



Appeal Decision

Inquiry held on 3-10 September 2024

Site visit made on 10 September 2024

by **S Wilkinson BA, BPI, Dip LA, MBA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th November 2024

Appeal Ref: APP/D0121/W/24/3344142

Land north of Mulberry Road, Congresbury, BS49 5HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by M7 Planning Limited and M7 SW LLP against the decision of North Somerset Council.
 - The application Ref: is 22/P/0459/OUT.
 - The development proposed is for the erection of up to 70no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection up to 70no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters are reserved except for access and this outline planning permission is subject to the conditions included in the schedule to this decision.

Preliminary Matters

2. The banner heading differs from the application form which refers to 90 dwellings applied for as the scheme was amended to 70 dwellings following the initial presentation to Committee in advance of the Council's decision.
3. The appeal scheme is in outline with all matters reserved apart from access. The plans on which this decision is based are Site Location Plan MR50001 _1000 Rev A and Proposed Access Arrangements 1814/01 Rev A. Parameter plans and a suggested layout submitted with the appeal are treated as illustrative.
4. The Development Plan includes the North Somerset Core Strategy 2017 (CS), the North Somerset Site and Policies Plan adopted in two parts in 2016 and 2018, (SAP) and the Congresbury Neighbourhood Plan 2019 (CNP).
5. Following publication of the Written Ministerial Statement (WMS) on 30 July 2024 the Council paused further work on its Regulation 19 draft Local Plan. This had included the appeal site as a housing allocation, but following the Council's decision to refuse the application, it was subsequently withdrawn from the draft plan. Whilst no draft policies are referred to in this decision, I

have included references to parts of the evidence base which informed the emerging plan.

6. In advance of the Inquiry the Council decided not to defend its third and fourth reasons for refusal in so far as they relate to the provision of health and education services and the location of the proposed development. However, the proposal would be contrary to Policies CS14 and CS32 due to its location outside of the settlement boundary of Congresbury and by it providing in excess of 25 dwellings. I return to this matter, together with Policy H1 of the CNP, later in this decision.
7. The appeal is accompanied by a S106 Agreement and a draft was discussed during the Inquiry. A completed agreement dated 12 September 2024 is referred to in this decision.

Main Issues

8. The appeal raises the following as main issues:
 - Whether the proposed development would preserve the settings of the Park Farm a grade II listed building, Church of All Saints, Wrington a grade I listed building, Urchinwood Manor grade II* listed building and Pineapple Farm a Grade II listed building.
 - Whether or not the proposed development would harm the landscape character and appearance of the area, and
 - Whether the scheme would provide for the infrastructure necessary to support the amount of development proposed.

These matters, together with the issue of housing land supply, will be considered the planning balance.

Reasons

Heritage

9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty requiring a decision maker, to have special regard to the desirability of preserving listed buildings or their setting or any features of architectural or historic interest which they possess. The Framework defines 'setting' as the surroundings in which a heritage asset is experienced.
10. Historic England's guidance (The Setting of Heritage Assets, Planning Note 3) advises that the setting itself is not a heritage asset. Its importance lies in what it contributes to the significance of the heritage asset or the ability to appreciate the significance of that asset.
11. There are several heritage assets in the area around the appeal site.

Park Farm

12. The appeal site, comprising around 3.3ha lies on the eastern edge of Congresbury with the rear of housing in Park Road and Mulberry Road on its western and southern boundaries respectively. Part of its northern boundary is shared with Park Farm with the remainder of its northern and eastern boundaries comprising hedgerows beyond which are fields which open to the

valley of the River Yeo located around 200metres to the east. The site is used as grazing pasture with grass cut for silage.

13. Park Farm is Grade II listed and lies in a complex of buildings just beyond the site's northern boundary. Currently it is used as a private dwelling. It is thought that a building has existed around this location since the fourteenth century originally as a lodge associated with a deer park. On enclosure of surrounding land in the sixteenth century the lodge was removed and it is understood that some of its materials may have been used in the construction of the existing farmhouse. However, there is no evidence that the lodge existed on the actual site of the farmhouse.
14. The farmhouse exhibits signs of re-modelling during the seventeenth, eighteenth and nineteenth centuries and comprises two storeys constructed of painted rubble stone with a rendered frontage to the west. Its principal elevations face west and east with its southern gable facing towards the appeal site. It has a steeply-pitched roof finished in pantiles. There are barns within the complex of buildings associated with the farm constructed in rubble limestone of traditional design with clay pantile roofs.
15. Both parties identify that the building's historic fabric would not be affected by the appeal scheme. However, the parties differ on the degree to which the appeal site, in providing part of its setting, contributes to the significance of Park Farm.
16. The building's setting is comprised of agricultural fields to the south and northeast of the farmhouse as well as the appeal site which slope down towards the River Yeo. This pastoral setting reinforces the historic use of the farmhouse contributing to its significance.
17. The Heritage Assessment identifies the approximate extent of the deer park which it appears shared a common southern boundary with the appeal site. Whilst these boundaries align with the edge of the deer park there is no evidence on the ground that clearly demonstrates this. There are no other features such as ditches or raised banks which were a feature of boundaries to deer parks¹. For these reasons I find that the Council's references to the site as a non- designated heritage asset are unwarranted.
18. Following enclosure, the land was farmed but it is uncertain whether the site formed part of Park Farm. For example, the tithe maps from 1739 and 1840 identify that occupancy of the farm and the appeal site were different. Whilst these maps identify a specific point in history and the site at some point may have formed part of Park Farm comprehensive evidence on this point is not available.
19. The importance of views across farmland towards listed farm houses informing the significance of setting is recognised in published guidance². However, in this case only the upper part of the south facing gable and part of its eastern elevation can be clearly seen from the appeal site. Whilst the relationship of the site to the farmhouse underpinned the decision of an Inspector colleague to dismiss an outline residential scheme for 25 dwellings on this site in 1999³ the

¹ Ms Hudson McAulay PoE Appx 4

² Historic England's (2006) Historic Farmsteads Preliminary Character Assessment

³ APP/D0121/A/99/1031669/P7

site's context has changed. A number of permissions⁴ have been granted within the complex of buildings around the farmhouse adding to clutter within the site serving to undermine the relationship of the asset with the appeal site. Furthermore, the previous appeal scheme included vehicular access from Park Road close to the farmhouse. Consequently, while the undeveloped nature of the appeal site contributes to the significance of the listed building it does so in a limited way.

20. The location of up to 70 dwellings on the appeal site would impact on the setting of the listed farmhouse through eroding its open agricultural surroundings diminishing the ability to understand its previous use. However, whilst layout is a reserved matter the illustrative masterplan demonstrates how the proposed footpath along the northern side of the appeal scheme could still in part allow an appreciation of Park Farm's historical relationship to the agricultural land.
21. I acknowledge the importance of published guidance⁵ on how cumulative effects of small-scale changes within a setting could affect how the significance of a heritage asset is appreciated. Whilst the changes that would be introduced by the appeal scheme would affect the relationship of the site to Park Farm, its significance could still be readily appreciated from its wider setting comprising the existing fields to both the north and east of the asset. This was demonstrated on the site visit which identified the farmhouse as having a strong presence from views along the Two Rivers Way along the River Yeo.
22. Whilst the previous appeal decision reflected concerns over the impact of a smaller scheme on the setting of Park Farm that scheme involved a vehicular access taken from Park Road in proximity to the farmhouse. In this case, whether or not there is a direct connection between Park Farm and the appeal site either as agricultural land, the appeal scheme forms part of the setting of the farmhouse and for this reason its development would lead to harm to the farmhouse as a heritage asset because of the erosion of its pastoral setting.
23. I recognise that Paragraph 205 of the National Planning Policy Framework requires that great weight must be given to the protection of this designated heritage asset and given the duties of the decision maker under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard is to be had to the desirability of preserving the building and its setting.
24. There would be no loss of the fabric of the building itself. However, harm would arise from the development of the appeal site which forms part of the setting of Park Farm contributing to its significance. For this reason the proposal would be in conflict with Policies CS5 and DM4. These require that development conserves the historic environment and preserves and where appropriate enhances the character, appearance and special interest of listed buildings and their settings. The harm I have found, expressed in the terms of the Framework, would be at the lower end of less than substantial, but nevertheless of great weight. This harm should be weighed against the public benefits of the appeal scheme. I do this later in this decision.

Other designated heritage assets

⁴ Ms Stoten PoE Table

⁵ Historic England GPA2

25. Interested parties made reference to the potential impact of the appeal scheme on two other listed buildings. The first is the Grade I listed Church of all Saints at Wrington. This church originally dates from the thirteenth century although its west tower dates from around 1450. The church was restored in 1858 and then again in 1948. It is the architectural quality and great age of this building which contributes to its significance. It lies around two kilometres east of the appeal site and its tower can be discerned from views east along footpath AX16/8/30. Given the distance and the limited intervisibility between the Church and the site and that there is no evidence of any functional link between the two, the appeal scheme would not undermine the significance of this asset which is principally contained within its immediate fabric and context as I have set out.
26. Urchinwood Manor is Grade II* listed and lies within about one kilometre of the eastern edge of the appeal site. It dates from the sixteenth century but with additions in the seventeenth century and was restored in the twentieth century. Its significance is mainly derived from its architectural quality and historical interest as a fine early example of a manor house denoting the status of the local area. Due to intervening topography intervisibility between the appeal site and the asset is limited and I have no evidence of any functional relationship between this asset and the appeal site. Accordingly, the appeal scheme would not undermine the significance of this asset.
27. Pineapple Farm is a Grade II listed farmhouse now in use as a private residence and dates from the late eighteenth century. Its significance derives from its architectural qualities which include garden walls with ornamental pineapples. The asset is located to the south of the appeal site entirely surrounded by post war housing development. The asset does not have any intervisibility or functional relationship with the appeal site. Accordingly, the appeal scheme would not affect its significance.

Landscape character and appearance

Landscape effects

28. The appeal site, comprising around 3.3ha lies on the western edge of Congresbury with the rear of housing in Park Road and Mulberry Road on its western and southern boundaries respectively. The site is used as grazing pasture. The site slopes gently from southwest to north-east from about 14 - 8 metres AOD.
29. The area around the appeal site is traversed by a footpath network of which two run through the site, AX16/8/30 traverses north-west – to south-east and the AX16/29/10 extends close to the site's eastern boundary.
30. The appeal site does not lie in a valued landscape as defined by Paragraph 180a) of the Framework. The site lies within NCA 118 Bristol, Avon Valleys and Ridges. The most recent landscape character assessment identifies the site as lying wholly within landscape character type J2- River Yeo Rolling Valley Farmland comprising undulating farmland with the River Yeo a central feature identified by tree lines of predominantly willow. The assessment identifies the valley as pastoral and rural land with well-maintained hedgerows.

31. The appeal site falls outside the settlement boundary but it does not lie within a strategic gap or in an area identified as having high landscape sensitivity identified in the CNP.
32. Around 80% of the site is assessed as Grade 2, best and most versatile (BMV) agricultural land with the remainder in Grade 3 although it is uncertain how much of this falls within Grade 3A.
33. The site's landscape condition, openness, footpaths and thick hedgerows on its eastern and northern boundaries are characteristic of the LCTJ2. Given the height and condition of the boundary hedgerows to the rear of properties in Mulberry Road and Park Road these qualities and its value are undermined.
34. The site does not contain features of particular scenic quality which could impact on its susceptibility. Overall, I find that the site has medium value.
35. The landscape study⁶ prepared as part of the evidence base for the draft local plan identifies the site as having low sensitivity to development. I acknowledge that the purpose of this study was to compare a range of sites throughout the district to determine the location of housing, but the study follows a GLVIA3 methodology that took account of the site's topography, degree of enclosure and an allocated site to its south east (since developed out as Potters View). The study's findings further reinforce my findings that the site's susceptibility to development would be low.
36. The illustrative master plan submitted with the appeal identifies a block of housing in the centre of the site with landscaped areas which include footpaths on its northern and eastern edges. The existing route of AX16/8/30 would be re-provided through the area of housing. The eastern landscaped edge would include a proposed swale and a small pumping station and retain a footpath broadly aligned with the route of AX16/29/10
37. The Landscape and Visual Impact Assessment (LVIA) (submitted when the scheme was for 90 dwellings) identifies there is a slight fall in landform across the whole site. Despite this, the proposed development would be largely level. As a result very little regrading would be required to create the development platforms across the site. This limits the degree of harm arising from the scheme on the site's topography.
38. I acknowledge that whilst the masterplan is only illustrative the effects of this form of residential development would be significant on the site's character and openness and would be irreversible. However, given the site's context, on the edge of the settlement, it has a medium sensitivity to the form of development proposed and its impacts would result in only moderate harm to the surrounding area.
39. Although only an outline scheme the amount of housing proposed would extend across the site, in comparison with the previous appeal scheme, leaving only the northern and eastern edges free from development. However, the broad width of landscaping areas, which would amount to around 1.2ha, would provide opportunities for landscape mitigation. Overall, the landscape effect of the appeal scheme would be medium adverse on the appeal site.

⁶ CD F1 Wardell Armstrong

Visual effects

40. The main parties agreed a set of viewpoints and visual receptors from around the site which were shared on the site visit. The Zone of Theoretical visibility (ZTV) extends to a maximum distance of around 300metres from the boundary of the appeal site to its north and east. This reflects the natural changes in topography across the area which are important in exposing the receptor to a range of different views.
41. I have assessed the visual effects of the appeal scheme at a period of fifteen years post completion because this is more likely to reflect how the site is seen in the medium to long term.
42. Views from the rear of surrounding residential properties would be significant given that an open field would be replaced with housing. It is, however, acknowledged that additional planting could in part mitigate this by strengthening the existing belts of boundary hedgerows which could be controlled through a planning condition were I minded to allow this appeal.
43. Existing footpath users within the site experience views towards the countryside and the Yeo valley when looking southeast and east. However, when travelling north and northwest their views are framed by housing. In contrast on completion of the development, users of the proposed footpaths would experience adverse impacts given that these routes would be directly through or lie immediately adjacent to the proposed housing.
44. At points along the footpath network around the site existing users can see the upper floor of those properties in Potters Field and properties in Mulberry Road. From points along the Two Rivers Way, a designated walking route along the Yeo, users have intermittent views towards the existing housing in Mulberry Road and from points along this route further to the west they currently have views of properties in Park Road.
45. The width of the proposed landscaping strips on the north and eastern sides would be of sufficient depth to allow the growth of large saplings, as suggested by the appellant, allowing effective screening of the bulk of the proposed development post completion. Whilst users of the Two Rivers Way footpath have a high sensitivity, their views would be broken by the existing hedgerow belts and mitigation planting. Resulting adverse visual impacts would be modest in scale.
46. Existing views of the site from Cadbury Hill, an Ancient Monument located around 1.3km to the north of the site, allow an understanding of the settlement form and context of Congresbury. There are limited views of the appeal site identified as a thin strip of field, bounded to the south by the Mulberry Road properties. In this context the appeal scheme would only marginally impact on these views appearing as an infilling of land shaped by the eastern edge of Congresbury and in its broadest context by the northern extent of the village associated with existing development along Southlands Way. Whilst I recognise that users of this viewing point have high sensitivity the impact of the scheme on this view would be negligible.

Conclusions on landscape character and appearance

47. Adopted landscape policies are included in policies CS5, CS32 and DM10. Together the landscape policies aim to protect and enhance the area's

- distinctive landscape character but where harm is unavoidable ensure that this is mitigated. Furthermore, policy DM25 seeks to protect rights of way and where routes would be affected require that mitigation is provided.
48. Whilst the appellant sought to advance a case that the appeal scheme is not in conflict with these policies, I find that landscape harms would arise from the loss of a field which contributes to the qualities of the LCT J2.
49. Through a combination of local topography and the proposed mitigation, there would be only limited visual harm after fifteen years when the site is viewed from surrounding footpaths. In contrast, however, the footpath user travelling through the site would have a markedly different experience from that currently enjoyed. Views from along footpath AX16/8/30 looking east would be framed by the appeal scheme which would be a dominant component in the immediate landscape. The two proposed footpaths on the edge of the site would however, provide a degree of mitigation.
50. The earlier appeal decision identified landscape harm arising from the development of only part of the appeal site for 25 dwellings. The main concern in that decision was the adverse effects of the dwellings on the rural character of the barns within the complex of buildings around Park Farm and the effects of vehicular traffic moving through the site which would cause further harm to the rural character of the site and land to its east. Since that decision the complex of buildings around Park Farm have been extended and Potters View has been developed. These matters are significant in altering the rural context of the appeal site. These are matters which weigh on my findings on this main issue.
51. For these reasons, I find that the appeal scheme would result in limited landscape harm conflicting with policies CS5 and CS32. Policy DM10 recognises that where some landscape harms may arise from development then mitigation measures should be secured. For this reason, I find no conflict with this policy. Given that the routes of the footpaths within the site would be retained allowing links to the wider footpath network I find only limited conflict with policy DM25.
52. Policies CNP H1, H2, and EH4 identify a range of principles and preservation measures required to guide development. Given the extent of proposed mitigation I find that there would be no conflict between these policies and the appeal scheme.

Other Matters

North Somerset and Mendip Bats Special Area of Conservation (SAC)

53. The appeal site lies around 900metres of Kings Wood and Urchin Wood Site of Special Scientific Interest (SSSI) which forms part of the SAC. The use of the site for grazing and haylage, and its location mean that juvenile Horseshoe bats from the SAC are likely to use the site for foraging. The loss and degradation of habitat on the appeal site that support commuting and foraging of the bats due to the appeal proposal would have a significant adverse effect on the integrity of the SAC.

54. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) as competent authority I am required to undertake an Appropriate Assessment of the development on the basis of its Likely Significant Effects on the North Somerset and Mendip Bats SAC.
55. The appellant's technical note⁷ and Shadow Habitats Regulations Assessment⁸ identifies a range of measure designed to minimise disruption to the opportunities across the site for bat commuting and foraging. Were I minded to allow this appeal these measures could be included in a condition requiring the submission of a Construction Ecological Management Plan (CEMP). On completion of the development suitable planting designed to encourage insects for foraging would be located in the open space on the north and eastern edges of the site. I am satisfied that both these measures could be the subject of a local strategy controlled by a planning condition.
56. The offsite strategy requires the management of a parcel of grazing land located to the north of the site by Millenium Mews on the edge of Congresbury. Habitat will be maintained through low intensity conservation grazing, retention of the boundary habitats including planting and provision of sheltered habitats for invertebrates. The site would be managed in line with the Council's guidance by a Greater Horseshoe Bat Management Plan secured through the S106 Agreement to support the bat population.
57. The owner of the mitigation site is party to the S106 Agreement. Prior to development proceeding the site's owner is required to submit a Management Plan for Council approval after which the Council would issue a completion certificate. Only after this could development proceed on the appeal site. The Management Plan would be monitored for thirty years. The Technical Note identifies that there would be a net gain in habitat units.
58. I am satisfied that the proposed measures would mitigate the appeal scheme, either alone or in combination with other plans and projects, so that there would be no adverse effect upon the integrity of the SAC. The scheme was developed in collaboration with Natural England who have confirmed that they are satisfied with the proposed form of mitigation.
59. The mitigation would be secured and managed by obligations included in the S106 Agreement. These are consistent with Policies CS4, DM8 and EH4.
60. I am satisfied that each of these covenants fall within the provisions of Regulation 122(2) of the CIL Regulations and Paragraph 57 of the Framework.

Infrastructure

61. The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 57 of the Framework set a number of tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development. The Council's policies CS34, DM70 and DM71 recognise the importance of planning obligations to secure infrastructure in line with the Framework.

⁷ CD I16

⁸ ID 11

62. The Agreement includes a series of obligations in favour of the Council. The Agreement requires that 30% of all dwellings are identified as affordable and these are required to be of an appropriate mix of size and tenure. This is in line with policies CS16 and DM34.
63. Interested parties expressed concern over the impact of the proposed scheme on social infrastructure including schools and health facilities. These matters were originally included in the Council's decision to refuse permission although it has decided not to defend these reasons. Through a Statement of Common Ground between the main parties it is agreed that there is a sufficient number of primary school places to accommodate future pupils generated by the proposal but that financial contributions could be made towards home to school transport. The Agreement includes contributions for school transport to primary schools, which would amount to a total of £238,361.07. This figure is based on the formulae included in the Council's Supplementary Planning Guidance. It is in accordance with policy CS25.
64. Other obligations in favour of the Council would fund improvements to local transport infrastructure. Specifically, these would be towards the new bus shelter (£40,000) on the north bound A370 and to increase services on Service X1 (£100,000) and towards signage for the Strawberry Line cycle route (£2,000). Other obligations would require a range of sustainable transport measures including cycle vouchers at £150.00 per dwelling. These measures would be in accordance with policies CS10, DM24, DM25 and DM27.
65. Another obligation requires the contribution of £24,240 towards the maintenance and improvement of three bridges which form part of the footpath network in the vicinity of the appeal site. These are justified with reference to the formulae included in the Development Contributions Supplementary Planning Document 2016 and by policy DM25.
66. An obligation in favour of the Council requires payment of £3,600 for the provision of a traffic regulation order in relation to parking restrictions in Mulberry Road. This is a standard fee based on officer costs and is supported by Policy DM24.
67. The S106 Agreement also includes obligations related to the provision and maintenance of public open space around the site contingent on this space being transferred to the Council. In the event that its management is through a management company the requirements for maintenance payments would be unnecessary as these would be privately funded. These provisions are supported by policies CS9, DM19, CS34, DM70 and DM71.
68. I am satisfied on the basis of evidence before me⁹ that there would be sufficient healthcare capacity to support the scheme and that contributions are not required to improve on the existing situation.
69. Finally, a fee of £1,500 is required for fire hydrants required under Building Regulations to ensure public safety.
70. The S106 includes the provision of infrastructure, which is necessary, directly required and fairly and reasonably related in scale to this development. To conclude I am satisfied that each of these covenants fall within the provisions

⁹ Council Statement of Case

of Regulation 122(2) of the CIL Regulations and Paragraph 57 of the Framework.

Comments of interested parties on other matters

71. Interested parties have objected on other matters, which are not addressed by the main issues of this decision.
72. I have considered the appellant's evidence in respect of flood risk sewerage treatment and ecology and I am satisfied that their evidence addresses these matters satisfactorily.
73. An interested party drew my attention to two recent appeal decisions where residential schemes in Congresbury were dismissed¹⁰. These decisions can be distinguished from the appeal before me in that these two sites lay further away from existing services and shops which could not be readily accessed without leading to increases in traffic. This is not the case of this site which lies close to shops and services allowing access on foot and bike. I am satisfied that the appellant's Transport evidence and the Inquiry Documents prepared in response to specific concerns fully address issues relating to highway safety and access.
74. Interested parties express concern about the importance of controlling on site activities during construction. I acknowledge the importance of these concerns given the location of the site so close to existing residential properties. This could be addressed through the planning conditions were I minded to allow this appeal.

Planning balance and Conclusions

Benefits of the scheme

75. There are a number of benefits to the appeal which scheme which I address through the planning balance.

Housing

76. Common ground between the parties identifies that the housing requirement, based on the standard method requires the provision of around 5,296 units of deliverable supply in the period 1 April-2024-31 March 2029. Guidance¹¹ requires that four years deliverable housing land supply (HLS) is to be demonstrated against a 5-year requirement.
77. The main parties differ on their assessment with the Council estimating that supply is around 3.88 years with the appellant estimating this figure is around 3.83 years supply. Even though this shortfall currently amounts to around 156 dwellings the tilted balance is engaged.
78. The Council has consistently under delivered against its housing targets for the last five years (2018-22) with annual housing land supply assessments not compliant with the Framework during this period¹². Whilst its Housing Action Plan sought to address this deficit it still does not have a Framework compliant amount of housing land. Even taking the Council's housing land supply as a

¹⁰ APP/D0121/W/17/3176151 and APP/D0121/W/15/3004788

¹¹ PPG - ID 68-055-20240205

¹² Mr Coop PoE Table 4.1

'best case' it represents an under supply against the requirements of the Framework. A plan led solution is still some years away given the pause in work on the Regulation 19 draft plan and it is unlikely that a new plan, allowing a plan led solution to this issue will be in place by the expiry of the current plan period in 2026.

79. Furthermore, the appellant's evidence¹³, uncontested by the Council, identifies that from the start of the plan period in 2006/07 to date, there has been an undersupply of around 3,567 dwellings. The application of the standard method would require a significant increase in the housing requirement of around 1,324 dwellings per annum; this is not contested by the Council.
80. The chronic shortage of housing completions when compared to the requirement, identified by the appellant and uncontested by the Council, continues to adversely impact on rental levels and prices which are higher than for the rest of the south west and England. This erodes affordability and adversely impacts on the waiting lists and homelessness. Whilst during the plan period provision of affordable dwellings has achieved a surplus this has averaged around 18.9% of all completions. However, the Council is still not fully addressing a chronic situation identified by the revised housing requirements based on the standard method. This matter alone overcomes concerns over the loss of BMV agricultural land.
81. Whilst the HDT figures demonstrate that housing delivery is slowly improving there continues to be an undersupply of housing land and the housing requirement when assessed against the standard method is not being addressed. The imperative of increasing housing supply has been given impetus by the recent WMS. Given that it is unclear how and when this matter would be resolved the inclusion within the appeal scheme of up to 51 market homes and 19 affordable homes would partially address these matters in line with Paragraph 60 of the Framework. The delivery of new market and affordable dwellings is accorded substantial weight.

Economy

82. The appeal scheme would result in economic benefits derived directly from investment and the employment of construction workers and also indirectly from the increased spend in local shops and services arising from the proposed occupants of the scheme. A clear rationale, albeit one based on the application of metrics from published sources, for each of these benefits is included in the appellant's evidence. These benefits would be consistent with Paragraph 85 of the Framework. I accord these benefits moderate weight.

Environment

83. Although there is no legal requirement for the provision of BNG the scheme would result in an increase in biodiversity through the provision of a varied range of habitats including wetlands in the sustainable drainage scheme (SUD) as part of the scheme. This would be in line with Paragraph 180d) of the Framework and I accord these benefits limited weight.

¹³ Mr Elliott PoE

Other benefits

84. The appellant cites the provision of local play facilities within the site as having moderate weight. However, given that this site is likely to serve just the proposed scheme its benefits would be limited.
85. Finally, while the appellant has cited specific benefits derived from the obligations included in the S106 Agreement, I accord these a neutral value in the overall planning balance given that the obligations are required for the appeal scheme.

Heritage Balance

86. The heritage assets include the Grade II listed Park Farm that requires consideration in the Heritage Balance.
87. Although the development of the appeal scheme would lead to harm to the significance of this heritage asset this would be within the lower range of that scale of harm. Nevertheless, less than substantial harm does not equate to a less than substantial planning objection and bearing in mind the statutory duty set out in the Planning (Listed Buildings and Conservation) Act 1990 the harm still attracts considerable importance and weight.
88. In this case, however, I find that the harm to the heritage asset is outweighed by the social, environmental and economic public benefits included in the appeal scheme that I have identified above.

The Development Plan

89. I have found that the scheme is contrary to the policies of the Development Plan. However, its policies are deemed out of date because there is an undersupply of housing land and the Council's settlement strategy predicated housing numbers which no longer reflect the requirements identified by the standard method. In these circumstances there is a presumption in favour of sustainable development as defined by the Framework.
90. The fact that policies are deemed as out of date does not mean that they carry no weight. To carry weight policies must be consistent with the Framework, as explained in Paragraph 225, which amongst other things, states that the closer that local policies are to those in the Framework, the greater weight that may be given to them. As such it is perfectly possible for policies which are deemed as out of date by reason of an inadequate land supply to still carry significant weight.
91. Those policies included in the Council's reason for refusal 1 and 2 include DM4 DM25 and CS5 which together with policies CS13, CS14, CS32, SAP2, CNPH1, CNPH2, CNPH3 and EH4 are regarded as the most important for determining this decision.
92. The policies of the Core Strategy no longer reflect current housing requirements. Specifically, policy CS13 which includes the housing requirement for the plan period and which on adoption was required to be updated by 2018. This review has not been addressed (thereby rendering the policy actually out of date). This is not a theoretical matter given that the CS13 required that 1,049 dwellings per annum (dpa) and the standard method identifies that this

should be 1,324 dpa. Accordingly, the whole basis of the Development Plan's settlement strategy is undermined.

93. Whilst I acknowledge that it is possible that a review could have retained the hierarchy included in policy CS14 this was not tested and accordingly the housing numbers included in the policy for each category of settlement including those which restrict housing to no more than 25 dwellings outside the settlement boundaries of service centres such as Congresbury are fatally undermined. Both the SAP and Congresbury NP were adopted within the context of policy CS13. In this respect policies SAP 2, CS13 and CS14 are inconsistent with Paragraphs 75-78 of the Framework and accordingly, I only accord limited weight to the conflict with the appeal scheme.
94. Policy DM10 establishes a series of principles to guide development. In broad terms I find that this policy accords with Paragraphs 135 of the Framework. However, it accepts that even if landscape harms arise they can be addressed through mitigation. Given my findings above I find there is no conflict between the appeal scheme and this policy.
95. Policy CS32 includes a range of criteria to inform development proposals in service villages. On sites adjacent to their settlement boundaries development should be limited to 25 dwellings. Supporting text identifies that this should respect the scale and character of the village, its location and should not be in the Green Belt. The policy identifies sites larger than 25 dwellings, such as the appeal scheme should only come forward as part of a Local or Neighbourhood Plan. Given the Council's failure to deliver on its overall housing requirement and having considered the Paragraphs 29 and 30 of the Framework, I accord the conflict between the appeal scheme and this policy only limited weight.
96. Policies CS5 and DM4 seek to protect the historic environment consistent with the broad intent of the Framework. However, neither of these policies seek to balance any harms which may arise with the public benefits as required by Paragraph 208 of the Framework.
97. The range of obligations included in the S106 Agreement would address the requirements of policy EH4.
98. Whilst policy DM25 is broadly consistent with Paragraph 108c) of the Framework, I find there is no conflict by the appeal scheme because of the site's location in relation to shops and services.
99. Housing policies CNP H1, H2 and H3 set out a range of principles to guide development in and around Congresbury. They are predicated on allowing housing on sites adjacent to the settlement boundary subject to a maximum of 25 dwellings consistent with policy CS32 which I have addressed above. However, the primary focus of these policies is on development within Congresbury and are therefore not strictly relevant to the scheme before me which lies beyond the settlement boundary.
100. Whilst I acknowledge the concerns of interested parties that Congresbury has accommodated development in recent years, the Council has not delivered on its housing requirement with just two years of the Local Plan period remaining.

101. I find that none of the CNP policies are breached by the appeal scheme and it is instructive that the Council's witness accepted that Paragraph 14 of the Framework is not engaged. I agree with this assessment.
102. In summary, I accord only limited weight to the conflict between the appeal scheme and policies SAP2, CS10, CS13, CS14 and CS32.

Planning balance and conclusions

103. I have considered the benefits of the appeal scheme which relate to the provision of market and affordable housing, support for the local economy and enhanced biodiversity. I accord these substantial, moderate and limited weight respectively.
104. The current shortfall in housing land supply together with the weight I accord the provision of housing following the WMS weigh heavily in favour of this scheme.
105. Paragraph 11d)ii of the Framework requires that where the Council is unable to demonstrate the required housing land supply planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework when taken as a whole.
106. I conclude that in this instance the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. As such the proposed development benefits from the Framework's presumption in favour of sustainable development
107. In this case therefore, material considerations, including the Framework outweigh the conflict with the development plan as a whole and indicate that planning permission should be granted for development that is not in accordance with it.
108. I therefore conclude that the appeal is allowed and outline planning permission is granted subject to conditions and the completed S106 Agreement.

Conditions

109. I have considered the suggested conditions following the discussion at the Inquiry and the advice in both the Framework and the Government's Planning Practice Guidance. The conditions and wording set out in the schedule below reflect that discussion.
110. I have included the standard conditions regarding the 'life' of the permission, the timeline for receipt of the outstanding reserved matters and the plans on which this decision is made for reasons of certainty.
111. To protect the living conditions of surrounding residents and to limit the potential for environmental damage to the surrounding area I have imposed a condition requiring full details of a Construction Environmental Management Plan. For the same reason I have included a planning condition requiring an Arboriculture Method Statement, Tree Survey and Protection Plan are submitted before any development occurs across the site.
112. In order to enhance the site's ecology I have imposed a condition requiring the submission of a Landscape Ecological Management Plan in advance of

- development commencing. In order to protect the bat commuting and foraging routes across the site I have imposed condition 19 in respect of the need for a lighting design strategy to identify the extent of lux levels amongst other matters, which could arise from the development.
113. To limit the traffic impacts of the proposed scheme and to maintain highway safety I have imposed a series of conditions requiring further details of the proposed vehicular access from Mulberry Road, a new pedestrian crossing on Brinsea Road, the provision and retention of cycle and parking spaces and a specific requirement for vehicle access to No. 19 Mulberry Road.
114. As a safeguard against the possibility of any part of the site being contaminated I have imposed planning conditions in respect of land contamination and requirements for its remediation in order to protect the living conditions of the proposed housing and to protect the environment surrounding the site.
115. Given that a section of the site is known to flood I have imposed a condition requiring that full details of a surface water drainage system through a sustainable drainage scheme together with proposals for its management and maintenance are submitted in advance of any works commencing. Related to this I have included a condition requiring that full details of flood resilience and resistance measures are submitted in advance of the development commencing. Tangential to these measures I have imposed a condition requiring that details are submitted before development commences for foul water disposal.
116. Given the proximity of the site to Park Farm I have imposed a planning condition requiring that a Written Scheme of Investigation is prepared in advance of development occurring. This would ensure that any artifacts on the site can be identified and recorded.
117. To ensure that the proposed scheme contributes to a sustainable future I have imposed a condition requiring the submission of details identifying measures to generate of at least 15% of its energy requirements from sustainable sources. This is supported by policies CS1 and CS2 required to secure a high level of energy saving and reduce carbon emissions.
118. I have included a condition requiring that 17% of all dwellings hereby approved comply with the Building Regulations 2010, Volume 1 M4(2) Category Two: Accessible and adaptable dwellings. This is required to ensure that the scheme provides a sufficient number of accessible dwellings in accordance with Policy DM42.
119. Two further conditions are imposed to reduce dependence on private motorised transport through requirements for a Car Club and Travel Plan.
120. Whilst conditions restricting permitted development rights are not favoured by the Secretary of State I find that restrictions on the development of electricity sub stations, foul water pumping station and gas governor would be appropriate given the size of the site and the importance of maintaining deep landscaped bunds.

121. To protect the living conditions of occupiers of the dwellings I have imposed a planning condition requiring that the dwellings adhere to the Government's national housing standards to protect the living conditions of future occupiers.

S Wilkinson,

INSPECTOR

Richborough

Schedule of Conditions

Outline / Time Limits

1. Approval of the details of the layout, scale, appearance of the buildings and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority, in writing before any development is commenced.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of two years from the date of this permission.
3. The development hereby permitted shall be begun before the expiry of five years from the date of this permission.

Approved Documents

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

Site Location Plan MR50001 _1000 Rev A, 28th March 2022

A980/11216/1 Rev A - Topographical Survey Drawing

1814/01 Rev A - Proposed Access Arrangements: Option 1, October 2022

Flood Risk Assessment & Drainage Strategy Project no. 20116 Rev 3, December 2020

Travel Plan, June 2022

Construction Management Plan

5. No phase or component of development shall be commenced, including demolition, ground works or vegetation clearance, until a Construction Environmental Management Plan (CEMP) for that phase of development / element has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - (a) the location where site operatives and visitor vehicle parking shall take place on the site
 - (b) the location of the site compound for the loading, unloading and storage of plant and materials including waste materials, and temporary site offices.
 - (c) the routing of construction traffic within a 400 metres radius of the site including an existing condition survey of all highway infrastructure on those access routes in that radius
 - (d) the erection and maintenance of security hoarding
 - (e) the means to reduce mud and debris from the site being deposited on the road network, including details of road cleaning and/or wheel wash facilities
 - (f) measures to control the emission of dust and dirt during construction.
 - (g) measures to control noise from works on the site

(h) detailed measures including interceptors to prevent silt, fuel, chemicals, or other contaminants from entering the water environment, including storage and disposal facilities for contaminants during construction.

(i) managing complaints

(j) details of measures to avoid harm to protected species and their habitats during construction. This shall include the following:

- i) Risk assessment of potentially damaging construction activities.
- ii) Identification of "biodiversity protection zones" based on up-to-date survey information and pre-commencement surveys, where appropriate, for habitats and protected and notable species.
- iii) 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).
- iv) The location and timings of sensitive works to avoid harm to biodiversity features.
- v) The times during which construction when specialist ecologists need to be present on site to oversee works.
- vi) Responsible persons and lines of communication.
- vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- viii) Use of protective fences, exclusion barriers and warning signs if applicable.
- ix) Details of monitoring and remedial measures, including compliance reporting to the Local Planning Authority

The development shall be carried out in accordance with the approved CEMP.

The CEMP should include an action plan identifying dates for the implementation of the measures identified in a)-j) above.

Access / Visibility Splays / Parking and Transport

6. No dwelling shall be occupied until details of a car club scheme, in accordance with a contract to be entered into by the developer and an approved car club provider, has been submitted to and approved in writing by the Local Planning Authority. The car club scheme shall comprise (where applicable):

- The allocation of 1 car club parking space
- The provision of 1 vehicle
- Provision of car club membership for all eligible residents of the development for a minimum of three years
- Promotion of the scheme
- The duration of the scheme

7. No dwelling shall be occupied until a new pedestrian crossing on Brinsea Road of a type and location to be approved by the Local Planning Authority

has been completed and is available for use. Details of the type and location of the crossing shall include any associated works in the public highway.

8. No dwelling shall be occupied until the work to form the new consolidated access to the site from Mulberry Road has been completed in accordance with the approved drawings (refer to condition 4); and pedestrian and vehicle access to that dwelling, including on-site car and cycle parking has been provided in accordance with approved reserved matters. Once provided cycle and parking spaces for each dwelling shall be retained in perpetuity.
9. The visibility splays as shown in drawing number 1814/01 Rev A 'Proposed Access Arrangements: Option 1' shall be kept free at all times of any structure, erection, or planting exceeding 600 mm in height above the ground levels of the visibility splays.
10. No dwelling shall be occupied until details which demonstrate that adequate vehicular access and vehicle and cycle parking is provided for the occupants of the dwelling at 19 Mulberry Road. If this requires works to be carried out within the application site to meet these requirements, these must be complete before the any dwelling hereby approved is occupied.

Flood Prevention / Drainage

11. No above ground-work shall take place until surface water drainage works have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, associated Planning Practice Guidance and the non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the system shall be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% allowance for climate change. The submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to greenfield run off rates and volumes, taking into account long-term storage, and urban creep and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
 - ii. include a timetable for its implementation.

The development shall be carried out in accordance with the approved details and timetable.

12. No above ground-work shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved, in writing, by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and timetable. The details to be submitted shall include:
- a) a timetable for its implementation and maintenance during construction and handover; and
 - b) a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.
13. No above ground works shall be commenced until details of appropriate flood resilience and resistance measures, together with a programme of implementation and a programme of maintenance for the lifetime of the development, have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, such works shall be carried out in accordance with the approved details and programmes.
14. No dwelling shall be occupied until a scheme for the disposal of foul water has been submitted to and approved by the Local Planning Authority. The approved details shall be completed for each dwelling before that dwelling is occupied.
15. No development, including site preparation or site clearance shall commence until an Arboricultural Method Statement Report with Tree Survey and Tree Protection Plan showing the location and design of tree and hedge protection fencing has been submitted to and agreed in writing by the Local Planning Authority and the agreed tree and hedge protection has been erected around existing trees and hedges to be retained. Unless otherwise specified, the fencing shall be as shown in Figure 2 of BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' and shall be erected to achieve root protection areas in accordance with BS5837:2012 root protection area calculations and the location of the fencing shall be informed by the recommendations of BS5837:2012.

This fencing shall remain in place during site works. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree or hedge. No equipment, machinery or structure shall be attached to or supported by a retained tree or hedge. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

The Local Planning Authority is to be advised prior to development commencing of the fact that the tree and hedge protection measures as required are in place and available for inspection.

Landscape Ecological Management Plan (LEMP)

16. Prior to the commencement of development, a detailed Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a detailed scheme of mitigation, compensation, habitat management, and biodiversity net gain and enhancement measures including a timetable for the monitoring, management responsibilities, and maintenance and grazing schedules for all landscape and ecological areas including but not limited to planting and habitat creation, essential mitigation and enhancements, flood compensation areas, attenuation basins, grazing areas identified, and other requirements set out within the approved plans.

This shall include planting specifications comprising locally appropriate native species; annual habitat management prescriptions; table of works and monitoring regimes; and location and installation prescriptions of species-specific mitigation and enhancements.

The development shall be implemented in accordance with an action plan identifying agreed timescales for each of the measures identified above.

Lighting

17. Before any part of the scheme is occupied details of external lighting shall be installed within the site, including external lighting on the outside walls of dwellings or other domestic buildings, or other lighting elsewhere in the site, until a 'lighting design strategy for biodiversity' has been submitted to and approved in writing by the Local Planning Authority. The strategy shall identify:

- (i) the type, location, and height of the proposed lighting;
- (ii) existing lux levels affecting the site;
- (iii) the proposed lux levels as a result of the light; and
- (iv) lighting contour plans.

These details shall include an assessment on the retained bat habitats and commuting routes on the site which shall be maintained at or below 0.5 lux within the defined bat corridor width at ground level and upwards to two metres. This lighting scheme shall be implemented and no changes shall be

made to this without the prior written approval of the Local Planning Authority.

All external lighting shall be installed and operated in accordance with the approved details.

Ground Conditions

18. No phase or component of development below ground level shall take place until an assessment of the nature and extent of contamination on the site has been submitted to and approved in writing by the Local Planning Authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether, or not, it originates on the site. Moreover, it shall include:
- i. a survey of the extent, scale, and nature of contamination.
 - ii. 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, and archaeological sites and ancient monuments.
19. Unless the Local Planning Authority confirms in writing that a remediation scheme is not required, no phase or element of development shall take place until 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 and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land in relation to the intended use of the land after remediation. The development shall take place in accordance with the approved remediation scheme.

Archaeology

20. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and;
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- No development shall take place other than in accordance with the approved Written Scheme of Investigation.

21. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the previous condition and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Renewable Energy

22. The dwellings hereby permitted shall not be occupied until measures to generate 15% of the energy required in the use of the development (measured in kilowatt hours - KWh) through micro renewable or low carbon technologies have been installed on site and are fully operational in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained.

Technical Housing Standards

23. All dwellings shall comply with the DCLG 'Technical housing standards 2015 (as amended) - nationally described space standards'.

Accessible Homes

24. A minimum of 17% of the dwellings shall be constructed to comply with 'accessible and adaptable housing standards' contained in The Building Regulations 2010 Volume 1 M4(2) Category Two: Accessible and adaptable dwellings. The location of these dwellings shall be provided together with details of how they will comply with the said standards. The approved details shall be fully implemented before these dwellings are occupied.

Permitted Development

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order, no electricity sub-station, foul water pumping station, or gas governor shall be erected on any part of the development site hereby permitted, without the prior written permission of the Local Planning Authority.

Travel Plan

26. No dwellings shall be occupied until a Travel Plan coordinator has been appointed and the Residential Travel Plan including the Action Plan contained therein has been brought into use. The approved Travel Plan shall continue to be operated as approved unless amendments to the Travel Plan are first submitted to and approved by the Local Planning Authority.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Mr G Cannock KC assisted by Mr Humphreys instructed by Mr C. Kosaner, Litchfields

He called:

Mr Coop BA MSc MRTPI MIED	Senior Director Litchfields
Mr P Gibbs Dip LA CMLI Dip UD	Managing Director David Jarvis Associates
Ms G Stoten BA PG Cert Res MCIfA FSA	Executive Director Pegasus Planning Group
Mr B Jackson MSc MIGHT	Director Ashley Helme Associates
Mr C Kosaner BSc DipTP MRTPI	Director Litchfields
Mr T Ewings, Solicitor	Ashfords LLP

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Leader instructed by Mr R Wilmot, Senior Service Manager, Strategic Development

Ms N Richards	Planning Policy Team Lead – Technical and Infrastructure
Ms A Priscott CMLI	Director Anne Priscott Associates Ltd
Dr K Hudson – McAulay MSc BSc Asso IHBC	Principal Conservation and Heritage Officer
Mr M Reynolds BSc MRTPI	Managing Director of Context Planning

INTERESTED PARTIES:

Ms M. Wilson	Ms T. Mitchell
Master Mitchell	Mr A Green
Ms W. Holland, Parish Councillor	Mr Sampson
Mr R Lea	Ms V Tomkinson, Secretary to the Congresbury Residents Action Group (CRAG)
Mr T Leimdorfer	Mr R Griffiths
Ms M Short, Chair of CRAG	Mr T Haselden

Inquiry Documents

ID1	Appellants Openings
ID2	Council Openings
ID3	Statement of Dr. M Wilson
ID4	Statement of Ms T. Wilson
ID5	Statement of Master J Mitchell
ID6	Statement of Mr A. Green
ID7	Statement of Ms W Holland
ID8	Statement of Mr R Griffiths
ID9	Statement of S. Sampson
ID10	Statement of Ms S. Short
ID 11	Shadow Habitats Regulations Assessment
ID12	Statement of Mr R Lea
ID13	M Stoten Plan of viewing points to Park Farm
ID14	CIL compliance schedule
ID15	Briefing Note from S Coop 3 09.24
ID16	Heritage officer comments dated 23.03.22
ID17	Statement of Ms Tomkinson with appeal decisions 3176151 3004788
ID18	Statement of Mr Leimdorfer
ID19	Presentation note of Mr Jackson on Highway matters
ID20	Statement from Ms Tomkinson on the Congresbury Residents Action Group
ID21	Statement from Mr Haselden
ID22	Note from Professor Emeritus G Pearson
ID23	Additional comments from CRAG, dated 5 September in response to Mr Jacksons comments
ID24	Final comment from Mr Jackson in response to CRAG comments of 5 September, dated 6 September
ID25	Listing descriptions of Church of All Saints Wrington and of Urchinwood Manor
ID26	Email from Mr Kosaner to Mr Wilmot regarding the calculation of school contributions

ID27	Email, dated 9 September from the appellant team regarding the CEMP and LEMP
ID28	Closings from the Council
ID29	Closings from the appellant

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