordance with the terms of the application, Ref PL/22/2678/OA, dated 25 July 2022, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Hundal against Buckinghamshire Council. This application will be the subject of a separate Decision.

Preliminary Matters

3. The description of the proposal has been taken from the Council's decision notices as it better reflects the nature of the proposal following a reduction in the number of dwellings during the consideration of the original application.
4. The appeal application was made in outline with only the matter of the access detailed. I have taken the submitted parameter and layout plans on an indicative basis to understand the extent and potential effects of the proposals.
5. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. At the hearing, the parties were given an opportunity to comment on the implications of any of the revisions on the appeal proposal and I have taken these views into account in reaching my decision.

6. The parties submitted an agreed Statement of Common Ground (SoCG) dated December 2023 which indicated that, subject to the completion of a planning obligation under S106 of the Town and Country Planning Act 1990, the second and third reasons for refusal (RfRs) would fall away and that there would be no 'other harms' in addition to potential Green Belt harms to consider. An agreed draft S106 was submitted prior to the hearing and the engrossment version of the same was dated 22 January 2024 and submitted on the 26 January 2024. This addressed the issues outlined in the second and third RfRs in relation to air quality, affordable housing and infrastructure.

Main Issues

7. The main issues in this appeal are:
- whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; and
 - if relevant, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriateness

8. The appeal site, extending to around 1.4 hectares, comprises two detached, single storey dwellings set back from Richings Way behind extensive planting and wooden fencing, behind which is a large open paddock. Another domestic outbuilding exists to the rear of these dwellings. The rear of the paddock is loosely divided from another paddock by existing trees and vegetation; that separate paddock forms the land owned by the Appellant edged in blue. Within the red edged area close to the eastern boundary, is a loose gravelled access track leading to a cluster of single storey stable buildings which comprise 17 or more loose boxes. Surrounding the stable buildings is a collection of seemingly redundant domestic items and vehicles.
9. With the exception of the principal dwelling fronting Richings Way, the site lies within the Green Belt.
10. It appears that the land was used as a commercial livery stable and was granted a Certificate of Lawfulness to that effect in around the 1990s, though the date is unclear. The Appellant maintains that the site has continually been used for the keeping of horses, though the scale of such a use, if ongoing as suggested, is far less than the stables have capacity to accommodate.
11. To the north of the site is the continuation of residential development on Richings Way and further to the east, the more spacious development in St Leonards Walk. The dwellings along Old Slade Lane are situated to the west and their gardens back onto the appeal site. The dwellings on The Poynings have gardens that back onto the paddock land edged in blue, and all have relatively open garden boundaries. The red edged area is however enclosed by mature trees and vegetation around most boundaries.

Relevant Green Belt policies

12. Paragraph 142 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence. Paragraph 143 sets out the five purposes of the Green Belt: checking the unrestricted sprawl of large built-up areas; preventing neighbouring towns merging into one another; assisting in safeguarding the countryside from encroachment; preserving the setting and special character of historic towns; and assisting in urban regeneration, by encouraging the recycling of derelict and other urban land.
13. Where inappropriate development is proposed, paragraph 153 sets out that it should not be approved except in very special circumstances. Paragraph 153 requires that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
14. Paragraph 154 of the Framework states that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. Paragraph 154 g) provides for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, in two circumstances. The first of these is where it would not have a greater impact on the openness of the Green Belt than the existing development. The second is where it would not cause substantial harm to the openness of the Green Belt, in cases where the proposal would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
15. Previously developed land is defined in Annex 2 of the Framework as "*land which is or was occupied by a permanent structure, including the curtilage of the developed land*", although the Framework also notes that it should not be assumed that the whole of the curtilage should be developed, "*and any associated fixed surface infrastructure*". It excludes, among other things, land that is or was last occupied by agricultural or forestry buildings.
16. The Council acknowledged that its Policy, GB1 of the South Bucks District Local Plan (adopted 1999, consolidated 2007 and 2011) (Local Plan), whilst generally reflecting Green Belt principles, was out of date because it did not refer to the very special circumstances test advocated by current national policy. My view is that the Framework should be given more weight in view of the outdatedness of Policy GB1 of the Local Plan.
17. The parties agree that at least part of the site comprises PDL. The disagreement is whether the entirety of the site is PDL and thus capable of benefitting from the exemption under Framework paragraph 154 g).
18. The Council's Officer's report notes that the buildings that exist are around the periphery of the site. My view is that this is an accurate summary of the position and that within the red line site area, the large expanse of open grazing land is a significant feature that is relatively uninfluenced by the existence of the buildings on its peripheries. The absence of enclosures to demarcate the distinction between domestic gardens and equestrian grazing

uses also makes it difficult to distinguish the relationships between the land and the respective buildings.

19. In my view, whilst the paddocks have or had an associative connection with the stables, they do not appear so intimately related to the stable building or dwellings so as to appear part and parcel of that which is considered PDL. The extent of PDL appears to me to be limited to the stable block, outbuildings and immediately surrounding area, hardsurfaced track and dwellings, where indeed they fall within the Green Belt.
20. The wording of Paragraph 154 g) of the Framework is clear. It refers specifically to the partial or complete redevelopment of previously developed land, not to the partial or complete redevelopment of land that is partly previously developed. The entirety of the appeal site is not previously developed land. As such, at least in respect of determining whether the proposed development would be covered by Paragraph 154 g) of the Framework, it is not necessary for me to consider either the effect on the openness of the Green Belt or whether the scheme would contribute to meeting an identified need for affordable housing. These issues are considered separately.
21. Drawing the above points together, I conclude that the development would be inappropriate development in the Green Belt, contrary to the expectations of the Framework. By definition, such development would be harmful to the Green Belt, and this is a matter to which I afford substantial weight.

Openness

22. Due to the site's enclosure by mature trees and vegetation, but also largely by dwellings around its edges, it makes a minor contribution to the openness of the area, more appreciable from private views from nearby houses than from public vantage points. The views of the site are limited to areas where there are gaps in the boundary trees and vegetation from vantage points between dwellings which largely fill their plot widths on Old Slade Lane and The Poynings. The vantage point from Richings Way, whilst itself not within the Green Belt, directs viewers to look over the boundary treatment and the absence of any built features in the frontage or deeper into the site lends to a sense of openness.
23. The adjoining agricultural land to the south-east of the site appears to be amalgamated into a large area of arable land. It benefits from trees around its edges but its proximity to highways and public rights of way (PROWs), limited hedgerow enclosures, its large scale and generally flat topography, combine to create a notable distinction between the urbanised area and open Green Belt land which is visually accessible and appealing. Its designation as Green Belt land is understandable and logical even though the Council acknowledge that its role is really limited to one of the five Green Belt purposes; to assist in safeguarding the countryside from encroachment.
24. In views from PROW IVE/34/1 near The Poynings, the site is difficult to discern, even in winter. It appears distinctly separate from the rest of the arable fieldscape that forms this pocket of Green Belt which is sandwiched between the M4, M25 and Richings Park, neither having the character or appearance of arable land in which public views from the PROW IVE/34/1 look towards. The Appellant's Statement expresses the weak contribution made by the appeal site

to this larger parcel of Green Belt land between Richings Park and West Drayton, and the inferences that might be drawn from the conclusions of the Stage 1¹ and 2² Green Belt Assessments (Stage 1) and Part 2 Green Belt studies. Having regard to these Assessments, I am of the view that when considered in isolation, the site contributes weakly to the openness of the Green Belt given its close relationship with the built-up area and urban fringe characteristics.

25. The construction of 30 dwellings, access roads, hardstanding parking areas and outbuildings across the site would greatly diminish the openness that the site contributes to the area, in both spatial and visual terms. The indication that all of the dwellings would be two storeys in height also suggests that they would be more widely visible through gaps in surroundings dwellings, through and above trees and vegetation in some places. The dwellings would be seen in context with and would appear as a consolidation of the development around Richings Way, Old Slade Lane and St Leonards Walk. But it would technically encroach into countryside and, in combination with the increased activity and domestic paraphernalia, would have an erosive effect on openness.
26. Overall, I conclude that the proposed development would lead to a harmful loss of spatial and visual openness of the Green Belt. While this would be limited, particularly in the context of the Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm to the Green Belt.

Other Harms

27. Given that the second and third RfRs were remedied through the submission of a S106, the agreed SoCG sets out that *"there will not be any other harm"* to be weighed in the balance under Framework paragraph 153. However, the effect on the significance of a nearby listed building and changes to the character and appearance of the area are discussed in the evidence as being harmed to a limited extent.

Listed building

28. The site is situated adjacent to the Grade II listed building known as Thorney House (List Entry Number: 1164740). Under S66(1) of the Listed Building and Conservation Areas Act 1990, I am required 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.
29. From details including its listing description, I consider that the significance of the C18 listed building its prominence as a Georgian high status dwelling, two storeys and five bays wide of brick with horizontal string course at two storey level. Its central open porch with paired Tuscan columns and detailing elsewhere, including sash windows are also features of note. Its architectural quality and historic built fabric are the key aspects that contribute to its significance. Its detached position, set away from neighbouring dwellings in a spacious, verdant garden form a setting worthy of such a grand building.
30. If the rural setting of the building was once a contributor to its significance, that has already been eroded to an extent, with other dwellings along Richings Way and St Leonards Walk having been built up to enclose the area as one

¹ Buckinghamshire Green Belt Assessment, Arup 242378-4-05, dated March 2016

² Chiltern and South Bucks Green Belt Assessment Part Two Update, April 2019

which has an urban fringe character. The appeal site is a part of this context and is separated from Thorney House by a belt of mature trees, albeit with some gaps that reveal parts of its side elevation. This side elevation is also partly enclosed by another building, Thorney Mead.

31. The appeal site contributes a limited amount to the significance of the building by maintaining a pocket of green space that keeps the urban form at a distance from it and retaining a sense of what was originally a rural setting. The introduction of two storey dwellings onto the site, even aligned north-south and maintaining maximum space from Thorney House as one indicative plan suggests, will close up more of the space surrounding the building and further urbanise its setting. It would therefore have a further erosive effect on the setting of the listed building and would thus have a negative effect on its significance.
32. Under the terms of the Framework, I consider that the degree of harm to the significance would be minor, which under the terms of the Framework, would constitute a 'less than substantial harm', of a more minor order. Under paragraph 208 of the Framework, where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst such harm attracts great weight in the overall balance, the construction of up to 30 dwellings, including market and affordable housing, would be a principal public benefit that would materially outweigh the identified harm.

Character and appearance

33. The submitted Landscape and Visual Impact Assessment³ (LVIA) sets out that the sensitivity of the LCA 26.3 'Colne Valley Floodplain'⁴ is low and that the development would result in the loss of a small area of amenity grassland and built form. The LVIA sets out that the harm to the landscape would reduce from minor to minor-negligible after the proposed landscaping has fully established. In terms of its visual effects, the site's containment means that the effects would only be perceived over a very discrete geographical area and through a combination of adjacent built form, mature landscape context, subtle local topography, no long-term visual effects within that context would be greater than moderate/minor. This is also my view. It does not mean that there would be no effect on the character and appearance of the area, as clearly, with the introduction of 30 dwellings in any area, there is bound to be some degree of effect. Despite that this was not advanced by the Council as a RfR, I consider that this is minor harm that weighs against the proposal.

Sustainability of site

34. The SoCG sets out that the Highways Authority considers the site a sustainable location for development. The Council did not advance a RfR on the location of the development but the Statement appears to raise doubts about whether Richings Park provides a full range of shops, services, schools, employment opportunities and facilities. The Council's Statement suggests that there will be a reliance on the private car to travel, with attendant climate change impacts, and thus, that the sustainability of the site promoted by the Appellant should only attract limited positive weight.

³ The Environmental Dimension Partnership Ltd, July 2022

⁴ South Bucks District Landscape Character Assessment (2011)

35. The existing dwelling at the site frontage is within the settlement boundary which indicates that the principle of development for residential purposes is acceptable. The remainder of the site adjoins the settlement boundary.
36. The South Bucks Core Strategy (adopted 2011) (Core Strategy) defines Iver Heath and Iver Village as 'secondary settlements' and Richings Park as a 'tertiary settlement'. It is, nonetheless, very close by road to these secondary settlements and can benefit from the range of other facilities that they offer. There is a modest commercial centre that offers a range of shops and facilities, and I also noted the close proximity of Richings Park to business parks, and to the updated Iver Station which forms part of the Elizabeth Line with short commuting times into London.
37. Taking into account the scale of the development, the availability of public transport, services and facilities locally and within the wider locale, my view is that the scheme would be sustainably located, and that this aspect attracts modest positive weight in favour of the scheme.

Other technical considerations

38. The Council's Officer Report sets out that the proposal is acceptable in relation to the reuse of PDL, housing provision and mix, landscape impact, highways impact, residential amenity, air quality, ecology, sustainability, flood risk and drainage, contamination and ground conditions. Whilst the report also indicates that the scheme would be suitable in respect of its design and visual appearance, also taking into account the design requirements of the Ivers Neighbourhood Plan (INP) (made 2021), these are matters left largely to reserved matters stage. The SoCG sets out an agreed list of planning conditions that would, where necessary, control these matters, with additional obligations to be contained particularly in respect of affordable housing, public open space and air quality, within the S106. Having regard to the evidence on these matters, I am of the view that there would be no harms arising from these aspects that would not otherwise be capable of being controlled.
39. The submitted Ecological Impact Assessment⁵ indicated the presence of bats with an occasional day roost used by common pipistrelle within one of the dwellings to be demolished. Bats are a species protected under the Conservation of Habitats and Species Regulations 2017, as amended (Habitats Regulations). Due to the potential effects on the protected species, a protected species licence will be required from Natural England as the licencing body. and I have considered the tests under Regulations 9 of the Habitats Regulations, in the light of the proposed mitigation and compensation, and I have no reason to doubt that a mitigation license would not be issued.

Objections

40. I note the numerous submitted representations in connection with the appeal, many of which are unrelated to matters agreed between the parties. In terms of highway safety and highway infrastructure, the absence of concerns from the Council's specialist advisor on this matter leads me to agree that it is appropriately designed for the scale and nature of the development and the road network onto which it would access. The increase in traffic also appears to me to be capable of being accommodated within the local road network.

⁵ Windrush Ecology, 2022

41. Whilst I note residents' concerns about the insufficient infrastructure, in terms of a lack of capacity at local doctor's surgeries, schools and nurseries, the Council has not sought any specific contributions to direct towards increasing such provision specifically as a result of the development. These issues are not unique to the area and nor do I envisage a relatively modestly scaled development of 30 dwellings result in an insurmountable increase in demand for such services.
42. Though I accept that the issue of air pollution would need remedying, the development would not cause noise pollution given the residential nature of the development proposed. Light pollution could be avoided through a lighting scheme to be agreed by way of condition.
43. In terms of the loss of a view, whilst there would be glimpses towards new dwellings from neighbouring buildings, none would be so close so as to be overbearing if positioned with a respectful position from the boundary, as would be considered at reserved matters stage. The same applies for privacy effects and protection of daylight and sunlight. The loss of property value is not a material planning consideration. Lastly, whilst there would inevitably be some minor disruption during any construction phase, but such and the related effects could be minimised by way of construction traffic management plan conditions.
44. The allegation that the development would be out of character with the area cannot be judged at this outline stage. Assessment of the design against the established character of Richings Park would be a matter for future consideration. The matters of trees, biodiversity effects and flood risk are not in dispute and on these topics, I find no reason to reach an alternative conclusion.
45. I have addressed the loss of Green Belt and openness in the main issues above. In terms of whether allowing the scheme could set a precedent, it is a well-established principle that all proposals shall be adjudged on the basis of their own merits. Therefore, the particular merits that would distinguish other schemes from the one before me include the extent to which the sites comprise PDL and the effects on Green Belt, if relevant. The potential for creation of a precedent would therefore not be a sound basis for withholding permission. I also heard that during the production of INP, an area was identified that could offer a direction of travel for future largescale housing growth. There is limited evidence of this nature. However, this potential alternative site is not allocated at the present time and does not present a bar or limit to development being granted elsewhere within the INP area.

Benefits

Housing Land Supply

46. The SoCG indicates the parties' agreement that as at the publication of the 2023 Five-Year Housing Land Supply Position Statement⁶, the South-Bucks area, in which the appeal site is situated, can demonstrate a housing land supply (HLS) of 1.3 years for the period 2023-2028, against the requirement in the Framework to demonstrate a minimum supply of 5 years. This equates to a sizeable shortfall given the annualised requirement of 429 dwellings (total requirement of 2,145 dwellings). Both parties acknowledged the severity of this

⁶ Published 23 November 2023

situation and how it had deteriorated since the publication of the Council's Statement which referred to 2.7 years supply as at the Position Statement⁷ of April 2022.

47. Clearly, the housing land supply situation is chronic and deteriorating. The extract from the Planning Magazine submitted to the hearing⁸ indicates that the 10 authorities within the lowest housing land supplies in the country have between 0.98 – 1.9 years supply respectively. Even acknowledging that the figures can fluctuate regularly, with a 1.3 year supply sitting within that range, the situation is desperate.
48. Where an authority is unable to demonstrate a five year supply of housing land, or where relevant, four years, the Framework indicates in paragraph 11 d) that permission should be granted unless either policies of the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
49. Land designated as Green Belt and is obviously an area protected by the policies of the Framework and as I have found the development would be inappropriate by definition, paragraph 11 d) is disengaged.
50. However, staying on the housing land supply issue and looking ahead to the future, whilst there is a requirement to bring forward a local plan for the joint authorities in Buckinghamshire by April 2025, the evidence points to the progress towards achieving that aim being slower than anticipated and thus, potentially not achievable. Therefore, the plan-led approach to resolving the urgent situation is unlikely to present itself in the short term.
51. Though the outline nature of the scheme suggests some delay in delivery, the site is relatively modest in scale and absent of technical constraints that would impede delivery. The anecdotal evidence offered on behalf of the Appellant was that there were already offers from developers to acquire the site that were interested in making progress to deliver a scheme efficiently should the opportunity arise. I also recognise that the scale of development might otherwise not attract substantial weight given its relatively modest scale in the context of a deficit of more than 1,500 dwellings, but such developments can make a valuable contribution relatively efficiently for the reasons outlined.
52. Drawing these points together, the severity of the housing land supply shortfall attracts substantial weight in the overall planning balance below. In this context, the delivery of 30 dwellings of a mix of tenures would be a substantial benefit of the scheme. That the dwellings would be designed to meet the Policy expectations relating to energy efficiency and high standards of performance from design and construction adds little additional weight in favour of this consideration.

Affordable Housing

53. The evidence presented to me, in the form of the 'Housing Strategy 2024 – 2029' which the Council is currently consulting on, indicates that as at 31 March 2022, there were 6,639 applicants on the Council's Home Choice register for affordable housing. The Housing Strategy, if adopted, would form a

⁷ Chiltern and South Bucks Five Year Housing Land Supply Position Statement - dated April 2022

⁸ Document 2

part of the response to remedying some of the unmet need. Some explanation can be found in the Council's Monitoring Report from 2021/22⁹, which confirms that there were no affordable homes delivered in the area in that period. The SoCG sets out that in the preceding monitoring year, there were 14 affordable homes delivered in the South Area within which the appeal site sits.

54. Clearly, there is a significant unmet need for affordable housing in the area. The appeal scheme would deliver 12 affordable homes (including 3 First Homes) in the tenures specified by Core Strategy Policy CP3, South Bucks Affordable Housing Supplementary Planning Guidance (2013) and the Written Ministerial Statement¹⁰. Though 12 dwellings is a modest number considered in isolation, it is comparable to the number which was delivered within in the whole of the South Bucks area in the period 2020/2021 and is therefore material. I attribute this benefit significant weight in favour of the scheme.

Self-build plots

55. The Framework sets out that the needs of groups with specific housing requirements should be addressed and this includes people wishing to commission or build their own homes. Under Section 2A of the Self-Build and Custom Housebuilding Act 2015¹¹, local planning authorities are required to grant sufficient permissions to meet the demand for self and custom-build housing within their area.
56. The Council acknowledges that as at the end of the period 2021 – 2022, there were 137 applicants on the South Bucks self-build register¹². I have not been pointed towards any available self-build plots or any that are expected to be delivered in the near future to meet this identified need. Consequently, I attribute modest weight to this public benefit, relative to its scale and the level of demand that exists for such.

Public Open Space (POS)

57. The agreed SoCG sets out that, according to the Chiltern and South Bucks Open Space Strategy¹³, there is a shortfall of 4.34 hectares of open space that could meet the need for accessible outdoor, park/garden space in the Iver area. Though there appeared to be some disagreement about this point from the local representatives that attended the hearing, it would appear that there is a need for publicly accessible open green space in the area.
58. The evidence suggests that I should attribute very significant weight to the benefit of the provision of 0.46 hectares of public open space of this park/garden typology. However, the scheme is in outline form and the submitted S106 requires only the provision of an '*open space scheme*' without specifying the quantum of space that should be provided. The indicative plans indicate an area broadly this size and its intended location, but these cannot be treated as fixed. Therefore, whilst I anticipate the delivery of an area of open space within the scheme to meet the needs of residents and those in the surrounding area, I attribute this benefit modest weight in the overall balance.

⁹ published 30 June 23

¹⁰ Written Ministerial Statement, Affordable Housing Update, including reference to First Homes, dated 24 May 2021

¹¹ As amended by the Housing and Planning Act 2016 and secondary legislation

¹² Buckinghamshire Self-build & Custom Housebuilding End of Year Report for 2021–2022, dated 4 April 2023

¹³ South Bucks and Chiltern District Councils: Joint Open Space Study, dated August 2018

Biodiversity Net Gain (BNG)

59. The parties agree that significant weight should be attributed to the provision of a 57.36% net gain in biodiversity units and a 25.82% uplift in hedgerow units. However, though I appreciate the science that has gone into the calculations, these precise figures are not fixed in the submitted S106 or by way of any plan that would be approved. The condition suggested by the parties is that the scheme shall deliver at least a 20% BNG uplift to achieve compliance with Policies CP9 and CP13 of the Core Strategy.
60. I attribute modest weight to the BNG uplift that would achieve at least policy-compliant levels.

Economic benefits

61. The construction activities associated with the construction of 30 dwellings and related infrastructure would inevitably generate an economic boost to the area throughout the time-limited duration for which they were ongoing. These amount to public benefits that are capable of attracting a limited degree of weight in favour of the scheme.
62. There would also be longer term benefits from the incoming residents, in terms of their support for local shops and businesses. These are similarly capable of attracting limited weight as a public benefit in favour of the scheme.

Whether Very Special Circumstances

63. I have found that the proposed development would be inappropriate development in the Green Belt by definition. Though the development would only conflict with one of the five purposes of including land within the Green Belt and cause only limited harm to openness, these harms are matters to which I attach substantial weight, as required by the Framework.
64. Furthermore, I have found that the proposal would cause less than substantial harm to the significance of a designated heritage asset, towards the lower end of that spectrum of harm. Even though such would be outweighed by the public benefits of the scheme, it is still a harm to weigh against the scheme in the overall balance. The proposal would also cause a limited degree of harm to the character and appearance of the area through the introduction of additional built form which would, despite the establishment of landscaping over time, would still bring about a further urbanising change to the area.
65. I have also considered and weighed the matters in the scheme's favour which have been put to me by the parties. The public benefits, such as the delivery of 30 dwellings, of which 12 would be affordable and 2 self-build, would be substantial, particularly in the context of such a chronic housing land supply situation and affordable housing shortfall. The scheme would be sustainably located in terms of access to services and facilities. In addition to these benefits, I attach weight to the delivery of POS, BNG and economic benefits.
66. Accordingly, it is my conclusion that the substantial weight to be given to the Green Belt harm, and the other harms identified above, would be clearly outweighed by other considerations in this case, to the extent that they form the very special circumstances necessary to justify development in the Green Belt.

Conditions and S106

Conditions

67. I have reviewed the list of planning conditions agreed between the parties in light of the requirements of the Framework and the Planning Practice Guidance (PPG). I have made minor revisions in the interests of conciseness where necessary.
68. Conditions 1 – 4 are the standard conditions relating to the timescale for implementation, commencement, the approved plans and the definition of which matters are reserved. Condition 5 lists the documents/plans with which the future reserved matters are intended to broadly comply, to give some comfort that the development will come forward as envisaged at the outline stage. A further condition is required to seek a phasing plan to understand the order in which the development will come forward.
69. Conditions are required in connection with the maximum height limit of the dwellings and relative finished floor levels, in addition to the external materials. Also, in the interests of the character and appearance of the area, conditions are also required in connection with landscaping and a lighting strategy.
70. Conditions 13 - 15 relate to the need for whole life cycle carbon, renewable energy and electric vehicle charging plans to meet requirements of the INP, set out in Policies IV8, IV14 and IV15 respectively.
71. Conditions 16 – 20 concern the need to deal with contamination appropriately, if relevant. Condition 21 and 22 are necessary to deal with any potential archaeological assets.
72. Conditions 23 and 24 are necessary in relation to the need to control construction traffic and dust issues.
73. In the interests of highway safety, conditions 26 – 28 deal with the need to install the approved access at the appropriate juncture. Condition 29 also deals with the timing of the implementation of pedestrian improvements.
74. In the interests of the protection of the environment and ecological interests, conditions 30 – 37 relate to matters including the need for a sustainable urban drainage scheme and management; tree protection measures, bat licence and related bat mitigation works; Biodiversity Net Gain plan; habitat management plan; badger survey follow up; and construction environmental management plan.
75. Condition 38 relates to the need to address any potentially unexploded ordnance if found during construction.
76. Condition 39 relates to the need for certainty of the demolition of existing buildings.

S106 Obligations

77. The S106 provides for the 40% affordable housing, including 25% First Homes and the remainder split between affordable rented housing (80%) and shared ownership housing (20%). It also provides for the two self-build/custom build plots required under Policy CP2 of the Core Strategy and the Framework. The S106 also provides for the provision of public open space and its future

maintenance to comply with Core Strategy Policy CP5 and Local Plan Policy H9. The financial contribution that the S106 would secure towards the Iver Air Quality Action Plan¹⁴ and Policy IV7 of the INP (£22,846), would be proportionate to the scale of the development.

78. The S106 also provides for a monitoring fee which would allow the Council to use resources monitoring adherence with the obligations. The contribution of £2,082 appears fair and reasonable in relation to the scale of the development and the number and type of obligations relating to the same.
79. The Council provided a Compliance Statement under the Community Infrastructure Levy Regulations 2010, as amended, Regulation 122, to I am satisfied that the terms of the S106 are necessary in order to make the development acceptable in planning terms. It therefore accords with the test for obligations set out in the Framework and the PPG and therefore forms part of the basis of my decision.

Conclusion

80. I therefore conclude that the appeal should be allowed.

H Nicholls

INSPECTOR

¹⁴ Buckinghamshire Council Air Quality Action Plan South Bucks Area, July 2021

APPEARANCES

FOR THE APPELLANT:

Mr Matthew Fraser	Counsel – Landmark Chambers
Mr Matthew Corcoran	CDS Planning & Development Consultants
Mr Ian Gillespie	Igloo Planning

FOR THE LOCAL PLANNING AUTHORITY:

Ms Helen Braine	Buckinghamshire Council
Ms Elizabeth Aston	Buckinghamshire Council

INTERESTED PARTIES:

Councillor Graham Young	Richings Park and Iver Ward Councillor
Councillor Wendy Matthews	Councillor and Iver Parish Councillor

DOCUMENTS SUBMITTED AT THE HEARING:

Document 1	Planning Magazine Extract on Authority performance in re to HLS
Document 2	Community Infrastructure Levy Reg 122 Compliance Statement

DOCUMENTS SUBMITTED AFTER THE HEARING:

Document 4	Listing description for Thornley House
Document 5	Engrossed S106 dated 22 January 2024

SCHEDULE OF CONDITIONS

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 2) Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced:
 - Layout
 - Scale
 - Appearance
 - Landscaping
- 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 approved plans listed.
 - Proposed Site Access Arrangements Ref: 8210854/6104 Rev C
 - Site Location Plan – 01 dated 14th July 2022
 - Site Survey Ref: TG-21-1316-01A (sheets 1 to 6)
- 5) Details submitted pursuant to the reserved matters submitted shall broadly conform with the following documents and plans:
 - Transport Statement Issue 2 dated 14th July 2022
 - Arboricultural Impact Assessment dated 8th July 2022
 - Landscape and Visual Appraisal dated July 2022
 - Heritage Appraisal dated 15th July 2022
 - Desktop Study Report dated 16th November 2021
 - Ground monitoring report dated April 2022 Ref: YEX3295
 - Infiltration testing report dated December 2021 Ref: YEX3012
 - Biodiversity Metrix dated 8th July 2022
 - Letter to LLFA dated 13th October 2022
 - Ecological Impact Assessment dated July 2022
 - Planning Statement dated July 2022
 - Tree Survey dated 21st November 2021
 - Design and Access Statement December 2022
 - Flood Risk Assessment and Surface Water Drainage Strategy Ref: AEG0198_SL09DE_Iver_07 Rev B
 - Energy Statement dated 12th December 2022
 - Air Quality Assessment 14th December 2022
 - Tree Survey Plan Ref: 001 dated 20th November 2021
 - Tree Protection Plan Ref: 002 dated 7th July 2021
 - Concept Masterplan- 03 dated 10th November 2022
 - Parameter Plan – 04 Movement & Access dated 14th July 2022
 - Parameter Plan – 03 Parking dated 15th July 2022
 - Parameter Plan – 02 Scale dated 15th July 2022
 - Parameter Plan - 01 mix dated 15th July 2022 dated 11th April 2023
- 6) None of the dwellings hereby permitted shall exceed more than 8 metres in height on any part of the site.

- 7) At the same time as submitting the first Reserved Matters application, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall indicate the sequence and approximate timescales of the development phases and the provision of infrastructure, including affordable homes, self-built plots and open space provision.

The development shall proceed in accordance with the Phasing Plan unless a variation has been agreed in writing by the Local Planning Authority. For the purposes of this permission all references to a "phase" shall be interpreted as being a reference to a phase as defined on the phasing plan approved pursuant to this condition.

- 8) Each Reserved Matters application for the approval of appearance for that relevant phase of the development shall include details of the finished floor levels of the buildings and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels within that relevant phase of the development. Thereafter the development shall be implemented and retained in accordance with these approved details.
- 9) Each Reserved Matters application for the approval of appearance for that relevant phase of the development shall include details of materials proposed for all of the external facades of the building(s) within that part, including walling, fenestration and roofing. Sample panels shall be made available at the request of the Local Planning Authority on the application site. Thereafter the development shall be implemented and retained in accordance with these approved details.
- 10) Each Reserved Matters application for the approval of landscaping for that relevant phase of the development shall include details of both hard and soft landscaping works, ecology works and an implementation programme. The details shall include (but not be limited to the following):
- hard surfacing areas (e.g. surfacing materials) and their permeable qualities;
 - planting plans including details of schedules of plants noting species, planting sizes and proposed numbers/densities;
 - ecological assets/features to be retained and enhanced;
 - new habitat to be created, in particular, detailed designs of any SuDs features that will be created;
 - position, design, materials, height and type of all walls and/or fences or permanent boundary/screening treatment to be erected;
 - infrastructure such as footpaths, lighting, car parking; and
 - written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment).

All hard and soft landscaping works shall be carried out in accordance with the approved details, implementation programme and British Standard BS4428:1989 Code of Practice for General Landscape Operations and implemented prior to first occupation of the development, and therefore retained.

- 11) Each Reserved Matters application for the approval of layout for that relevant phase of the development shall include details of a lighting strategy for that part of the development. The lighting strategy details shall include:
- outline maximum luminance;
 - detail the location, height, design, type and direction of light sources and intensity of illumination;
 - details of the lights to be switched off/ and or dimmed at night including times;
 - identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
 - show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- The development shall be carried out in accordance with these approved details and retained thereafter.
- 12) Any planting which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved in writing by the Local Planning Authority.
- 13) At the same time as submitting the first Reserved Matters application a Whole Life-Cycle Carbon Assessment shall be submitted to the Local Planning Authority for its approval in writing that shall demonstrate:
- The embodied carbon footprint of the proposed development together with measures to reduce these where practical, feasible and viable; and
 - The operational carbon footprint of the development over a 30-year period and the measures taken to reduce carbon emissions.
- The development shall be carried out in accordance with the approved details.
- 14) At the same time as submitting the first Reserved Matters application, an Energy Statement shall be submitted to the Local Planning Authority for its approval in writing. The statement shall include full details of the decentralised, renewable or low-carbon technologies that are to be integrated into the development and shall demonstrate how Passivhaus standard will be achieved. It shall include details of:
- The baseline CO2 emissions;
 - The reduction in CO2 emissions achieved from low carbon or renewable sources; and
 - U-values, thermal bridging, g-values and air tightness specifications of the development.
- The development shall be carried out in accordance with the approved details and retained thereafter.

- 15) At the same time as submitting the Reserved Matters application for approval of layout for that relevant phase of the development a scheme for maximising Electric Vehicle Charging (EVC) provision shall be submitted to the Local Planning Authority for its approval in writing. The scheme shall include provision for active and passive spaces to meet future demand, and/or, depending on changing future demands and advances in technology, any details for the provision for any alternative fuels for vehicles (including hydrogen fuelling). Such details shall include a Management Plan providing the location of all active and passive spaces and/or alternative fuels provision on site along with the specification of charging provision and/or alternative fuels provision. The works shall be carried out in accordance with the approved details and implemented prior to first occupation of the development. The EVC apparatus shall thereafter be retained and maintained in an operative state in perpetuity in accordance with the approved details.
- 16) No development (including for the avoidance of doubt any works of demolition) shall commence until a contamination investigation to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site has been submitted to and approved in writing by the Local Planning Authority.
- This risk assessment should include an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
- 17) If the investigation carried out under Condition 16 shows a material risk, an options appraisal and remediation plan giving full details of the remediation measures required and how they are to be undertaken shall be submitted to the Local Planning Authority for its written approval and thereafter the remediation shall be carried out in accordance with the details (including timescales) approved.
- 18) If a remediation scheme is required under Condition 17 a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in Condition 17 are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The verification plan shall be implemented as approved.
- 19) Prior to first occupation of any part of the development hereby permitted a verification report that demonstrates the effectiveness of the remediation carried out in respect of that part pursuant to condition 18 shall be prepared together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils and submitted to the Local Planning Authority for approval in writing. The monitoring and maintenance programme shall be implemented in accordance with these details.

The verification report shall be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

- 20) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 16 and 17 above and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17 and 18, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 19.
- 21) No development shall commence, aside from demolition, until a written scheme of archaeological evaluation has been submitted to and approved in writing by the Local Planning Authority. The trial trenches will include sondages to assess Palaeolithic/Mesolithic potential. The archaeological investigation should be undertaken by a professionally qualified archaeologist. The development shall be carried out in accordance with the approved scheme.
- 22) Where archaeological remains are confirmed in condition 21, no development shall commence until an appropriate methodology for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority.

Where archaeological remains recorded by evaluation are of significance, methodology for their preservation in situ shall be outlined in the programme of archaeological work; or

Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ, recording should be outlined in the programme of archaeological work.

The archaeological investigation should be undertaken by a professionally qualified archaeologist. The development shall be carried out in accordance with the approved scheme.

- 23) No development shall commence (including any works of demolition and ground works) on each relevant phase of the development hereby permitted until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority in respect of that relevant part of the site. The CTMP shall include details of the following matters in relation to the construction for that relevant part:
- routing and types of vehicles;
 - traffic movements (including an estimate of daily construction vehicles in respect of each individual phase of the development);
 - operating times of construction traffic movements;
 - site hours of operation;

- construction compounds and storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils);
- location of parking, loading and unloading areas;
- wheel and chassis cleaning mitigation and suppression of dust, vibration, noise and general disturbance (including to residential amenity) and measures to monitor the same;
- location and specification of temporary lighting;
- risk management and emergency procedures; and
- location, design, material and scale of hoarding.

The construction of that part of the development permitted shall be carried out in accordance with the approved CTMP.

- 24) No development shall commence until a Dust Management Plan (DMP), to include appropriate mitigation measures to control dust emissions from the construction phase, has been submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan (DMP) shall accord with the measures outlined in section 9.3 of the Air Quality Assessment dated 14th December 2022. Construction works shall be carried out in accordance with these approved details.
- 25) No development shall commence, aside from demolition, until the new means of access has been constructed in accordance with the details shown on Proposed Site Access arrangements plan drawing ref: 8210854/6104 Rev C. The new access shall be constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the Public Highway".
- 26) Within one month of the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb or removing the existing bellmouth and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.
- 27) No development shall commence, aside from demolition, until visibility splays have been provided on both sides of the new access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres in both directions along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall thereafter be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
- 28) No development shall commence, aside from demolition, until details of the tactile crossing points on North Park and pedestrian footpath improvements shown on drawing 8210854/6104 have been submitted and approved in writing by the Planning Authority. These highway improvement works shall be implemented in accordance with the approved details prior to first occupation of the development hereby permitted.

- 29) No development (including for the avoidance of doubt any works of demolition) shall commence until a tree protection plan and method statement (in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction' (or any replacement thereof or EU equivalent)) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall provide, as required, details of:

- Areas of no dig;
- Phasing of demolition and construction operations;
- Siting of work huts and contractor parking;
- Areas for the storage of materials and the siting of skips and working spaces; and
- Areas for the erection of scaffolding.

Protective fencing detailed in the method statement shall consist of a vertical and horizontal scaffold framework, braced to resist impacts, with vertical tubes spaced at a maximum level of 3m. On to this, weldmesh panels shall be securely fixed with wire scaffold clamps. The fencing shall be erected to protect existing trees and other vegetation during construction and shall conform to British Standard 5837:2012 'Trees in Relation to Construction' or any replacement thereof or EU equivalent. The approved fencing shall be erected prior to the commencement of any works or development on the site including any works of demolition. The approved fencing shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without prior written agreement from the Local Planning Authority.

- 30) No works (other than demolition) shall commence until a 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, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:
- All SuDS components agreed at outline
 - Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
 - Demonstrate that water quality, ecological and amenity benefits have been considered
 - Existing and proposed discharge rates and volumes
 - Topographic survey including details of the existing connection to the foul sewer
 - Ground investigations including:
 - Infiltration in accordance with BRE365
 - Groundwater level monitoring over the winter period
 - Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 056 of the Planning Practice Guidance.
 - The applicant must seek to obtain permission to discharge to the watercourse or surface water sewer. Sufficient justification for exclusion must be provided if these discharge receptors are not viable
 - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite

flooding between the 1 in 30 and the 1 in 100 plus 40% climate change storm event should be safely contained on site.

- CCTV survey of existing drainage infrastructure, including the existing connection to the public foul sewer
- Detailed drainage layout with pipe numbers, gradients, and pipe sizes complete, together with storage volumes of all SuDS components
- Full construction details of all SuDS and drainage components
- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- Flow depth
- Flow volume
- Flow velocity
- Flow direction
- Maintenance schedule for the drainage system
- Maintenance plan for the pumping stations and details of a warning system in the event of pump failure

The development shall subsequently be implemented in accordance with the approved details drainage scheme prior to first occupation of the development.

- 31) No development shall commence until a SuDS whole life maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (including a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. Provision for the submission of as-built drawings and/or photographic evidence of the drainage scheme shall be provided once the SuDS system has been implemented. The development shall be carried out in accordance with the approved plan for the lifetime of the development.
- 32) No development, including demolition, shall commence until either of the following have been submitted to and approved in writing by the Local Planning Authority:
- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitat and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead in relation to impact on bats and bat roosts; or
 - b) a statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence in relation to impact on bats and their roosts.
- 33) The bat mitigation as outlined in the Ecological Impact Statement dated July 2022 shall be implemented prior to the demolition of dwelling 1 (as identified in the Ecological Impact Assessment dated July 2022) and retained thereafter.

- 34) No development shall commence, aside from demolition, until a Biodiversity Net Gain Plan (BNGP) has been submitted to and approved in writing by the Local Planning Authority. The BNGP shall include the following:
- a description and evaluation of the application site and its features as at the date of grant of planning permission (required base-line);
 - a BNG calculation (including the related methodology) in respect of the development hereby permitted to achieve an overall biodiversity net gain of at least 20%;
 - a Biodiversity management plan which outlines measures to ensure the management and maintenance of the BNG for at least 30 years.
- The development shall be carried out in accordance with the BNGP. Thereafter it shall be managed and maintained in accordance with the approved details.
- 35) No development shall commence, aside from demolition, until a Habitat Management Plan (HMP) has been submitted and approved in writing by the Local Planning Authority. The HMP shall include the following details:
- Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur);
 - Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
 - Details of both species composition and abundance where planting is to occur;
 - Assurances of achievability;
 - Timetable of delivery for all habitats; and
 - A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.
- The development shall be undertaken and thereafter maintained in accordance with the approved HMP.
- 36) Should the development not commence within 12 months of the date of this decision notice of outline planning permission, a follow-up badger survey shall have been submitted to and approved in writing by the Local Planning Authority before the development commences. Any measures or mitigation put forward within the report shall be implemented prior to first occupation of the development and retained thereafter.
- 37) No development shall commence (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following details:
- a. Risk assessment of potentially damaging construction activities to the habitats and species identified as being present or potentially present, including (but not limited to) nesting birds, bats, reptiles, badger and hedgehog.

- b. Identification of "biodiversity protection zones".
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d. The location and timing of sensitive works to avoid harm to biodiversity features.
 - e. The times during construction when specialist ecologists need to be present on site to oversee works.
 - f. Responsible persons and lines of communication.
 - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h. Use of protective fences, exclusion barriers and warning signs.
- The construction of the development of that relevant part shall be carried out in accordance with these approved details and managed thereafter in accordance with the CEMP.
- 38) No development shall commence until an unexploded ordnance survey has been submitted to and approved in writing by the Local Planning Authority. In the event that any unexploded ordnance is found, detailed remediation measures shall be submitted to and approved in writing by the Local Planning Authority. The remediation shall thereafter be carried out in accordance with the approved details.
- 39) On substantial completion of the development hereby permitted all existing buildings shall have been demolished and materials removed from the site.

----- END OF SCHEDULE -----