



Appeal Decision

Inquiry held on 15 – 17 and 21 – 23 January 2025

Site visits made on 22 and 23 January 2025

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th April 2025

Appeal Ref: APP/M1520/W/24/3351658

Land adjoining 451-469 Daws Heath Road, Hadleigh, Essex SS7 2UG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Alex Harrison (Countryside Partnerships, Eastern Home Counties) against the decision of Castle Point Borough Council.
 - The application is referenced 22/0484/FUL.
 - The development proposed is construction of 173 new dwellings including public open space, landscaping, access, drainage, parking, servicing, utilities and all associated infrastructure and ancillary buildings.
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Decision

1. The appeal is allowed and planning permission is granted for construction of 173 new dwellings including public open space, landscaping, access, drainage, parking, servicing, utilities and all associated infrastructure and ancillary buildings at Land adjoining 451-469 Daws Heath Road, Hadleigh, Essex SS7 2UG in accordance with the terms of the application Ref 22/0484/FUL, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. A revised Framework¹ which amongst other things introduced the concept of Grey Belt was published during the course of the appeal prior to the Inquiry, where the revised Framework was addressed.
3. Updates to Green Belt Planning Practice Guidance² were published in February 2025. The main parties have been afforded the opportunity to comment on this guidance in writing on that matter only. I have taken the comments into account where they relate to that guidance.
4. I must make my decision based on the version of the Framework and the guidance in place at the time of my decision.
5. It is common ground that there are no saved policies in the Castle Point Borough Council Local Plan (1998) (LP) relevant to the control of development in the Green Belt. With regard to this matter my assessment has been made in line with the Framework. It is also common ground that there are saved policies within the LP

¹ Ministry of Housing, Communities & Local Government, National Planning Policy Framework, December 2024.

² Guidance Green Belt 'Advice on the role of the Green Belt in the planning system' Ministry of Housing, Communities and Local Government.

which are relevant relating to non-Green Belt matters and that the proposal is in accordance with those policies.

Main Issue

6. The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the Framework.

Reasons

Whether inappropriate development

7. The Framework at paragraph 155 states that the development of homes in the Green Belt should not be regarded as inappropriate where; a) The development would utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; b) There is a demonstrable unmet need for the type of development proposed; and c) The development would be in a sustainable location.
8. It is common ground between the main parties that the proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The proposal relates to a small section of the much larger Green Belt.
9. It is also common ground that there is a demonstrable unmet need for the type of development proposed. At the Inquiry, it was agreed between the main parties that the Council cannot demonstrate a five year supply of deliverable housing sites with the supply at a very low level of between 0.55 and 0.69 years³.
10. There is further agreement that the development would be within a sustainable location. Hadleigh could easily be accessed on foot from the site where a range of services and facilities are available.
11. The main parties also agree that the proposal meets the 'Golden Rules' which are set out in Paragraph 156 of the Framework. Affordable housing would be provided at 50% of the total number of dwellings on site whilst necessary improvements to infrastructure would be made and the proposal would provide extensive open space that will be accessible to the public. These matters are secured through the planning obligation under S106.
12. Grey Belt⁴ includes land that does not strongly contribute to any of the following Green Belt purposes identified within paragraph 143 of the Framework; a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another and d) to preserve the setting and special character of historic towns. Purpose d) is not relevant to this site and I shall not consider that further. In this case it is purpose a) and b) that are relevant to the assessment of whether this site is Grey Belt. The application of the policies relating to the areas or assets within footnote 7 of the Framework other than Green Belt do not provide a strong reason for refusing or restricting development.
13. The appeal site is situated to the south of Daws Heath and the boundaries of rear gardens at properties including those on Fairmead Avenue and Haresland Close border the appeal site. The proposal would therefore form an extension to Daws

³ CD 10.3 Updated Housing Land Supply Statement of Common Ground.

⁴ National Planning Policy Framework 2024, Annexe 2, Glossary p73.

Heath. The main body of Hadleigh commences a short distance to the south immediately beyond the Prittle Brook.

14. It is important to consider whether Daws Heath can be considered a large built up area or a town. The Castle Point Borough Green Belt Review⁵ refers to Daws Heath as a smaller settlement.
15. Whilst not seeking to assess whether Daws Heath should be considered a large built up area or a town within the context of paragraph 143 of the Framework, the Issues and Options Consultation⁶ refers to Daws Heath as a village. The same document also states that residents consider Daws Heath to be a semi-rural village⁷. It also notes that Castle Point is formed of four towns, those being Canvey, Benfleet, Hadleigh and Thundersley.
16. The Council drew upon the context of the Borough to argue that Daws Heath can be considered a large built up area. The Green Belt review states that Daws Heath represents a large built up area⁸ within the context of Castle Point. It also states that within the local context, Daws Heath is considered to be a distinct neighbouring town.
17. I accept there is nothing to indicate that the examining Inspector for the previously withdrawn Local Plan took issue with the approach of the Green Belt Review, including its approach to large built up areas and Towns⁹.
18. Previous recent appeal decisions relating to sites within Castle Point Borough have been brought to my attention. In assessing a site on the edge of Thundersley¹⁰ in the gap between that settlement and Daws Heath, the Inspector in that appeal identified that there would be significant harm to the Green Belt purpose of preventing neighbouring towns merging into one another arising from an outline scheme for up to 58 dwellings. The Inspector in that appeal did however state that Daws Heath is a village rather than a town.
19. In assessing a separate site for housing on the edge of Thundersley, again with regard to the gap between that settlement and Daws Heath, that Inspector identified a significant level of harm to the same Green Belt purpose that would arise from an outline scheme for amongst other things up to 455 dwellings¹¹. I am also mindful of the Tandridge Green Belt Assessment¹² which has similarities in approach to that in Castle Point.
20. What is clear, is that there is not universal accord within the supporting evidence with regard to the matter of whether Daws Heath should be considered a Town or Village.
21. Daws Heath incorporates in the main residential property from varying periods. Services and facilities are limited which is indicative of a village and I consider that to be classed as a Town, Daws Heath would amongst other things have to have more services and facilities and be larger. Whilst acknowledging the evidence, my overall conclusion on this important matter is that Daws Heath is a village.

⁵ CD 7.1 Castle Point Borough Green Belt Review 2018.

⁶ CD 7.21 - The Castle Point Plan 2023-2043, Issues and Options Consultation 2024, p10.

⁷ CD 7.21 - The Castle Point Plan 2023-2043, Issues and Options Consultation 2024, p37.

⁸ CD 7.1 Castle Point Borough Green Belt Review 2018 – Part 1, p25.

⁹ CD 6.1 - Report on the Examination of the New Castle Point Local Plan, March 2022.

¹⁰ CD 8.1 - APP/M1520/W/23/3329585 - Land South of Daws Heath Road.

¹¹ CD 8.2 - APP/M1520/W/24/3338797 – Land East of Rayleigh Road.

¹² CD 12.5 Proof of evidence Mr Gibbs.

22. With regard to Green Belt purpose a) the Green Belt Planning Practice Guidance states that this purpose relates to the sprawl of large built up areas and crucially, in relation to this appeal, it confirms that villages should not be considered large built up areas. The appeal site cannot therefore strongly contribute to Green Belt Purpose a).
23. Further, given that Daws Heath is a village, the appeal site cannot contribute strongly to Green Belt purpose b) which is to prevent neighbouring towns merging into one another. The purpose would only come into play were Daws Heath to be considered a town. The Green Belt Planning Practice Guidance clarifies that purpose b) relates to the merging of towns, not villages.
24. I therefore conclude on the main issue that the proposal would not be inappropriate development within the Green Belt.

SPA, SAC and Ramsar

25. The evidence indicates that without appropriate mitigation the proposal would have an adverse effect on the integrity of the Benfleet and Southend Marshes Special Protection Area and Ramsar site, the Blackwater Estuary SPA & Ramsar site, the Thames Estuary and Marshes SPA and Ramsar site and the Essex Estuaries Special Area of Conservation. The Benfleet and Southend Marshes in particular support a range of intertidal, subtidal and terrestrial habitats that support internationally significant populations of overwintering waterfowl including Brent Goose and Winged Plover.
26. The proposal would involve new residential accommodation within proximity to the sites and could therefore result in impacts on the designated sites arising from increased recreational disturbance. An impact pathway is therefore present.
27. Therefore, adopting the precautionary principle, and in the absence of any evidence to the contrary, I consider that as a result of the proposal, likely significant effects on the protected habitats sites cannot be ruled out.
28. I am therefore required to carry out an Appropriate Assessment. Increases in recreational pressure would be likely to have a detrimental impact on wildlife populations present as a result of disturbance to habitat. As such, the favourable conservation status of the species present would not likely be maintained. The development would be likely to have a detrimental impact on the delivery of the sites objectives, adversely affecting their integrity.
29. However, there is a tariff system in place to pay into a mitigation scheme relating to such potential impacts. There is an obligation to make the relevant payment within the planning obligation under S106 and given that this is the case, along with the provision of well sized managed open space at the appeal site, any potential impacts would be adequately mitigated and there would be no adverse effects on the integrity of the sites.

Planning obligation

30. A completed planning obligation under S106 has been submitted which includes financial contributions towards healthcare, education, local libraries, bus service enhancement and a contribution towards the mitigation of recreational disturbance to European Sites. There is also a requirement for a travel plan. There are further

requirements for the provision and management of public open space as well as provision for monitoring fees where necessary.

31. The proposal would provide 50% of the development as affordable housing. There appears to be some disagreement over the affordable housing mix. The SPD¹³ states that the Council will seek 35% affordable housing on development sites with 25% of the site to be affordable housing for rent products with the remaining 10% affordable home ownership products.
32. I am therefore presented with an Option A mix and an Option B mix, the former providing for 44 affordable rented (AR) and 43 shared ownership (SO) properties and the latter 62 AR and 25 SO properties.
33. The position of the Council appears to be inconsistent with regard to an acceptable mix. The evidence indicates that in 2022 there appeared to be acceptance of a 50% / 50% mix¹⁴ and the committee report¹⁵ from 2024 appears to be accepting of the same mix.
34. Further, in any event 50% of the development is proposed as affordable housing, which is a higher provision than the SPD guideline of 35% or the expected 40% provision at the time of the committee report. Given that this is the case, a substantial amount of AR properties would be provided in any event which is relevant given that they are promoted in the SPD mix. I therefore afford any conflict with the SPD limited weight in relation to this proposal and its particular offering. The housing mix under Option A is acceptable.
35. The evidence indicates that the provisions within the planning obligation under S106 are necessary to make the development acceptable in planning terms. They are directly related to the development and fairly and reasonably related in scale and kind to the development. They therefore meet the relevant tests¹⁶.

Other Matters

36. The Council indicate that work is underway on a new Castle Point Plan, however they identify that it is common ground that the emerging local plan can carry only limited weight¹⁷. I have no reason to disagree.
37. Concerns were expressed at the Inquiry about the effect of the proposal on local wildlife, however accounting for the conditions that are included with regard to that matter and the provision of biodiversity net gain at the site, there would be no significant adverse impacts in this respect.
38. The manner in which the open space would be provided which would minimise access between the site and Great Wood and Dodd's Grove Site of Special Scientific Interest (SSSI) would ensure that the development would not significantly harm that site nor damage or destroy the interest features for which it has been notified.
39. There is nothing to indicate that the effects of the proposal on the existing badger population could not be appropriately managed although a licence would be

¹³ CD 5.2 Developers Contributions Guidance Supplementary Planning Document CPBC March 2023.

¹⁴ CD 7.12 Email from David Randerson Housing Development and Finance Manager 7 September 2022.

¹⁵ CD 3.2 Committee Report for 19 March 2024 committee.

¹⁶ Detailed within the National Planning Policy Framework Paragraph 58.

¹⁷ CD 12.7 Council Proof of Evidence p20.

required from Natural England. Support to badger habitat could be provided within the newly created public open space.

40. The effect of the proposal on the local road network is a matter that has been raised extensively. However, the evidence indicates that most road junctions will be able to operate within capacity as a result of the additional movements associated with the scheme¹⁸.
41. The exceptions would be two junctions which are suggested to already experience capacity issues and queuing during peak hours. These are the A129 Rayleigh Road / Daws Heath Road / Hart Road double mini roundabouts and the Scrub Lane / Rectory Road / New Road signalised crossroads. However, the evidence indicates that for both these junctions the difference between the proposed development scenario compared to the base plus committed development scenario would be negligible. The Council have not identified any significant adverse impact on highways safety or severe cumulative impacts on the road network and there is no compelling evidence to come to any other conclusion.
42. The evidence indicates that the site would not be at risk of flooding nor would the development increase flood risk to others¹⁹. Conditions are included with regard to the appropriate drainage of the site. The evidence indicates that the Southend Water Recycling Centre will have capacity for the arising flows of wastewater. There is no evidence to suggest that other utilities are inadequate to serve the proposal.
43. With regard to concerns over the effect of the proposal on education and healthcare, the requisite financial contributions will be made to offset the impact of the additional residents arising from the scheme that would be likely to increase demand on services. I cannot therefore conclude there would be any significant adverse impacts with regard to these matters.
44. Significant levels of concern were expressed for the future of horses that I understand are currently stabled at Brook Farm. Whilst I accept that the age and health of those horses will vary there is nothing compelling with regard to this matter which indicates it would not be possible for alternative accommodation to be found for them. There is nothing firm to indicate that the proposal would lead to an increased risk of crime within the area.
45. There would be some minor adverse effects in terms of impact upon the landscape and a minor adverse effect on visual amenity.

Conditions

46. After initially receiving a list of draft conditions at the Inquiry, further discussion was undertaken and a revised and streamlined list of conditions was provided. I have considered those conditions against the advice in paragraph 57 of the Framework, the Planning Practice Guidance and in the light of the discussions at the Inquiry.
47. Conditions 1, 2 and 14 including a time limit for commencement and the compliance with approved plans as well as details of existing and finished site levels are necessary to define the development.

¹⁸ CD 2.42 – Transport Assessment Addendum – Icen Projects July 2022.

¹⁹ CD 1.50 – Flood Risk Assessment & Drainage Strategy – Ardent Consulting Engineers June 2022.

48. Condition 3 is necessary in the interests of highway safety and the living conditions of nearby occupiers. Condition 4 is necessary to ensure proper drainage of the site. Conditions 5, 6, 7, 10, 13, 18, 19 & 21 are necessary in the interests of biodiversity. Conditions 8, 11 and 20 are necessary in the interests of biodiversity and the character and appearance of the area.
49. Condition 9 is necessary to ensure any archaeological interest in the site is managed appropriately. Conditions 12 and 22 are necessary to ensure proper drainage of the site and to restrict flood risk. Conditions 15 and 16 are necessary in the interests of the appearance of the area. Conditions 17 and 25 are necessary in the interests of highway safety. Conditions 23 and 26 are necessary in the interests of the living conditions of future occupiers. Condition 24 is necessary in the interests of the living conditions of existing nearby occupiers.

Planning Balance and Conclusion

50. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
51. It is common ground that the proposed development is in accordance with the relevant saved policies of the LP and the proposal accords with the development plan as a whole. The proposal would utilise Grey Belt land and would meet all the requirements of paragraph 155 of The Framework, meaning that it would not be inappropriate development within the Green Belt.
52. The provision of 173 dwellings particularly in the context of the low five year housing land supply figure, even if accepting the Council's marginally less limited figure of 0.69 years and the need for affordable housing set against a significant shortfall within the borough are benefits to be afforded substantial weight.
53. The Framework also advises that a development which complies with the 'golden rules' should be given significant weight in favour of the grant of permission.
54. There would be further benefits which would include the provision of well sized and usable public open space, the benefits of which would not be limited to prospective residents of the scheme. There would be the provision of biodiversity net gain. These are matters which should be afforded substantial and moderate weight respectively.
55. There would be some adverse impacts associated with the development but these would not be significant adverse impacts and would be outweighed by the benefits of the scheme. The appeal should therefore be allowed.

T Burnham

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the details contained within the following drawings: 001.02, 300 Rev PL01, 310 Rev PL01, 311 Rev PL01, 312 Rev PL01, 313 Rev PL01, 314 Rev PL01, 315 Rev PL01, 316 Rev PL01, 317 Rev PL01, 318 Rev PL01, 319 Rev PL01, 320 Rev PL01, 321 Rev PL01, 322 Rev PL01, 323 Rev PL01, 324 Rev PL01, 331.00, 326 Rev PL01, 327 Rev PL01, 328 Rev PL01, 329 Rev PL01, 330 Rev PL01, 332 Rev PL01, 333 Rev PL01, 334 Rev PL02, 335 Rev PL02, 336 Rev PL01, 338 Rev PL01, 339 Rev PL02, 340 Rev PL02, 341.00, 342.00, 343 Rev PL01, 344 Rev PL01, 345 Rev PL02, 346 Rev PL01, 350 Rev PL01, 351 Rev PL01, 355 Rev PL01, 356 Rev PL02, 385 Rev PL01, 386 Rev PL01, LV-0006 Rev S3-P2 & 16-T022 09 Rev C.
3. Prior to the commencement of any development, which for the purposes of this condition includes land clearance, grading and demolition, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide:
 - i .Details of vehicle routing;
 - ii.Details of locations for the parking of vehicles of site operatives and visitors;
 - iii. locations for Loading and unloading of plant and materials;
 - iv. details for Storage of plant and materials used in constructing the development;
 - v.details of wheel and underbody washing facilities;
 - vi.A before and after highways condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by the developer;
 - vii.Details of control measures for dust, noise, vibration, and lighting, and;
 - viii. Details for the public display of contact details including accessible phone contact to persons responsible for the site for the duration of the works.
4. Prior to the commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
5. Prior to the commencement of development a Biodiversity Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist in line with the Ecological Impact Assessment and Biodiversity Net Gain Assessment – Rev C (Southern Ecological Solutions Ltd, October 2023), shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures where appropriate and maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) 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.

6. Prior to commencement of development, a finalised Biodiversity Net Gain (BNG) Plan shall be submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the Daws Heath 3.1 Metric Rev B.

The content of the BNG Plan should include the following:

- Proposals for the on-site biodiversity net gain;
- 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 BNG plan.

7. Prior to the commencement of development, a Badger Method Statement in accordance with the Ecological Impact Assessment and Biodiversity Net Gain Assessment-Rev C (Southern Ecological Solutions Ltd, October 2023) shall be submitted to and approved in writing by the Local Planning Authority. This will contain finalised mitigation measures and/or works to reduce potential impacts to Badgers during the construction phase, including the finalised location and details of the artificial badger sett/s. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter for the lifetime of the development.

8. Prior to the commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan in line with the finalised biodiversity metric).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

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

9. No development or preliminary ground works shall commence until:

- A) A programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation which shall have previously been submitted to and approved in writing by the Local Planning Authority.
- B) A mitigation strategy detailing the excavation/preservation strategy for any archaeological deposits shall be submitted and approved in writing by the Local Planning Authority following the completion of this work.
- C) in any areas containing archaeological deposits, the satisfactory completion of fieldwork, as detailed in the mitigation strategy.

The applicant shall submit to the Local Planning Authority a post-excavation assessment within six months of the completion of the fieldwork.

10. Prior to any works onsite a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority, in line with the Ecological Impact Assessment and Biodiversity Net Gain Assessment-Rev C (Southern Ecological Solutions Ltd, October 2023)

The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities;
- b. Identification of "biodiversity protection zones";
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d. The location and timing of sensitive works to avoid harm to biodiversity features;
- e. The times during construction when specialist ecologists need to be present on site to oversee works;
- f. Responsible persons and lines of communication;
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h. Use of protective fences, exclusion barriers and warning signs; and
- i. Control of pollutants, water quality/quantity, lighting and noise during construction to avoid indirect impacts on the SSSI.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

11. No works shall take place until a detailed Green Infrastructure Strategy for the site, based on the Essex Green Infrastructure Strategy and Emerging GI Standards and an

assessment of the ecological context of the development, has been submitted to and approved in writing by a landscape specialist from the Local Planning Authority. The scheme should include but not be limited to:

- A) Demonstrating how the GI has been designed to provide recreational facilities for different user and age groups. It should deliver social inclusive processes that are open to all and incorporate the knowledge and needs of diverse parties.
- B) Details of advance planting; and
- C) The timescale for the Implementation of each aspect of Green Infrastructure within the development and details of the quality standard of construction and maintenance.

12. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, in accordance with the Flood Risk Assessment & Drainage Strategy, ref W461-03 dated June 2022, by Ardent Consulting Engineers, and the following mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to:

- A) Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- B) Limiting discharge rates to 9.4l/s from catchment 1, and 4.2l/s from the remainder of the site, for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change, subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- C) Final modelling and calculations for all areas of the drainage system.
- D) The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. The discharge from catchment 1 should pass through both detention basins 1a and 1b.
- E) Detailed engineering drawings of each component of the drainage scheme.
- F) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features and a written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to the first occupation of the development.

13. Prior to commencement of any works which will impact the breeding/ resting place of hazel dormouse, either:

- a) a licence shall be issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

b) a statement in writing shall be received from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

14. No development above ground level shall take place until details of existing and finished site levels, finished floor and ridge levels of the buildings to be erected and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority.

15. No development above ground level shall take place until details/samples of all materials to be used in the construction of the external surfaces of the development hereby approved been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

16. No development above ground level shall take place until the details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.

17. Prior to the first occupation of the development, the access point at Daws Heath Road shall be provided as shown in principle on Icení DWG Proposed Priority Junction drawing (16- T022_09C). The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway with an appropriate dropped kerb vehicular crossing of the footway with clear to ground visibility splay. Vehicular visibility splays of 2.4m x 43m in both directions shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times thereafter for the lifetime of the development. Prior to the first occupation of the development all redundant access points shall be suitably reinstated with full upstand kerb and footway provision.

18. Prior to the first occupation of the development, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

19. Details of on-site measures to restrict unauthorised access from the application site into the adjacent Great Wood and Dodd's Grove SSSI, the application of a 15m buffer zone adjacent to the SSSI, details of appropriate planting schemes which are sympathetic to the needs of the SSSI and location of proposed dog waste and refuse bins throughout the open green space and any other measures required shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the first occupation of the development.

20. Prior to the first occupation of the development, a full landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers/densities.
All landscaping works forming part of the approved scheme shall be carried out in accordance with the approved scheme within one year of the first occupation of the development.

Any tree or shrub or grass contained within the approved landscaping scheme dying or becoming damaged, diseased or uprooted within 5 years of the development being occupied shall be replaced by a tree or shrub or grass of a similar size and species, or such other species as may be agreed in writing with the Local Planning Authority.

21. On site measures to avoid impacts from the development alone from recreation disturbance to the Blackwater Estuary SPA and Ramsar site, Benfleet and Southend Marshes SPA and Ramsar site and Thames Estuary and Marshes SPA and Ramsar site and Essex Estuaries SAC shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the first occupation of the development. The content of the of the onsite measures will be in line with the Habitats Regulations Assessment and shall include the following:

- a) Purpose and conservation objectives for the proposed measures;
- b) Detailed designs of the interpretation board and leaflets;
- c) Timetable for implementation demonstrating that measures are aligned with the proposed phasing of development;
- d) Locations of proposed dog waste bins and interpretation boards by appropriate maps and plans; and
- e) details of initial aftercare and long-term maintenance.

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

22. Prior to the first occupation of any unit, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been submitted to and approved in writing by the Local Planning Authority. The applicant or any successor in title must maintain yearly logs of maintenance which shall be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

23. If any unforeseen ground contamination is encountered during development, including demolition, the Local Planning Authority shall be notified immediately. If necessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any property, a Completion/Verification Report, confirming that the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

24. No works which would be audible outside of the site boundaries shall be undertaken outside of the hours of 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 Saturdays. No audible works outside of site boundaries shall be undertaken on Sundays or public holidays.

25. Vehicle parking shall have minimum dimensions of 2.9m x 5.5m. All single garages should have a minimum internal measurement of 7m x 3m, all double garages should have a minimum internal measurement of 7m x 5.5m to be considered in the parking numbers. Visitor Parking shall be provided prior to occupation of the final dwelling throughout the development in accordance with Drawing 312. PL01. All parking as set out shall be retained thereafter.

26. Prior to import to site, soil material or aggregate used as clean fill or capping material shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Planning Authority. No other fill material shall be imported onto the site.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT

Zack Simons & Edward Arash Abedian, instructed by Alex Harrison MRTPI (Vistry Eastern Counties)

They called

Ben Pycroft (BA Hons) Dip TP MRTPI

Paul Gibbs DipLA CMLI DipUD

Annie Gingell BSc (Hons) MSc MRTPI

Matthew Wood BSc (Hons) MScTP MRTPI

FOR THE LOCAL PLANNING AUTHORITY

Clare Parry, instructed by Legal Services Castle Point Borough Council

She called

David Gittens BA (Hons) MRTPI

Amanda Parrott

Matthew Amner

INTERESTED PARTIES

Dame Rebecca Harris MP

Cllr Rob Lillis

Cllr Timothy Copsey

Cllr Amy Harbinson

Cllr John Knott

Johanne Deverrick – Local Resident

Ella Squires - Local Resident

Paula Baker - Local Resident

Wendy Dodds - Local Resident

Caroline Hughes - Local Resident

Alison Astley - Local Resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

Appellant Closing statement

Council closing statement

Draft conditions

S106 Agreement summary

Revised LDS and update on Castle Point Local Plan

CIL Compliance statement

Updated Housing Land Supply Statement of common ground

Decision Letter for planning appeal APP/P0240/W/24/3347529, Land south of Leighton Road, Stanbridge

DOCUMENTS SUBMITTED AFTER THE INQUIRY

Completed S106 Agreement

Email update on LDS from Council

Appellant comments and final comments on Guidance Green Belt 'Advice on the role of the Green Belt in the planning system'

Council comments on Guidance Green Belt 'Advice on the role of the Green Belt in the planning system'

Richborough