



Appeal Decision

Hearing held on 14 January 2025

Site visit made on 14 January 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/D3505/W/24/3352565

Land East of Blackthorn Way And Campion Way, Leavenheath

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Waterson Homes against the decision of Babergh District Council.
 - The application Ref is DC/23/03653.
 - The development proposed is 23 no. dwellings with associated roads, parking, garages and outbuildings, construction of new vehicular access from the A134 and a footpath connection towards Maple Way, public access to the existing woodland and new public open space on the street frontage.
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Decision

1. The appeal is allowed and planning permission is granted for 23 no. dwellings with associated roads, parking, garages and outbuildings, construction of new vehicular access from the A134 and a footpath connection towards Maple Way, public access to the existing woodland and new public open space on the street frontage at Land East of Blackthorn Way And Campion Way, Leavenheath in accordance with the terms of the application, Ref DC/23/03653, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

2. A revised National Planning Policy Framework was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. Comments have been sought from both parties in relation to the revised Framework, which were discussed during the hearing, and any comments received have been taken into consideration within my decision.

Main Issues

3. The main issues are:
 - whether the proposed development would be in a suitable location for housing with regard to the local development strategy;
 - whether the proposed development would be in a suitable location for housing with regard to accessibility to services and facilities;
 - whether the proposed development would make an appropriate contribution to school transportation;

- whether the proposed development would make an appropriate contribution to affordable housing; and
- the effect of the proposed development on the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar Site.

Reasons

Local Development Strategy

4. The appeal site is an unused and undeveloped area of land located between the A134 and a number of residential dwellings on Blackthorn Way and Campion Way, in the village of Leavenheath.
5. Policy SP03 of the Babergh and Mid Suffolk Joint Local Plan Part 1 (the JLP) 2023 states that new housing development will come forward through extant planning permissions, allocations in made Neighbourhood Plans, windfall development in accordance with the relevant policies of the Plan or Neighbourhood Plans and any allocations which are made in the forthcoming Part 2 Plan. It goes on to state that the principle of development is established within settlement boundaries in accordance with the relevant policies of this Plan. Outside of the settlement boundaries, development will normally only be permitted if it accords with one of four given criteria. This includes (a) the site is allocated for development, (b) it is in accordance with a made Neighbourhood Plan, (c) it is in accordance with one of the policies of this Plan listed in Table 5 or (d) it is in accordance with paragraph 80 of the National Planning Policy Framework (2021).
6. The appeal site is outside of the defined settlement boundary of Leavenheath, within the countryside and therefore, as per Policy SP03 of the JLP, the proposed development will normally only be permitted if it accords with one of the four stipulations above.
7. Leavenheath has a recently adopted Neighbourhood Plan, the Leavenheath Neighbourhood Plan 2022-2037 (the LNP) 2023. The LNP does not make any housing allocations, however Policy LEAV5 of the LNP states that housing development will be supported within or immediately adjacent to the settlement boundaries for the three settlements identified in Figure 22, subject to a number of stipulations. Figure 22 within the LNP outlines the three settlements within Leavenheath of Harrow Street, High Road and Honey Tye. The appeal site is immediately adjacent to the settlement boundary of High Road and therefore the proposed development would be supported by the LNP provided it meets the relevant criteria.
8. Within the submitted evidence and during the hearing, the appellant and the Council have agreed that the proposed development would not have an adverse impact on the special qualities of the Area of Outstanding Natural Beauty, Local Green Spaces and views of community importance, it would not have an adverse unacceptable impact upon the historic or natural environment or highway safety, is self-contained and has logical, natural boundaries and is well designed and landscaped and is appropriate in size/scale, layout and character to its setting and to the settlement having regard to the Leavenheath Design Guidelines and Codes (June 2021). I agree that the proposed development would accord with these stipulations of Policy LEAV5 of the LNP. As detailed further in this decision, it has also been found that the appeal site is not within the Zone of Influence of the Stour

and Orwell Estuaries SPA and Ramsar site and therefore the proposal can demonstrate no likely significant effects or adverse effects on site integrity of these European sites.

9. However, the Council contest that, as required by Policy LEAV5 of the LNP, the proposal does not have a close functional relationship to the existing settlement and does not constitute a logical extension of the built-up area of the settlement.
10. Whilst it is apparent that the appeal site is in close proximity to the existing settlement, as it is located immediately adjacent to it, the Council contend that it is not a functional relationship, as required by the Policy. This is because the only access to the appeal site from the settlement is via an unlit footpath on Maple Way, restricting linkages between the existing and proposed development. Due to the lack of lighting, the footpath may not be suitable for access during the hours of darkness. However, in general, the footpath appears to be well used by existing local residents and is in relatively good condition, with a reasonably short distance between the existing and proposed development, providing a suitable level of access for this rural location. Therefore, although not direct, the footpath would still provide a functional link between the existing development within the High Road settlement of Leavenheath and the proposed dwellings, in accordance with this part of Policy LEAV5 of the LNP.
11. I also consider that whilst accessed from the A134 rather than the existing settlement, this is not wholly out of character within Leavenheath where there are a number of dwellings and other forms of development directly accessed from both sides of the A134. Furthermore, although there is no direct access from the existing residential streets, apart from the footpath on Maple Way, the proposed development would still be viewed alongside existing development in the village, sitting comfortably alongside it. Therefore, although not directly interlinked, the proposal would not appear physically detached from the settlement and would appear as a natural extension to the village envelope. As such, the proposal would constitute a logical extension of the built up area of the settlement and would comply with this part of Policy LEAV5 of the LNP.
12. Policy LEAV6 of the LNP states that development should respect and retain the generally open and undeveloped nature of the parish, in particular, the distinct separation of Harrow Street, High Road and Honey Tye. Development in the main is set back from the A134 and this should continue to be respected. Development that would individually or cumulatively undermine the physical or visual separation of the three settlements will not be supported.
13. It is agreed that, due to its location, the proposed development would not result in the loss of the physical or visual separation between the three settlements. Whilst the proposal would result in new development on a currently open and undeveloped site, the proposed dwellings would be well set back from both the A134 and High Road with hedging and open space between. The proposal would still be visible from the public realm via the proposed access which requires the removal of some hedging. However, it would sit against existing development to the rear and would have a limited impact on the open nature of the surrounding countryside. Furthermore, although an additional footpath and bus stops are proposed alongside the A134, this would be in keeping with the existing nature of the road, which already has a large stretch of footpath alongside it. Therefore, the

proposed development would respect and retain the generally open and undeveloped nature of the parish and would comply with Policy LEAV6 of the LNP.

14. Consequently, as it would accord with Policies LEAV5 and LEAV6 of the LNP the proposed development would be in accordance with a made Neighbourhood Plan and as per criteria (b) would also accord with Policy SP03 of the JLP. Therefore, the proposed development would be in a suitable location for housing with regard to the local development strategy.

Accessibility

15. Whilst the preamble to Policy SP03 of the JLP states that development needs to be accommodated in settlements where the need to travel can be reduced, through good access to facilities and services, the policy itself makes no particular reference to proximity to services and facilities or transportation matters.
16. Nevertheless, paragraph 115 of the National Planning Policy Framework states that in assessing specific applications for development it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location and that safe and suitable access to the site can be achieved for all users. Paragraph 83 of the Framework also highlights that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This should include consideration of providing support for local services even in a village nearby.
17. There are very few local services or facilities in Leavenheath or within close proximity to the appeal site. However, the nearby settlement of Nayland has a number of facilities, such as a primary school and health care facilities. A full range of services and facilities are also available within the city of Colchester and the nearby town of Sudbury.
18. There are bus stops located on High Road, which are easily accessible by foot from the appeal site, offering a bus service to the nearby village of Nayland, as well as Colchester and Sudbury. From the evidence provided, the timings of this bus service appears to be suitable for those commuting to work and to provide access to primary and secondary schools. The Council contend that journeys via bus would take considerably longer than by car. However, from the timetables provided, the journeys do not appear to take significantly longer and would not require more than one bus service.
19. There is also a further bus service along the A134 providing transportation to these nearby settlements. This service is accessed via temporary bus stops in close proximity to the proposed entrance of the appeal site. The proposed development includes provision for permanent bus stops in this location which can be secured by condition, which would be easily accessible to the occupiers of the proposed dwellings.
20. As such, whilst there are limited services and facilities within Leavenheath itself, the future occupiers of the proposed dwellings would have a sustainable transport option and would not be wholly reliant on the use of a private vehicle to access the necessary services and facilities.

21. Consequently, the proposed dwellings would be located within an environmentally sustainable location which is appropriate for new housing and would not conflict with Policy SP03 of the JLP or the relevant sections of the National Planning Policy Framework which promotes sustainable development in rural areas, as outlined above.

School Transportation

22. Policy LP29 of the JLP states that where necessary, development will be expected to provide home to school transportation contributions. Due to the location of the appeal site, it would not be possible for children living in the proposed dwellings to walk to the closest primary or secondary schools. Therefore, a financial contribution towards school transportation is sought by the Council to provide this service free to the future occupiers, if required. During the hearing, the Council confirmed that such a contribution is not infrastructure covered by the Community Infrastructure Levy (CIL) Regulations.
23. This contribution was calculated by Suffolk County Council based on the number of pupils, daily cost of transport, number of school days and the number of years. This was calculated as £49,143 for five primary age pupils for seven years and £28,082 for four secondary age pupils for five years.
24. The signed Unilateral Undertaking (UU), submitted after the hearing, secures the provisions of this contribution to be payable to the County Council prior to the occupation of the first dwelling. I consider that the measures in the Undertaking, in relation to this main issue, are necessary, related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the National Planning Policy Framework. The Council also confirmed at the hearing that subject to the submission of a signed UU, that this reason for refusal would be resolved.
25. Therefore, the proposed development would make an appropriate contribution to school transportation and would accord with Policy LP29 of the JLP as outlined above.

Affordable Housing

26. Policy SP02 of the JLP states that on sites of ten or more dwelling or 0.5ha or more, contributions of 35% affordable housing will be required on greenfield sites. The proposed development includes 8 affordable dwellings, comprised of 2no. 1 bed apartments, 4no. 2 bedroom houses and 2no. 3 bedroom houses, which would represent 35% of the 23 dwellings proposed, in accordance with this policy.
27. The signed UU secures the delivery of this affordable housing and the Council confirmed at the hearing that this would resolve their reason for refusal in relation to this. I consider that the measures in the Undertaking, in relation to this main issue, are necessary, related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the National Planning Policy Framework.

28. Therefore, the proposed development would make an appropriate contribution to affordable housing and would accord with Policy SP02 of the JLP as outlined above.

SPA and Ramsar Site

29. At the hearing the Council confirmed that the appeal site does not lie within the Zone of Influence (Zol) for the Stour and Orwell Estuaries SPA and Ramsar Site and therefore, in line with the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), a financial contribution to mitigate any impacts on the designated European sites from the proposed development is not necessary. A map provided by the Council on 9 January 2025 demonstrates this.
30. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, as the appeal site and the proposed development is outside of the Zol for the identified designated European sites, there would be no likely significant effects from the proposal and, as such, an AA is not necessary.
31. Therefore, as the proposed development would not be located within the Zol for the Stour and Orwell Estuaries SPA and Ramsar Site, Policy SP09 of the JLP, which relates to development within the identified Protected Habitats Site Mitigation Zone, would not be relevant.

Other Matters

32. The Council included a reason for refusal relating to the impact upon surface water discharge and flooding in their decision notice. However, in their appeal statement they confirmed that this resulted from a dispute between Anglian Water and the appellant as to if the pumping and discharge rate into the Anglian Water system has been agree, which has now been resolved. Whilst Leavenheath appears to suffer from surface water drainage issues, as was raised by a number of local residents at the hearing, I can see that an appropriate drainage system has been proposed and agreed by the relevant parties. Therefore, I am satisfied that this reason for refusal has been overcome and the proposed development would acceptably deal with surface water discharge and would not result in additional levels of flooding elsewhere.
33. The Council also included a reason for refusal, relating to the lack of Biodiversity Net Gain as required by Policy LP16 of the JLP, in their decision notice. However, the appellant has since demonstrated that the proposed development can potentially deliver an overall gain of 28.18% for habitat units and 515.93% gain for hedgerow/linear features. As recommended by the Council's Ecological Consultant, a condition has been included to secure a Biodiversity Net Gain plan in relation to this. Therefore, I agree that the proposed development would provide a minimum of 10% Biodiversity Net Gain in accordance with Policy LP16 of the JLP and that this reason for refusal has been overcome.
34. In written representations and verbally during the Hearing, local residents raised concerns in relation to highway safety. In particular, the increased levels in traffic from the proposed development, the speed of vehicles travelling on the A134 and the proposed access onto the A134. I note that this A-road is particularly busy in

this location, however the speed limit is restricted to 30mph and although this may not be adhered to by some road users, I have no evidence before me in this regard. Furthermore, I can see that an appropriate vehicular access onto the A134 has been proposed, to which the Council and the Highways Authority have not objected, and from the evidence provided, I am satisfied that the number of vehicle movements from the proposed development can be sufficiently accommodated, particularly as the access leads directly onto the A134. Therefore, from the evidence provided, I conclude that the proposed development would not result in harm to highway safety.

35. Concerns were also received in relation to foul drainage, wildlife, the impact upon existing services and facilities and various other matters. However, there is no substantive evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council or statutory consultees in regard to these matters, that I have not already covered. Therefore, none of these concerns raised provide a compelling reason why planning permission should not be granted.
36. In their statement, the Council have brought two appeal decisions¹ to my attention for development in villages relatively close to the appeal site. However, in both of these instances the Inspector found the proposed development conflicted with the Council's local development strategy, including Policy SP03 of the JLP. Therefore, these decisions are not directly comparable to the appeal before me.

Conditions

37. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision. Conditions have been included relating to sound insulation, noise from air source heat pumps, restrictions on construction hours, prohibition on burning and the submission of a construction management plan, to ensure the development does not impact upon the living conditions of the occupiers of neighbouring dwellings.
38. Conditions relating to the implementation of hard and soft landscaping to be managed in accordance with the submitted management plan have been included in the interests of amenity. However, reference to the submission of details in relation to the attenuation basin's grass/wildflower seed mix, has not been included as this has already been sufficiently detailed within the landscaping plan. Furthermore, a separate condition is included to require the submission of details in relation to boundary treatments to ensure that these do not have a detrimental impact upon the character and appearance of the site and surrounding area.
39. Conditions relating to the provision of visibility splays, a vehicular access road, estate roads and footpaths, parking and manoeuvring areas and recycling and refuse areas, have been included to ensure highway safety for pedestrians and road users. Conditions relating to bus stop improvements, a crossing and footway on the A134 and the provision of bicycle storage areas are included to ensure the promotion of sustainable transport modes and provide safe and suitable access for all users in accordance with the Framework.

¹ APP/D3505/W/23/3323892 and APP/D3505/W/23/3314690

40. A condition relating to the submission of an arboricultural method statement has been included to ensure the protection of the trees to be retained on and along the boundaries of the appeal site. I have also included conditions regarding the provision of a construction environmental management plan, biodiversity enhancement strategy, reptile method statement and biodiversity net gain plan, along with a condition requiring lighting to be installed in accordance with the submitted documentation and mitigation measures to be carried out in accordance with the details contained in the preliminary ecological appraisal and breeding bird survey. These conditions are necessary to conserve protected and priority species identified. A condition relating to the delivery of zero carbon dwellings is also included in the interest of sustainable design.
41. A condition relating to the assessment of and mitigation against ground contamination on the appeal site is included to ensure the risks posed by any contamination is suitably dealt with. Three conditions relating to surface water drainage for the development and during construction works are included to ensure that the development does not cause an increased flood risk in the area.
42. A number of these conditions are pre-commencement conditions. The appellant has confirmed, during the hearing and within the statement of common ground, that they find these conditions acceptable.
43. Although included within the list of suggested conditions, a condition restricting permitted development rights in relation to windows, doors and other openings on the northern elevation of several of the dwellings has not been included. As this elevation would not directly face neighbouring properties and therefore any additional openings would not result in a loss of privacy to the occupiers of any neighbouring dwellings.

Conclusion

44. For the reasons given above the appeal is allowed.

E Grierson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christopher Loon	Director, Springfield Planning and Development
Martin Doughty	Director, Richard Jackson Engineering Consultants

FOR THE LOCAL PLANNING AUTHORITY:

Rose Wolton	Senior Planning Officer, Babergh District Council
Jasmine Whyard	Principal Planning Officer, Babergh District Council

INTERESTED PERSONS

Samantha Cooper	Local Resident
Pat Morgan	Local Resident
Vicki Saliba	Local Resident
Jeffery Laurence	Local Resident
Mr Skinner	Local Resident
Anne Mayers	Local Resident
Anne Tompkins	Local Resident
Richard Amott	Local Resident
Malcolm Jones	Local Resident

DOUCMENTS SUBMITTED AT THE HEARING

1. 'Appellant's comments on Babergh 5 year housing land supply', dated 13 January 2025, submitted by the Appellant.

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 22/62/01, 22/62/05 Rev B, 22/62/08 Rev A, 22/62/09, 22/62/10 Rev A, 22/62/11, 22/62/12, 22/62/13, 22/62/14 Rev A, 22/62/15, 22/62/16, 22/62/17, 22/62/18, 22/62/19, 22/62/20, 22/62/21, JBA 22-221-01 Rev D, JBA 22-221-02 Rev D, JBA 22-221-SK01 Rev A, 61826-PP-005, 61826-PP-006, 61826-PP-001 Rev F, 61826-PP-004 Rev A and 61826-PP009 Rev A.
- 3) Prior to the commencement of any works, an Arboricultural Method Statement shall be submitted to and approved, in writing, by the local planning authority. The development shall thereafter take place in accordance with the approved details.
- 4) Prior to commencement, a scheme of sound insulation for the proposed residential development shall be submitted to the local planning authority and approved in writing. The approved scheme shall then be implemented in full prior to the first occupation of the residential units.
- 5) A full acoustic assessment relating to the air source heat pumps noise from the site shall be undertaken in accordance with "MCS 020 – MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises". This assessment shall be carried out by a competent person and confirmation of the findings of the assessment and any recommendations shall be submitted to and approved, in writing, by the local planning authority, prior to the commencement of any works. This shall include both the proposed properties and those already established and any mitigation to be included in the sound insulation scheme in condition 4.
- 6) Operations related to the construction (including site clearance) phases of the development hereby permitted shall only operate between the hours of 07:30 and 18:00hrs Mondays to Fridays and between the hours of 08:00 and 13:00hrs on Saturdays. There shall be no construction related operations on Sundays and Bank Holidays. There shall be no HGVs arriving at or departing the site outside of these approved hours.
- 7) No burning shall take place on site at any stage during site clearance, demolition or construction phases of the project.
- 8) No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved, in writing by the local planning authority. The CMP shall include details of:
 - Operating hours (to include hours for delivery)
 - Details of the scheduled timing/phasing of the development of the overall construction period
 - Means of access, traffic routes, vehicle parking and manoeuvring areas (site operatives and visitors)
 - Protection measures for footpaths surrounding the site

- Loading and unloading of plant materials
- Wheel washing facilities
- Lighting
- Location and nature of compounds, portaloos and storage areas (including maximum storage heights) and factors to prevent wind-whipping of loose materials
- Waste storage and removal
- Temporary buildings and boundary treatments
- Dust management measures
- Method of any demolition to take place, including the recycling and disposal of materials arising from demolition
- Noise and vibration management (to include arrangements for monitoring, and specific method statements for piling)
- Litter and waste management during the construction phases of the development
- Measures to minimise the impact on air quality, for example, the use of the cleanest construction equipment available, the use of zero emission machinery, HGVs serving the site avoiding routes through Air Quality Management Areas, prohibitions on vehicles/machinery idling.

Thereafter, the approved CMP plan shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the local planning authority.

- 9) Prior to the occupation of the development hereby permitted, all soft landscaping and hard landscaping works shall take place in accordance with Drawings JBA 22-221-01 Rev D, JBA 22-221-02 Rev D and JBA 22-221-SK01 Rev A and retained thereafter.
- 10) Prior to the occupation of the development hereby permitted, details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as in accordance with the approved details before the buildings are occupied.
- 11) All landscaping shall be managed and maintained in accordance with the Landscape and Ecological Management Plan ref: JBA 22/221 (February 2023).
- 12) Before the access hereby permitted is first used, vehicular splays shall be provided as shown on drawing no. 61826-PP-001 Rev F with an X dimension of 2.4 metres and a Y dimension of 70 metres to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.
- 13) No part of the development shall be commenced until details of the vehicular access road have been submitted to and approved, in writing by the local planning authority. The approved access shall be laid out and constructed in

its entirety prior to occupation of the final dwelling. The access shall be retained in its approved form.

- 14) Before the development is commenced, details of the estate roads and footpaths (including layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage), shall be submitted to and approved, in writing, by the local planning authority, and retained thereafter. No dwelling shall be occupied until the roads and footpaths serving that dwelling have been constructed in accordance with the approved details.
- 15) Before the development is commenced, details of the areas and infrastructure to be provided for the manoeuvring and parking of vehicles, including electric vehicle charging points, shall be submitted to and approved, in writing, by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
- 16) Before the development is commenced, details of the areas to be provided for secure, covered and lit cycle storage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
- 17) Before the development is commenced, details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved, in writing, by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 18) Prior to first occupation, the two local bus stops on A134 Nayland Road shall be improved to provide easy access for pedestrians (DDA kerbs) and include bus stops markings, poles, flags and timetable cases as indicatively shown on Drawing No. 61826-PP-001 Rev F.
- 19) No part of the development shall be commenced until details of the proposed off-site highway improvements (proposed footway and crossing) indicatively shown in Drawing No. 61826-PP-001 REV F has been submitted to and approved, in writing, by the local planning authority. The approved scheme shall be laid out and constructed in its entirety prior to occupation.
- 20) Prior to commencement of the development hereby approved: a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved, in writing, by the local planning authority and shall include the following:
 - Risk assessment of potentially damaging construction activities
 - Identification of biodiversity protection zones
 - 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)
 - The location and timing of sensitive works to avoid harm to biodiversity features
 - The times during construction when specialist ecologists need to be present on site to oversee works

- Responsible persons and lines of communication
- The role and responsibilities on site of an ecological clerk of works or similarly competent person
- Use of protective fences, exclusion barriers and warning signs.

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.

- 21) Prior to commencement of any works a Biodiversity Enhancement Strategy, for the entire site, shall be submitted to and approved, in writing, by the local planning authority. The content of the Biodiversity Enhancement Strategy shall accord with the recommendations of the Preliminary Ecological Appraisal (James Blake Associates, August 2022) and include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- Detailed designs or product descriptions to achieve stated objectives
- Locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- Persons responsible for implementing the enhancement measures; and
- Details of initial aftercare and long-term maintenance (where relevant).

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

- 22) All lighting to the roads and parking courts shall be installed prior to first occupation, in accordance with the Lighting Design Strategy for Biodiversity (James Blake Associates, December 2023), Outdoor Lighting Report (27 February 2024), Outdoor Lighting Report - Light Spill Calculation (27 February 2024) and Letter (JCN, 7 March 2024) and maintained thereafter.

No other external lighting, including where sited adjacent to the existing and proposed footpaths to the north of the site, shall be installed unless details of a lighting design scheme are first submitted to and agreed in writing with the local planning authority.

- 23) All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (James Blake Associates, August 2022), Addendum to Preliminary Ecological Appraisal (James Blake Associates, December 2023) and Breeding Bird Survey (James Blake Associates, June 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

- 24) Prior to the commencement of any works, a Reptile Method Statement shall be submitted to and approved, in writing, by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to reptiles during the construction phase.

The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

- 25) Prior to the commencement of any works, a Biodiversity Net Gain Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development shall be submitted to and approved, in writing, by the local planning authority. The net biodiversity impact of the development shall be measured in accordance with the Statutory Biodiversity Metric as applied in the area in which the site is situated at the relevant time. The content of the Biodiversity Net Gain Plan shall include the following:

- a. Proposals for the on-site biodiversity net gain;
- b. A management and monitoring plan for onsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Net Gain Plan.

- 26) The dwellings shall be delivered as Zero Carbon and Zero Fossil Fuel, in accordance with the Energy and Sustainability Strategy Revision B (June 2023).
- 27) No development shall take place until:
1. A strategy for investigating any contamination present on site (including ground gases, where appropriate) has been submitted for approval by the local planning authority.
 2. Following approval of the strategy, an investigation shall be carried out in accordance with the strategy.
 3. A written report shall be submitted detailing the findings of the investigation referred to in (2) above, and an assessment of the risk posed to receptors by the contamination (including ground gases, where appropriate) for approval by the local planning authority. Subject to the risk assessment, the report shall include a Remediation Scheme as required.
 4. Any remediation work shall be carried out in accordance with the approved Remediation Scheme.
 5. Following remediation, evidence shall be provided to the local planning authority verifying that remediation has been carried out in accordance with the approved Remediation Scheme.
- 28) Prior to first occupation of any dwelling hereby approved, the approved drainage strategy for the disposal of surface water, including off site remediation works, shall be implemented in accordance with the following documents by Richard Jackson Engineering Consultants:
- Site-Specific Flood Risk Assessment (Ref: 61826, dated: 27 June 2023)
 - Drawing ref: 61826-PP-004 Rev A
 - Letter dated 13th Oct 2023 (ref: 61826/OCS)
 - Drainage Position Statement, Ref: 61826, dated: 20 September 2024

- Drawing 61826-PP-009A dated 9 September 2024.

The surface water drainage system shall thereafter be managed and maintained in accordance with the approved strategy.

- 29) Within 28 days of practical completion of the last dwelling or unit, a surface water drainage verification report shall be submitted to the local planning authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
- 30) No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on site during construction (including site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:
 - Temporary drainage systems
 - Measures for managing pollution/water quality and protecting controlled waters and watercourses
 - Measures for managing and on or offsite flood risk associated with construction

END OF SCHEDULE