

Appeal Decision

Site visit made on 21 February 2025

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

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/Y3940/W/24/3352160

Land Rear of 117 High Street, Dilton Marsh, Wiltshire BA13 4DP

- 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 Dilton Marsh LVA LLP against the decision of Wiltshire Council.
- The application Ref is PL/2023/01880.
- The development proposed is proposed development of up to 54 dwellings, including 30% affordable, and supporting infrastructure.

Decision

1. The appeal is allowed and planning permission is granted for proposed development of up to 54 dwellings, including 30% affordable, and supporting infrastructure on land to the rear of 117 High Street, Dilton Marsh BA13 4DP in accordance with the terms of the application, Ref PL/2023/01880, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appeal development was originally submitted for up to 62 dwellings; however, by way of agreement between the principal parties, it has now been revised to up to 54 dwellings and it is on this basis that I have considered the appeal. I do not consider that any party has been prejudiced by this change in the proposed number of dwellings. The original description of development in the banner heading has been amended accordingly in the interests of clarity.
3. Since the appeal was lodged, the National Planning Policy Framework (NPPF) was updated on 12 December 2024. I am satisfied that the main parties have had an appropriate opportunity to consider the relevant updated national planning policy in preparing their evidence for this appeal.
4. Three reasons for refusal were offered by the local planning authority (LPA) when it determined the application. There has since been a significant shift in the Council's position following firstly, the outcome of recent appeal decisions¹ when it was determined that the LPA was only able to demonstrate a 3.85 years housing land supply and that, in applying the tilted balance under paragraph 11d(ii) of the National Planning Policy Framework (the 'Framework'), the adverse impacts of granting planning consent are not considered by the Council to outweigh the benefits. Accordingly, the Council confirmed that it would not be defending Reason No.1.
5. Secondly, following the submission of amended information subsequent to the Council's decision relating to bat surveys and a reduced developable area, which has been the subject of consultation with and a favourable response from Natural England, the Council has confirmed it no longer wishes to defend Reason No.2.

¹ APP/Y3940/W/24/3340811 and APP/Y3940/W/24/3343787

6. An executed agreement pursuant to Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) and dated 27 January 2025 has been received by the Planning Inspectorate. The S106 agreement includes obligations concerning, amongst other things, early years education contribution, public open space, affordable housing, household waste and sport and recreation. I return to the matter of the planning obligations later in this decision.
7. Based on the above, an agreed revised Statement of Common Ground was submitted that confirmed the Council now shares the same position as the appellant on the planning merits of the proposal and that the Council no longer wished to defend the appeal due to the change in the housing land supply position. There are thus no matters of substantive dispute between the Council and the appellant.
8. The Council has submitted the Wiltshire Local Plan for Examination. However, given no hearings have taken place yet, it is of limited weight. The Council has relied on its existing development plan that is considered below.

Main Issues

9. The application proposals have generated significant levels local objection. Given the appreciable local objection that remain to the scheme and that the reasons put forward by the Council align closely with matters of local concern, notwithstanding the Council's formal position, they remain the main issues for the appeal.
10. The main issues are:
 - whether the site is within a suitable location for housing having regard to local and national planning policies
 - the effects on ecology
 - whether the planning obligations satisfy the statutory tests.

Reasons

Suitable location

11. The adopted Development Plan comprises the Wiltshire Core Strategy 2015 (the 'WCS') and the Wiltshire Housing Sites Allocation Plan 2020 (the 'WHSAP'). The site is not allocated for development in either the WCS or WHSAP and lies outside the limits of development of Dilton Marsh, which is classified as a Large Village in the 4-tier settlement strategy as defined in WCS Core Policy 1. WCS Core Policy 2 sets out the delivery strategy, with a distribution strategy and indicative housing requirement figure set out for each settlement and community area. It also establishes the presumption in favour of developments within the limits of development and explains that housing developments outwith should not be permitted except in limited circumstances, which do not apply in this case.
12. Core Policy 2 continues that the limits of development should only be altered through the identification of sites through the WHSAP or a neighbourhood plan. The Dilton Marsh Neighbourhood Plan (NP) has progressed to Regulation 15 stage but as there are significant unresolved objections to this Plan, the NP cannot be afforded significant weight at this time, a position which has been agreed by the Council. Policy CP2 identifies a requirement that at least 42,000 additional homes are built in Wiltshire between 2006 and 2026 across three Housing Market Areas (HMA) with an overall minimum housing requirement of 24,740 for the North and West Wiltshire HMA within which lies the Westbury Community Area (WCA) that includes Dilton Marsh. Policy CP32 provides further specific policy for the WCA and identifies 1,615 new homes, of which 1,500 will be

provided at a strategic site in Westbury with the remaining 115 homes provided in the rest of the WCA, including Dilton Marsh and the smaller tier village of Bratton.

13. I would accept the appellant's arguments that Policy CP1 does not refer to developments falling outside the development boundaries as being inherently unacceptable but rather emphasises the requirements that new developments at these settlements should meet the identified needs and/or where delivering improved employment, services and facilities. It is understood that the Council is presently failing to deliver both market housing and affordable local needs housing to meet its housing requirements. This failure in my view is further compounded by the delay in promoting either a Site Allocations DPD or Neighbourhood Plan. Despite the provision of small-scale housing on sites elsewhere within the WCA, there remains a need to bridge the significant gap between housing delivery and the growth that was originally envisaged in the WCS.
14. Although the housing scheme would assist in delivering the housing requirements set out in CP2, it is clear that because of its location, the appeal development would be in overall conflict with the Council's spatial strategy, which was adopted in the context of the Framework. It would therefore be contrary to Core policies 1, 2 and 19 which together set out the overarching settlement strategy and delivery strategy for Wiltshire. Thus, there would be an in-principle policy harm owing to the conflict with the settlement strategy set out in CS Core Policies 1, 2 and 32. I return to this in the Planning Balance later.

Ecology

15. Following concerns from the Council and third parties that parts of the site provide important navigating routes and foraging habitats for bats, additional bat surveys and botanical surveys of the grassland on site were undertaken in 2024. The additional surveys supplemented the findings of the ecology report submitted with the application and reconfirmed that the grassland areas that would be lost to development are only rarely used by bats for foraging. Those areas important for foraging were identified and the scheme subsequently redesigned to incorporate suitable ecological buffers along the northern and western boundaries of the site together with the retention of the lowland meadow.
16. The Statement of Common Ground confirms that there is agreement that the combination of ecological buffers, retention of areas of lowland meadow and restricting lighting would result in no adverse impacts on horseshoe bat populations associated with the Bath and Bradford on Avon Special Area of Conservation (SAC) which is located 12km to the north. The mitigation proposed would maximise the area of connecting green space along the western and northern boundaries and include large areas of informal open space and their appropriate management. The appellant confirms that the various ecological mitigation and enhancements would result in a 11% biodiversity net gain (BNG) subject to conditions requiring the detailed design and implementation of a LEMP.
17. The Salisbury Plain Special Protection Area (SPA) site lies 3km to the east and thus within the 6.4km buffer zone of the SPA. The qualifying feature of the SPA is the Stone curlew with the chalklands also important for the Marsh Fritillary butterfly, hen harrier and common quail populations, and likely significant effects (LSE) would arise from all residential development within the buffer of the SPA, due to increased recreational pressure from visitors. My attention was drawn to an appeal decision at Glenmore Farm in Westbury² where it was explained that the Council, as Competent Authority in the first instance, has a Habitats Regulations Assessment (HRA) for the CS and a HRA for the Wiltshire Housing Site Allocations Plan. The Appropriate Assessment (AA) reached a conclusion that housing growth would not have an adverse effect on the integrity of the Salisbury Plain SPA, either alone or in-combination with other plans and projects, provided that the mitigation scheme continues to be implemented. This is secured by the

² APP/Y3940/W/24/3345598

Council through its Community Infrastructure Levy (CIL) and would include a receipt from this development.

18. Nonetheless, the proposal would be unplanned development and could contribute to an effect not mitigated for by the Council's HRAs. However, given the scale of development in comparison to the size of the buffer zone, this effect would be minimal. Additionally, the scale of public open space on site would absorb a significant amount of everyday recreational activity by new residents. Therefore, I am satisfied that with the mitigation from the CIL payment, and the amount of onsite public open space, the scheme would not adversely affect the integrity of the Salisbury Plain SPA.
19. *Bath and Bradford on Avon Special Area of Conservation (SAC)* - The site lies within the zone of medium risk for the SAC. The qualifying features are 3 bats, Bechstein's bat (*Myotis bechsteinii*), Greater horseshoe bat (*Rhinolophus ferrumequinum*) and Lesser horseshoe bat (*Rhinolophus hipposideros*), with the conservation objectives being to ensure the integrity of the site is maintained or restored, to ensure favourable conservation status of the qualifying features. LSE effects would arise from increased recreational pressure at woodlands used by Bechstein's bat for breeding and loss or damage to bat habitats. Natural England also identified that in the Trowbridge area, there is a need to maintain the presence, structure and quality of any linear landscape features which function as flightlines. These should remain unlit, operating as dark corridors.
20. However, the open space parameters plan, illustrative masterplan and the ecology evidence details a significant buffer of more than 100m to the northern hedgerow, which would be maintained as high quality semi-natural greenspace, of value to the qualifying features. All core bat habitat would also be buffered from development by at least a 22.5m corridor of natural habitat. The central hedge would be retained, there would be significant native tree and scrub planting, an orchard, new hedgerows and other species specific mitigation. Additionally, an 'alternative space for recreation' would be proposed in the northern half of the site to encourage residents to walk and or exercise dogs on-site. Resident's packs are also to be provided.
21. Providing that these measures are subject to conditions, such as construction environmental management plan, a landscape and ecology management plan, and external lighting, the proposed mitigation would ensure that the proposal would not adversely affect the integrity of the SAC through any habitat loss on site.

Planning Obligation

22. The planning obligation would provide:
 - an early years contribution towards the funding of pre-school places.
 - 30% of the residential units to be affordable housing, split 60% affordable rent, 25% shall be first homes as defined and 15% shared ownership
 - Waste and recycling contribution towards the provision of containers.
 - Open space and subsequent management
 - Leisure contribution towards off site sports provision.
 - Off-site highway improvement works and travel plans
 - S106 Monitoring fee
 - Public rights of way improvement contribution
23. Based on the evidence before me, all the obligations would be necessary to make the development acceptable; would be directly related to the development; and would be fairly and reasonably related in scale and kind to the development. This would be compliant with the tests in the Framework and the Community Infrastructure Regulations.

Other Matters

24. The application was supported by a Transport Assessment. Emerging from this assessment, it is apparent that a safe access onto High Street can be accommodated. National Highways raised concerns with regards to increased right turning movements at the junction of A36/Marsh Road onto the northbound carriageway, which has a collision history, a position also highlighted by local residents. Following the submission of a Safety Risk Assessment and Stage 1 Road Safety Audit, National Highways have agreed a scheme of works to improve visibility and signage at this junction and subject to a suitably worded condition to ensure that improvement works take place prior to occupation of any of the dwellings on site, have no objection to the appeal scheme. Although the triggers in relation to the implementation of the highway works shown in the section 106 Obligation is different to that recommended as planning condition, I am satisfied that the Council has the power to require compliance with the planning condition and that this would take precedence over the wording of the section 106.
25. The site is located on the settlement edge of Dilton Marsh, which has some local facilities including a village school, church, a social club and some small-scale commercial establishments. The site lies within 1.5km of the edges of the higher order market town of Westbury, which includes doctor's surgery and health centre, a pharmacy, a small number of shops including a small supermarket and a pub and hot food takeaways. Westbury town centre lies some 2.6km of the site where there are a full range of facilities consistent with a town of this size, including a number of supermarkets and shops, a swimming pool, secondary school and library. There are two bus routes with the nearest bus stop at Holy Trinity Church, which link the village with Westbury and other large towns. Although there will be a propensity for some residents to use the car, at these distances, walking and cycling are viable options. The village also benefits from the railway station and request stop which lies some 800m to the east and serves other stations on the Wessex Main Line, including an interchange at Westbury to services in the region and beyond.
26. Overall, the location of development is likely to result in future residents relying on the private car for some journeys. However, there are realistic means of accessing existing services and facilities in close proximity using sustainable travel modes. Thus, the proposal would be in a suitable location.
27. Although some local residents raised the matter of potential flood risk, the appellant's flood risk assessment includes flooding measures including avoiding areas identified as having a high risk of flooding together with specific design measures and sustainable urban drainage systems. The Council raise no objection subject to an appropriate condition to secure those drainage measures.
28. Although occupiers of existing houses raised the issue of potential overlooking, as an outline application, the precise details will be reserved for future consideration. This matter was not raised as an issue by the local planning authority and I did not see that the matter could not be resolved by careful design and siting.

Planning Balance

29. The appeal development is in conflict with the Council's CS settlement strategy, and this carries significant weight. The Council however has conceded that it cannot demonstrate a 4-year supply of deliverable housing, and this has been supported by colleagues at recent appeals. I have no counter evidence before me and can only conclude that the Council's settlement strategy is not operating effectively or adequately to bring forward much needed new homes and affordable housing. Although my attention has been drawn to the Council progressing its new Local Plan, which will inevitably respond positively to these challenges, its present status does not permit me to give any meaningful weight to this emerging plan at this time. It therefore follows that the presumption in favour of sustainable development as outlined in paragraph 11d) (ii) of the Framework is engaged.

This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

30. The delivery of much needed market and affordable housing carries significant weight in the balance. In addition, there would be biodiversity net gain, public open space, employment generation during construction, increased local spending thereafter and off-site highway improvements. These would also weigh in favour of the appeal scheme.
31. Given all this, I am satisfied that the site is sustainably located and the development would meet core objectives in the Framework that are directed towards making effective use of land, securing well-designed places and in providing affordable homes, all of which the proposal would achieve. Consequently, the adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the material considerations indicate a decision other than in accordance with the development plan should very reasonably be made.

Conditions

32. A comprehensive list of conditions was included in the Statement of Common Ground in the event of the appeal being allowed, which I have considered and found the wording in the context of the Planning Practice Guidance acceptable. In addition to the standard time limit conditions, I have included a condition specifying which reserved matters should be submitted and specifying the need to make provision for access and public open space whilst establishing the upper limit of number of homes to provide certainty.
33. A number of conditions are necessary to establish minimum standards of means of access and footways, improvements to the A36, including appropriate implementation timescales, together with the submission and agreement of travel plans, all in the interests of highway safety and to enable sustainable travel.
34. A condition is necessary requiring the agreement of materials to be used in external finishes to protect the character and appearance of the area.
35. A condition is necessary so that surface water drainage facilities are agreed and implemented to ensure that risks from flooding are adequately managed.
36. A CEMP is necessary to properly manage construction activities in the interests of residential amenity and to ensure that ecological mitigation and subsequent management thereof is secured in the interests of protecting/enhancing biodiversity. For the same reason, a condition requiring the submission, approval and implementation of a LEMP is also necessary.
37. A condition requiring prior approval and specification of external lighting is necessary so that external spillage of lighting is avoided to conserve biodiversity.
38. I have included a condition requiring the implementation and subsequent management of the approved landscaping reserved matters to protect character and appearance.

Conclusion

39. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

Gareth W Thomas

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. An application for approval of the reserved matters specified in Condition 3 below, shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. No development shall commence until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the local planning authority:
 - The scale of the development;
 - The layout of the development;
 - The external appearance of the development;
 - The landscaping of the site.

The development shall be carried out in accordance with the approved details. The reserved matters shall be submitted as a single phase, unless otherwise agreed by the local planning authority.

4. The development hereby permitted shall make provision for the following:
 - Access from the High Street;
 - Up to 54 dwellings; and
 - Public Open Space.

The 'layout of the development' and the 'scale of the development' (as to be submitted and approved under condition no. 2) shall accommodate the above broadly in accordance with the following plans:

- BNG Plan (Ref: LVA103_3601F);
- and Ecological Parameters Plan (Ref: 1321.v7).

Prior to commencement of the development, a programme, or phasing plan, for the delivery and completion of the dwellings and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings and the public open space(s) shall then be delivered and completed in accordance with the approved programme.

5. No development shall commence on site until full technical details of the new site junction with High Street and the scheme of footways, as detailed on drawing Site Access Highway Layout Plan 19536-PHL-01 Rev C have been submitted to and approved in writing by the Local Planning Authority. The new junction and footways shall be provided in accordance with the approved details prior to any part of the development being commenced, or to any alternative timetable which shall have firstly been submitted to and approved in writing by Local Planning Authority, and it shall be maintained as such thereafter. No part of the development shall be first occupied until the visibility splays (2.4m x 43m) shown on the site access general arrangement, drawing PHL-01 Rev C, have been provided with no obstruction to visibility at or above a height of 0.6m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

6. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, road sewers, road drains retaining walls, service routes, surface water outfall, vehicle overhang margins, swept paths, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.
7. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
8. No development shall commence until a Residential Travel Plan (RTP) has been submitted to and approved in writing by the local planning authority. The approved RTP shall be implemented prior to first occupation of the development.
9. The development hereby permitted shall not be occupied or brought into use unless and until a scheme of highways works on the A36 is completed and available for use. The works shall be implemented in accordance with Neil Brant Consultants Drawing Number PHL-01 Rev E, titled Offsite Highways Works Option 1 and dated 26 September 2023, subject to any necessary changes identified during the detailed design and Road Safety Audit process, unless otherwise agreed in writing by the local planning authority.
10. No development shall take place above slab level until the exact details and samples of the materials to be used for all of the external walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
11. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveways), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The details supplied will include:
 - Full details of the surface water features proposed including a layout plan and cross sections;
 - The greenfield runoff rates, and proposed discharge rates for the whole site demonstrating that the applicant has complied with the Wiltshire Council betterment policy to provide 20% betterment over pre-development (greenfield) discharges for both peak flow and volume, with run-off rates provided for a range of return periods (1, 30 and 100 year), and pre and post development runoff volumes for the 100 year, 6 hour rainfall event.
 - An overland flow plan demonstrating that the proposed mitigation measures / berm-creation works will not alter overland flow paths and result in an increase in local flood risk to adjacent people / property / infrastructure;
 - Proposed groundwater mitigation / control measures;
 - How overland exceedance flows in excess of the 1 in 100 year + climate change storm will be wholly and safely managed on site; and
 - Details of the management and maintenance arrangements for the surface water infrastructure proposed.

The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

12. The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- (i) An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
 - (ii) A description of management responsibilities;
 - (iii) A description of the construction programme;
 - (iv) Site working hours and a named person for residents to contact;
 - (v) Detailed Site logistics arrangements;
 - (vi) Details regarding parking, deliveries, location of any generators, temporary site accommodation and storage/loading;
 - (vii) Details regarding noise, dust and mud mitigation;
 - (viii) Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
 - (ix) Communication procedures with the local planning authority and local community regarding key construction issues – newsletters, fliers etc;
 - (x) Details of how surface water quantity and quality will be managed throughout construction;
 - (xi) Details of the safeguarding measures to deal with the following pollution risks:
 - a) the use of plant and machinery;
 - b) wheel washing and vehicle wash-down and disposal of resultant dirty water
 - c) oils/chemicals and materials
 - d) the use and routing of heavy plant and vehicles
 - e) the location and form of work and storage areas and compounds
 - f) the control and removal of spoil and wastes
 - (xii) Details of safeguarding measures to highway safety to include:
 - A Traffic Management Plan (including signage drawing(s))
 - Routing Plan
 - Details of temporary/permanent Traffic Regulation Orders
 - pre-condition photo survey - Highway dilapidation survey
 - Number (daily/weekly) and size of delivery vehicles.
 - Number of staff vehicle movements.
 - (xiii) In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - a) How the retained lowland meadow will be protected during construction works and detailed turf translocation method statement.
 - b) Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of 'alternative space for recreation'.
 - c) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
 - d) Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, badger and dormice.
 - e) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
 - f) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - g) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Other areas of grassland outside of the lowland meadow to be lost under the Proposed Development Area would be subject to a further botanical survey by an appointed ecologist/ECOW to establish whether any further areas are worthy of translocation. The retained Lowland Meadow, including that to be subject to the translocation works, would be pegged out and subject to protective fencing and condition monitoring throughout the duration of construction works.

Development shall be carried out in strict accordance with the approved CEMP.

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

13. No external lighting shall be installed anywhere within the site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publications 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note 08/23 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals. The plans will demonstrate how lighting levels will not exceed 0.5lux within the 'Dark Bat Habitat' and Lowland Meadow as defined on the Ecological Parameters Plan (Ref: 1321.v7). The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed without written approval of the local planning authority.
14. No development shall commence on site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the approved Biodiversity Net Gain Plan (Ref: LVA103_3601F) and Ecological Parameters Plan (Ref: 1321.v7). The LEMP will include:
 - A plan defining the extent of lowland meadow habitat and measures to ensure the loss of this habitat is minimised, and how the retained and translocated areas will be maintained and restored;
 - A plan specifying the location and type of integral bird nesting features (including for swift) and bat roosting features to be provided. Numbers to be provided in line with best practice guidelines;
 - Distinguishing between formal and informal open space and land required to meet mitigation and enhancement objectives;
 - Details of how habitats created will be managed to achieve biodiversity enhancement or the duration of the development;
 - A mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets; and
 - Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented as approved in full and for the lifetime of the development in accordance with the approved details

15. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the

building(s) or the completion of the development whichever is the sooner, or in accordance with a programme to be agreed in writing with the local planning authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

Richborough