



Appeal Decision

Hearing held on 23 April 2024

Site visit made on 23 April 2024

by Gareth W Thomas BSc(Hons) MSc(Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2024

Appeal Ref: APP/V3310/W/22/3303992

Land west of A38 Pawlett Road, Pawlett TA6 4SU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by c/o AAH Planning Consultants against Sedgemoor District Council.
 - The application Ref is 41/21/00012.
 - The development proposed is for outline planning permission for residential development for up to 41 dwellings and a convenience store with all other matters reserved except for access.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning permission for residential development for up to 41 dwellings and a convenience store with all other matters reserved except for access at land west of A38 Pawlett Road, Pawlett TA6 4SU in accordance with the terms of the application, Ref 41/21/00012, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the application was lodged with the local planning authority, Sedgemoor District Council has ceased to exist following local government reorganisation with the former Council now having merged with the new Somerset Council. I have dealt with the appeal on this basis.
3. The application was made in outline with only the matter of access to be decided at this stage. Appearance, layout, scale and landscaping are therefore reserved for future determination. However, an indicative plan illustrates how the development could be laid out. During the appeal, further additional highway plans were submitted to show the detailed access arrangement, footway provision and the extent of highway verge that would be available; it also illustrates a pinch point in the available width of highway, and I deal with this particular matter under the second main issue below.
4. Prior to the start of the hearing, the appellant conceded that the Council can now demonstrate a 5-year housing land supply. The Sedgemoor Local Plan has recently expired. The relevance of these matters are dealt with later in my decision.

5. The Council failed to determine the application within the prescribed period. The main issues have been identified having regard to the Council's statement of case and the agreed Statement of Common Ground. In addition, the appellant has submitted a Unilateral Undertaking setting out a number of planning obligations, which are covered in the main body of my decision.

Main Issues

6. The main issues in this appeal are firstly, whether the appeal development would be suitably located having regards to the Council's spatial strategy and secondly, whether the proposed access arrangements would give rise to unacceptable highway safety concerns.

Reasons

Whether the site is suitably located

7. The Sedgemoor Local Plan (SLP) was adopted in February 2019. SLP Policy S2 seeks to apportion housing development in accordance with a settlement hierarchy and broad expectation of growth comprising the Principal Town of Bridgwater, the Market Towns of Burnham-on-Sea and Highbridge and a number of other settlements that are sub-divided into four tiers from 1 to 4 with Tier 1 and 2 settlements expected to accommodate the majority of Sedgemoor's strategic growth requirements. At the smaller settlements classified as Tier 3 and 4, there is a focus on local growth that meets the specific needs of those particular local communities and particularly where there is an identified need for affordable housing. While the SLP has only recently expired, there was consensus between the parties that its policies are consistent with the National Planning Policy Framework, particularly those relating to the Council settlement approach. I would agree with this position. Furthermore, there was acceptance that the Council are able to demonstrate 6.94 years housing land supply.
8. The appeal site lies immediately outside the designated settlement boundary of Pawlett. SLP Policy CO1 confirms that development in such locations will be confined to uses appropriate to the countryside or where there are other policies in the Local Plan that exceptionally provide for development in the countryside. SLP Policy T3a that applies to Tier 3 settlements sets out that mixed tenure affordable housing and market housing proposals that are outside but well related to existing settlement boundaries would be supported where a scheme would fulfil an identified local housing need for affordable housing, as evidenced by an up-to-date assessment of local housing need agreed by the Council.
9. It was noted during the hearing that the Council do not oppose development on the grounds of its potential effect on the character and appearance of the area; indeed, representatives for the Council explained that the existing housing development at Manor Park immediately to the south of the appeal site presents a somewhat harsh built form at the entrance to the village with little effective screening. The Council acknowledged that the appeal scheme as depicted in the accompanying illustrative drawings would potentially offer the opportunity to soften this edge of this village location when viewed from public vantage points, including when approaching and leaving the village on the A38. The landscape officer advised that the proposed development as depicted in the Landscape Strategy proposals could be designed to meet the requirements

of SLP Policy D2 through careful negotiation at Reserved Matters stage. That said, the Council pointed to a pinch point in the width of the A38 frontage which would prevent the provision of a safe and attractive entrance to the development. The safety aspect is dealt with under the next section of this decision. I am satisfied that the Landscape Strategy would result in an acceptable form of development.

10. The appeal scheme would provide 40% affordable housing and although there were initial concerns from the Council's Housing Officer relating to the precise tenure mix, as the hearing progressed, the appellant agreed to meet the Council's preference in relation to tenure mix, which would be incorporated into the revised S106 Unilateral Undertaking. Importantly, the Council conceded that the appellant had demonstrated a need for 17 affordable housing units in Pawlett, which would fulfil the ambitions laid out in SLP Policy T3a.
11. The interplay of Policies S2, CO1 and T3a although offering positive support for appropriate exceptions sites to come forward, the broad-brush approach of the strategic policy does not alter the non-compliance with restrictive approach towards developments outside settlements such as Pawlett. The Council explained that its settlement policies had been positively written to allow an appropriate scale of development within communities with sustainable development running through the heart of its approach. Although the appeal proposal of 41 dwellings would result in a 10% hike in the resident population, this in my view would be modest in terms of the size of Pawlett and would not seriously undermine the planned approach to the distribution of development. Whilst it would contrast with the more limited infill development that has recently occurred in the centre of the village such as at Chapel Road, I do not subscribe to the view that it would be inconsistent with the size of the village and would form a natural extension of the village northwards.
12. Pawlett is a Tier 3 settlement towards the bottom of the hierarchy. According to the Council, these are generally smaller settlements within Somerset and generally lack most of the facilities required to meet day to day needs and also tend to have poor public transport links. Other than a social club and a sports club, Pawlett lacks day to day facilities but there is a regular and convenient hourly bus service to Bridgwater, which is some 4km away. Although the A38 is busy, I observed a number of cyclists using the A38. I took the opportunity to walk from the edge of the appeal site to the Dunball Services close to the A38/A39/M5 interchange, where there were a number of facilities catering for both passing motorists and local people alike, including an Asda convenience store. This took some 15 minutes brisk walk along the footway on the edge of the A38. Further, the Dunball Services complex contains a park and ride facility serving Bridgwater.
13. When asked about the certainty of delivery of the proposed retail facility proposed as part of the appeal development, the appellant confirmed that this was speculative and clearly dependent upon market take up. It was clear that this part of the proposal had been promoted following pre-application consultation with local residents. No marketing exercise had been undertaken and with the very recent closure of the only shop in the village, there must be doubt that this aspect of the scheme will be delivered. However, its inclusion in the appeal proposals is a positive feature of the scheme.

14. Despite its position within the settlement hierarchy and the general lack of facilities to meet day to day needs, there are some retail units at Dunball Services with regular bus services to both this location and Bridgwater beyond with a bus stop close to the site. The site is not isolated in terms of functional connectivity. Moreover, there are opportunities for walking, cycling and public transport to nearby facilities, including those in Bridgwater town. So, whilst the location of the proposal does not sit well with the settlement hierarchy, there can be no objection in relation to accessibility of services and facilities by sustainable transport modes given the relative proximity of Dunball and Bridgwater.
15. Thus while there is some conflict with the principles of SLP Policy S1, the interplay of other policies, in particular SLP Policy T3a, which is designed to promote affordable housing where there is a demonstrable need at suitable locations that are well located to existing Tier 3 settlements, the appeal proposal would not be prejudicial to the Council's stated intentions in terms of these policies overall. I do not therefore consider the conflict would undermine the Council's settlement strategy. Indeed, the policy promotes exception sites of appropriate scale and location.

Access and Highway Safety

16. The appeal development would be served by a new priority junction with Pawlett Road. The access road would measure 6.0m in width and incorporate 10m kerb radii at the access with 15m centreline radii for the first two turns within the site. The appellant explains that the geometry has been designed to ensure that vehicles could enter and exit the site without significant disruption to the free flow of traffic along the A38 Pawlett Road. Based on assessment of traffic movements, the Council conceded that a ghost island right turning lane would not be necessary and I am satisfied that the proposed priority junction would provide a safe junction arrangement. The need to extend the 40mph speed limit towards the north along the A38 was accepted.
17. Some time was spent at the hearing discussing a pinch point in the width of the highway verge caused by the limited available space and encroachment into this area by occupiers of No8 Manor Park property who have erected a fence partly on highway land to extend their private garden area. The local highway authority acknowledged that this had occurred and were taking steps to resolve the issue. Although there would be insufficient width available to facilitate a pedestrian/cycle route to the standard 3m width plus buffer, once the fence is removed, a minimum 2m wide footway would be provided across the highway frontage to link with the existing footway leading towards Pawlett. In addition, a separate footway would be provided to enable a shorter link to the proposed retail facility. The local highway authority opined that given the average speed of traffic along this section of highway, which according to surveys undertaken as part of the TA, was some 10% in excess of the 40mph speed limit, the environment for cyclists would be off-putting and potentially dangerous. However, this is the context of a relatively short section of highway before linking with Pawlett Road in the village.
18. While there are a small number of deficiencies in the proposals as explained by the Council and its highway advisors, the number of trips that would be generated by the development, together with their frequency during peak periods, would be relatively modest even with trips generated by the small

convenience store. The projected 2-way flows along this section of the A38 was accepted at the hearing, which did not support the provision of a ghost island as they fell well below the 13000 vehicle AADT threshold. Further I accept that the Somerset Design Guidance provides for a degree of flexibility in terms of junction design to avoid over engineered solutions.

19. The National Planning Policy Framework (the NPPF) explains that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I am satisfied that such thresholds would not be met in this case. I am therefore satisfied that the appeal scheme would comply with SLP Policies D13 and D14 and the Framework, which amongst other things, set out to achieve safe access arrangements by avoiding conflicting traffic movements and enabling safe environments for all road users.

Other Matters

20. The appeal site is within the Zone of Influence of European Protected Sites - Severn Estuary Special Protection Area (SPA), Severn Estuary Ramsar and Severn Estuary Special Area of Conservation (SAC). The relevant Regulations¹ require that if the development is likely to have a significant effect on the internationally important features of a European site (either alone or in combination), it is necessary to conduct an Appropriate Assessment, having regard to the site's Conservation Objectives, and having regard to the advice of Natural England. Development can only proceed if it can be ascertained that the proposal would not adversely affect the integrity of the European Site. In this case, the Council undertook a comprehensive preliminary screening of likely significant effects and concluded that the proposal would not have an adverse effect on the integrity of any of the sites in question.
21. According to the parties, Natural England has advised that it concurs with the preliminary assessment's conclusions, and it raises no objection to the scheme on the basis that appropriate conditions relating to construction activities and the provision of appropriate Sustainable Urban Drainage Systems (SUDs) measures. In the advice of Natural England, I adopt the Council's screening assessment conclusions. Consequently, I am satisfied that the evidence before me demonstrates that sufficient mitigation would be provided such that the integrity of the relevant protected sites and their conservation objectives would not be undermined.
22. I have carefully considered the views expressed by local people with regards to the appeal development, the majority of which have been covered in my assessment under the main issues. It is understandable why many who made representations believe that the settlement limits may be fundamental to their concerns. However, for the reasons given, rural exception policies can outweigh such considerations where there is demonstrable evidence of local housing need.

Planning Obligations

23. A signed updated Unilateral Undertaking was submitted following close of the hearing. The contents had been the subject of discussion at the hearing and its

¹ The Habitat Regulations 2017

provisions agreed between the parties. There are four obligations relating to this appeal as follows: (i) a UU to the Council to provide affordable housing; (ii) a UU to the Council to provide public open space; (iii) A UU to the Council to implement a Travel Plan and its subsequent monitoring; (iv) A UU to pay for the costs of a Traffic Regulation Order.

24. I have no reason to believe that the formulas and calculations of charges used by the Council to calculate the various undertakings are other than soundly based. I am satisfied that the provisions of the obligations are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests of the Framework and the Community Infrastructure Levy Regulations (Regulation 122). I have taken the planning obligations into account in my deliberations.

Planning Balance

25. The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material planning considerations indicate otherwise. I have already concluded that although recently time expired, the relevant policies of the SLP are consistent with the Framework. Although the village is a Tier 3 settlement, with the site outside the settlements limits, the policy allows for mixed private and affordable housing schemes to come forward on suitable sites adjoining settlement limits, which is the case here. The Council conceded that the level of affordable housing need of Pawlett would be in the region of 17 units.
26. The Government's overall objective is to significantly boost the supply of homes. The provision of 41 new homes would be significant in the local context, particularly meeting affordable housing need as evidenced by the up-to-date assessment of need and therefore carries substantial weight in the overall balance. Although there are identifiable deficiencies in the provision of cycle facilities in particular, when taken as a whole, I am satisfied that such harms do not outweigh the benefits when assessed against the Framework taken as a whole. As a result, the presumption in favour of sustainable development lends considerable support to the appeal scheme.

Conditions

27. I have reviewed the agreed list of suggested conditions against the advice of the Planning Practice Guidance as set out in the Statement of Common Ground and supplemented by an additional three highway related conditions suggested by the Council's highway engineer following the close of the hearing. The numbers in brackets relate to the conditions schedule.
28. Commencement conditions are required to comply with the relevant legislation (1, 2, 3). Condition 4 is required to ensure that Reserved Matters to be in general conformity with the approved drawings. Condition 5 is necessary to ensure that any archaeological resource is properly surveyed and recorded to comply with the Framework and SLP Policy D26. A condition is necessary to ensure the satisfactory drainage of the site in the interests of living conditions and biodiversity (condition 6). Conditions 7 relating to safeguarding of protected species, 8 relating to the submission of a CEMP, 12 relating to the prior approval of external lighting and 20 requiring biodiversity enhancement works are necessary to protect nature conservation interests. An additional

CEMP to cover the management of all works on site is also necessary (condition 9). Condition 10 relating to land contamination reports and remedial works as necessary are required to protect living conditions. A condition that satisfies SLP Policy D15 is necessary to ensure local labour is sourced (condition 11). Conditions 13-18 inclusive are necessary to ensure that a safe and convenient access arrangements are provided in the interests of highway safety. Condition 19 relating to the submission, approval, implementation and subsequent management of appropriate landscaping works is necessary to protect the character and appearance of the area. Given the close proximity of the heavily trafficked A38, condition 21 requiring the submission, approval and implementation of noise attenuation measures is necessary to protect living conditions. A condition (22) requiring the submission of parking and vehicular turning facilities are necessary to ensure an acceptable standard of development in the interests of highway safety and convenience. I have not shortened the timescale for the submission of reserved matters as suggested by the Council as no evidence of under delivery of housing schemes had been submitted. Neither have I attached a condition requiring a survey of the condition of highways before and after construction and if necessary, a remedial scheme be agreed and implemented. These matters are more properly covered by highway legislation.

Conclusion

29. The proposed development overall would comply with the development plan and there are no other material considerations that would outweigh my findings in favour of this appeal. Therefore, for the reasons given, the proposal is acceptable, and I conclude that the appeal should be allowed.

Gareth W Thomas

INSPECTOR

IN ATTENDANCE

FOR THE APPELLANT

Mr Chris Dale MRTPI

AAH Consultants

Mr Stuart Wilson MILT

Stowmor Transport Consultants

Mr Christopher Broughton

Arc4 Housing Consultants

FOR THE COUNCIL

Mr Dean Tichner

Principal Planning Officer

Mr Jody Grabham

Highways Planning Liaison Officer

Ms Dawn Leaman

Solicitor

Mr Nick Tate

Planning Policy Service Manager North

Ms Esther Carter

Housing Development Officer

Interested Parties

Mrs Sam Warren

Pawlett Parish Council

Cllr Mrs Margaret Sims

Pawlett Parish Council

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter referred to as "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 for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drg No. 01; Existing Site Plan Drg No. 02; Site Access General Arrangement drawing C86342-NE-XX-DR-C-2001 Rev P03 and C86342-NE-66-XX-DR-C-2004 only.
- 5) Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the local planning authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.
- 6) No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site. Such works shall be carried out in accordance with the approved details. These details shall include the following:
 - Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system.
 - Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
 - Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
 - Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30

event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.
- Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology.
- Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels.
- Detailed calculations of proposed infiltration features informed by the results of infiltration testing.
- Details of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system.

7) No groundwork on the application site shall commence until the local planning authority has been provided with the great crested newt District Level Licence issued by Natural England (pursuant of regulation 55 of the Habitats Regulations 2017) and the respective District Level Licence payment receipt.

8) No development shall take place (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:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones".
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to ecological receptors 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, lines of communication and written notifications of operations to the Local Planning Authority.
- g. The role and responsibilities on site of an Ecological Clerk of Works (ECoW).
- h. Use of protective fences, exclusion barriers, root protection zones, and warning signs.

- i. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

9) Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the local planning authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CEMP shall, amongst other things, include:-

- a) Measures to regulate the routing of construction traffic;
- b) The importation of spoil and soil on site;
- c) The removal /disposal of materials from site, including soil and vegetation;
- d) The location and covering of stockpiles;
- e) Details of measures to prevent mud from vehicles leaving the site and must include wheel-washing facilities;
- f) Control of fugitive dust from earthworks and construction activities; dust suppression measures;
- g) Noise and Vibration control plan (which includes control methods) to include mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 'Code of practice for noise and vibration control on construction and open sites' shall be used to minimise noise or vibration disturbance from construction works inc. piling;
- h) A waste disposal policy (to include no burning on site);
- i) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- j) Details of any site construction office, compound and ancillary facility buildings;
- k) Specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- i) Construction and demolition hours of operation;
- j) Construction delivery hours;
- k) Expected number of construction vehicles per day;
- i) A scheme to encourage the use of public transport amongst contractors;
- j) A point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed, including an appropriate phone number.

The details so approved and any subsequent amendments as shall be agreed in writing by the local planning authority shall be complied with in full and monitored

by the applicants to ensure continuing compliance during the construction of the development.

10) Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to C have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

A detailed site investigation and risk assessment must be completed in accordance with current UK guidance to assess the nature, extent and scale of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The investigations, risk assessments and written reports must be approved in writing by the Local Planning Authority. The report of the findings must include:

- a. a survey of the extent, scale and nature of contamination;
- b. desk study information, conceptual models, investigation methods, investigation results and interpretation and any other information required by the local planning authority to justify and appraise the report findings.
- c. an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
- d. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with current UK guidance including DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme

In cases where contamination is shown to exist a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, the natural and historical environment and surrounding land must be prepared, and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates

the effectiveness of the remediation carried out must be produced and approved in writing by the local planning authority.

D. Reporting of Unexpected Contamination

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 A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the A.

E. Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme, to include monitoring the long-term effectiveness of the proposed remediation, is required as part of the approved remediation scheme then the monitoring and maintenance scheme will need to be approved in writing by the local planning authority.

Following completion of the measures identified in that monitoring and maintenance scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the local planning authority for approval.

This must be conducted in accordance with current UK guidance including DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

11) Prior to the commencement of the development hereby approved, a written commitment to the sourcing of local labour shall be submitted to and approved in writing by the local planning authority. The written commitment, as a minimum, shall set out the following matters:

- i) The proportion of construction workers to be sourced from the local labour pool
- ii) Work experience/ apprenticeship opportunities;
- iii) The proportion of local procurement and sourcing;
- iv) On-going skills development and training opportunities;
- v) The steps that will be taken to ensure that the above is implemented;
- vi) The operator shall maintain a record of i - v above and shall make that information available to the local planning authority at all reasonable times upon request.

12) Prior to construction of any dwelling above damp-proof course level, a lighting design for wildlife (particularly bats), following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats and other wildlife using their territory or features. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without the prior written consent from the local planning authority.

13) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the local planning authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the local planning authority.

14) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

15) At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road level within the visibility splays shown on the submitted and approved Site Access General Arrangement Drawing No. C886342-NE-66-XX-DR-C-2001 Rev P03. For the avoidance of doubt, 2.4m x 215m should be provided to the north of the access and 2.4m x 148.23m to the south. Such visibility splays shall be constructed prior to the commencement of the development hereby approved and shall be maintained at all times thereafter.

16) The development shall not be occupied until the realignment of the A38 (in general accordance with the Realignment Option Drawing No. C86342-NE-66-XX-DR-C-2004 and the proposed 2m footway along the A38 connecting the south and east corner of the site to the existing provision to the south of 8 Manor Park as indicated on Site Access General Arrangement Drawing No. C886342-NE-66-XX-DR-C-2001 Rev P03 have been fully completed.

17) The development hereby permitted shall not be occupied until the developer has applied for a Traffic Regulation Order (TRO) to secure the relocation of the speed limit to the north of the access on the A38. The TRO shall be implemented prior to occupation of any dwelling.

18) A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the local planning authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

19) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the first occupation of any dwelling hereby approved. The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.

- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organization responsible for implementation of the plan.
- h. On-going monitoring and remedial measures.

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

20) Prior to the first occupation of any dwelling hereby approved the following biodiversity enhancements shall be provided:

- a. Any new fencing (including garden fencing) must have accessible hedgehog holes, measuring 13cm x 13cm to allow the free movement of hedgehogs into and out of the application site.
- b. All waterbodies (including SuDS features) must comprise planting of native emergent and marginal flora.
- c. All landscaping outwith ornamental garden features must comprise native trees, native shrubs, and native grassland mixes (including wildflowers where possible).
- d. Artificial wildlife features will be built-in to the new dwellings, comprising of 6x built-in swift boxes on north facing elevations at eaves level, 6x built-in house-sparrow boxes on north or west facing elevations at eaves level, 6x built-in bat boxes of varying specification on southern elevations and 6x solitary bee bricks on southern elevation, approximately 1m above ground level.

Once installed, the biodiversity enhancements shall thereafter be retained.

21) No building works above ground floor level shall take place until a scheme to mitigate against road traffic noise has been submitted to and approved in writing by the local planning authority. Such scheme shall detail all necessary elements of the mitigation including: bunding, fencing, site layout, floor plan layout, building envelope construction, glazing and ventilation. The scheme shall include calculations showing the source noise levels, the attenuation characteristics of the building element or barrier and the resultant noise levels in the relevant internal and external spaces. Sufficient details of the construction of bunds or fences on bunds shall be provided to demonstrate the technical feasibility of the structure. The scheme shall be implemented in full prior to the first occupation of any dwelling hereby approved.

22) Plans showing appropriate parking and turning areas in accordance with the SCC Parking Strategy (September 2013) shall be submitted to and approved in writing by the local planning authority before the development is commenced. These areas shall be properly consolidated before any dwelling hereby approved is first occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.