



Appeal Decision

Hearing held on 26 February 2025

Site visits made on 25 and 27 February 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2025

Appeal Ref: APP/J0405/W/24/3348499

Land west of London Road, Buckingham

- 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 Rainier Developments Ltd and John Cowley, Piers Cowley and Jennifer Rosson against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref is 23/00178/AOP.
 - The development proposed is residential development of up to 300 dwellings (including affordable housing), employment space and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 300 dwellings (including affordable housing), employment space and associated infrastructure at land west of London Road, Buckingham in accordance with the terms of the application, Ref 23/00178/AOP subject to the conditions in the attached schedule.

Preliminary Matters

2. The application is in outline with all matters reserved for future consideration save for access. I have determined the appeal on this basis.
3. Illustrative plans accompany the application and I have paid regard to this information in so far as assessing the principle of development in land use terms.
4. Following determination of the planning application the appellants have submitted a Mineral Resource Assessment. Consequently, the Council advise that they no longer wish to defend the third reason for refusal. On the evidence before me I have no reason to find otherwise. I therefore have not addressed this matter in my reasoning below.

Main Issues

5. The main issue is the effect of the proposed development upon the provision of employment land.

Reasons

Provision of employment land

6. The appeal site is an undeveloped field on the southern edge of Buckingham bounded by London Road to the east and existing employment uses to the north. It

is allocated in the made BNDP (2015) for 10 hectares (ha) of employment land under Policy EE1.

7. Policy E2 of the Vale of Aylesbury Local Plan (2021) (VALP) seeks to retain employment sites. The policy sets out that the redevelopment or re-use of such sites to an alternative non-employment use will only be permitted in certain circumstances and subject to all of the criteria listed being met. Two are relevant in this case - c. The site has been marketed as an employment site for employment use suitable to the site and location at a suitable price, by appropriate means for at least two years with no viable interest and d. There is a substantial over-supply of alternative employment sites in the local area.
8. The appellants accept that the site has not been actively marketed for employment uses in a manner that meets policy criteria c. set out in VALP Policy E2. They have, however, provided a letter from Robinson & Hall LLP, a local property and land firm, advising that since allocation in 2015 the market has been aware of the availability of the site, but that there has been no viable interest in it.
9. In addition, the appellants have produced an assessment of the local commercial property market¹ which concludes that Buckingham is a tertiary location where demand is for small units and is largely derived from businesses within the town. The assessment acknowledges that there is limited availability of office and industrial units in Buckingham, but this reflects the limited demand for such floorspace in the town and very low levels of transactions have been completed over the last five years. The assessment also indicates that speculative employment developments in the town, namely Buckingham40, have remained vacant since completion.
10. This is in contrast to the commercial property market across the wider region which has seen increased levels of activity and demand for existing and new employment floorspace in settlements including Milton Keynes, Aylesbury and Bicester. Although not determinative I also observed a number of vacant units being marketed at the nearby Swan Business Park and Tingewick Road Industrial Park suggesting reasonable availability of office and industrial units in the town and limited demand.
11. Taking the above into consideration it is reasonable to assume that despite a small pool of office and employment land in Buckingham there is very little demand for such premises and what does exist is sufficient to serve the local market.
12. The BNDP's aspiration for the appeal site is for high quality jobs complementing developments taking place at Silverstone circuit. The appellants advise that companies in the automotive and motorsport sector are attracted to Silverstone due to the prestige of the brand as well as the benefits of being part of the ecosystem that exists in and around the circuit. This is supported by CBRE who manage land on behalf of Silverstone Park and therefore have first-hand knowledge of the local commercial property market. Moreover, there is a significant quantum of employment floorspace in the Silverstone Park Enterprise Zone in the pipeline which, for the reasons outlined above, would be a more attractive option for companies in the automotive sector looking to either relocate or expand their operations. As such, there is no credible evidence to indicate that the appeal site

¹ Assessment of the Buckingham Commercial Property Market (September 2024) prepared by Kirkby Diamond

would be a prime location for firms associated with Silverstone, irrespective of the presence of automotive firms in Buckingham.

13. Whilst Buckingham is within a reasonable distance of both the M1 and M40 motorways, it is nonetheless relatively isolated served by the A421 which is a single carriage rural road. Milton Keynes, Bicester and Aylesbury, to a degree, are more conveniently located to motorway and major road networks and mainline rail services and based on the evidence before me, including commercial transactional data, are more attractive and preferable locations for businesses to locate. As such, it is evident that Buckingham is not a prime location for new employment development.
14. In terms of a phased approach to delivery of employment floorspace the appellants advise that commercial rents in Buckingham are generally 25% lower than prime market locations whereas the construction costs are broadly similar. Based on previous trends for smaller units and low transaction levels it would take some time for even a small number of units to become occupied, leading to higher vacancy levels. It is unlikely that investors and developers would invest in a site where there was no certainty that they would receive a competitive return on their investment. As such, without a reasonable prospect of a return there is limited incentive to bring the site forward even in a phased manner.
15. The Aylesbury Vale Employment Land Review Update (2012) recommended allocating 6.5ha of employment land in Buckingham to support development of the town's economy which led to allocation of the appeal site for 10ha of employment land in the BNDP. This review was undertaken some 13 years ago, and I have not been directed to any new evidence outlining what the current and future need for employment land is in Buckingham. Whilst the provision of employment land cannot be solely demand led there still needs to be an evidenced need and justification for the quantum of such land proposed, which is not before me.
16. Buckingham Town Council have provided a snapshot of conversations with local businesses which largely aligns with the appellants' evidence that demand is for smaller units. Whilst this goes some way to indicate local demand it does not constitute concrete interest in new premises. As such, it attracts limited weight in the decision-making process.
17. Since adoption of the BNDP new employment development in Buckingham and its hinterland has been largely limited to the expansion of existing businesses and Buckingham40, a speculative flexible industrial, warehouse and office development delivering around 0.37ha of new employment floorspace, which remains unoccupied. As set out earlier the evidence indicates that there is limited demand for employment land in the town with numerous units available for business. Whilst not substantial, it is apparent to me, that there is nonetheless an adequate supply of alternative employment sites in Buckingham.
18. In terms of the former district of Aylesbury Vale the Housing and Economic Development Needs Assessment (HEDNA) Update (December 2016) and the HEDNA Addendum Report (September 2017) are the most up-to-date assessment of demand for employment land. The HEDNA underpins VALP S2 which sets out a need for at least 27ha of employment land in the former district of Aylesbury Vale over the plan period until 2033.

19. Currently, the supply of employment land, including allocations set out in VALP Policy D6 on large scale strategic sites such as Berryfields and Kingsbrook, and unimplemented permissions, results in an over-supply of some 104.6ha against the target identified in the policy.
20. I acknowledge the role that the land in Aylesbury Vale plays in servicing the requirements of the wider Functional Economic Market Area (FEMA). However, even factoring in the complexities of building out large scale strategic mixed-use developments and the constraints to development across other parts of the FEMA a considerable amount of employment floorspace remains in the pipeline.
21. In coming to my decision, I have paid regard to the Council's cautionary approach and the findings of the Inspector examining the VALP in respect of the retention of an overprovision of employment land across the FEMA. However, there is no clear evidence that substantial demand for such land will manifest either from within Buckingham, Aylesbury Vale or the wider FEMA. As such, I do not accept that a surplus of 104.6ha is anything but a substantial over-supply of employment land.
22. Whilst the proposal would result in the net loss of 8.3ha of employment land there is still a substantial supply of alternative employment sites in Buckingham and the wider area.
23. To conclude on the employment land issue the proposed development would be contrary to BNDP Policy EE1 as it would result in the loss of a site allocated for employment land. VALP Policy E2 requires all five criteria to be met in order to permit the reuse of employment sites to alternative non-employment uses. As a site specific and targeted marketing exercise has not been carried out there would be conflict with criterion c. of the policy. However, this conflict is tempered somewhat by the evidence before me which indicates that the commercial property market is one that is very much localised with subdued demand for office and industrial premises in Buckingham. In addition, there is no up-to-date evidence to indicate that there is a need for 8.3ha of employment land in this location. I am of the view that there is a substantial over-supply of alternative employment sites in the VALP area and on this basis criteria d. of the policy is met.

Other Matters

24. The BNDP is under review. The Council advise that Regulation 16 consultation has taken place, and that they are in the process of collating the responses prior to submission to the Independent Examiner.
25. Paragraphs 49 and 50 of the National Planning Policy Framework (the Framework) set out how applications for planning permission should be determined in respect of emerging plans. The Framework makes it clear that arguments of prematurity are unlikely to justify a refusal of planning permission other than in limited circumstances.
26. These are (a) where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan making process by pre-determining decisions about scale, location or phasing of new development that are central to an emerging plan **and** (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

27. The Framework does not define what constitutes substantial development, therefore it is a matter of planning judgement for the decision maker. Based on the Housing Needs Assessment² underpinning the BNDP Review the site could represent around 25% of the overall housing need in Buckingham. However, I am not persuaded that it would fundamentally undermine the scale, location or phasing of development given the identified shortfall in housing. Taking into consideration Buckingham's key role in the wider spatial strategy there is likely to be an uplift in the total number of dwellings required in the town. Nor is there anything to suggest that the proposal would undermine the delivery of new infrastructure, such as educational facilities in the area. Taking into consideration my findings earlier I am not persuaded that the loss of 8.3ha would also have significant effects upon the employment strategy for the town. As such, I cannot conclude that the proposed development would pre-determine decisions of scale, location or phasing of development across the BNDP area.
28. One could also argue that the BNDP Review has reached an advanced stage as it has reached Regulation 16 stage which seeks to continue the allocation of the appeal site for 10ha of employment land. That said, matters in respect of housing and employment land have not been fully resolved at this stage and, in my view, sufficient uncertainty exists regarding these matters particularly as there is no up-to-date assessment of employment land need locally. In addition the future of a number of brownfield sites including the Tingewick Road Industrial Estate and the Tingewick Road/ Bath Road site are yet to be determined.
29. There is no indication about the timetable or what may arise from the independent examination and thus there is no certainty that objections to relevant policies and allocations in the BNDP review have been fully resolved at this stage.
30. Drawing these matters together I conclude that objections to the proposed development on the basis of the BNDP Review is not supported by paragraphs 49 and 50 of the Framework. The proposal would not be premature and would not undermine the plan making process. Accordingly, the BNDP Review attracts limited weight in the decision-making process.
31. The Council contend that there is a real risk that Buckingham would become a commuter town. However, this is essentially anecdotal and not supported by any substantive evidence. The East West Rail may well increase the attractiveness of the Oxford/Cambridge arc in respect of business activity, however, there is nothing before me to indicate that this would ripple out to Buckingham in respect of the demand for employment land. As such, I give these aspects of the Council's argument limited weight in coming to my decision.
32. I understand the preference of a plan-led system for growth, however, based on the available information the development plan is not delivering in terms of housing and is over-supplying in relation to employment land resulting in an under provision of housing and an over provision of employment land. Whilst the Council and the Town Council are optimistic that the appeal site will come forward for employment uses this is not supported by any substantive evidence and there is nothing to indicate that the site would come forward for such a use in the foreseeable future.
33. The Council contend that the provision of employment land should match the level of new dwellings and residents in Buckingham. I note that the number of residents

² Buckingham Housing Needs Assessment (October 2023) prepared by AECOM

in the town has increased and alongside this population increase economic growth has also taken place in the absence of significant new employment land coming forward. This, therefore, demonstrates that economic growth in the town does not solely hinge on the site coming forward for employment uses.

34. Despite the representations received there is nothing before me to indicate that the proposed development would adversely affect the safe and efficient operation of the highway network and pedestrian safety or increase the risk of flooding. Nor is there anything to suggest that it would put additional pressure on local services including educational and medical facilities.
35. There is no doubt that the local environment would change on account of the proposed development. However, there is no reason to suggest that an appropriate scale, design and layout could not be secured at reserved matters stage that respects the surrounding context.

Other Considerations

36. The Framework, at paragraph 78, states that local planning authorities should identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, including an appropriate buffer.
37. The main parties agree that the Council is unable to demonstrate a sufficient five-year supply of housing land but dispute the extent of the shortfall. The Council's position is that they can demonstrate a supply of 4 years whereas the appellants consider it is 2.62 years based on an agreed base date of 1 April 2024.
38. The Council's position is set out in the North and Central Area Five-Year Housing Land Supply Position Statement, dated January 2025, including a spreadsheet with commentary on the status of sites, information from developers, scheme progress, completions to 31 March 2024 and projected completions over the next five years. The appellant's evidence contests the deliverability of a number of sites having regard to the definition of deliverability as set out in the Framework.
39. The Framework states that to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. The Council relies on sites for major development with outline planning permission and that are allocated in the VALP. The Framework states that sites should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
40. There was some discussion at the hearing regarding several sites that the appellants contend are either not deliverable within the five-year period or the delivery rates are somewhat optimistic. Even if I were to take the Council's scenario of 4 years on face value, they are unable to demonstrate a deliverable five-year supply of housing sites. In such circumstances. This represents a moderate shortfall in respect of housing supply.
41. Buckingham as a town accounts for 6.3% of the total jobs within the former district of Aylesbury Vale. On this basis the appellants contend that 1.7ha of employment land would be a more proportionate amount of land relative to the town's employment base. Furthermore, they contend that this quantum of employment land would be more likely to be attractive to investors and developers.

42. The appellants are committed to bringing forward the employment land by laying out the required infrastructure which would make it more attractive to the market and likely bring units forward in a quicker timeframe.
43. The provision of 1.7ha of employment land would support the economic growth of Buckingham alongside up to 300 dwellings. In this regard the proposal would go some way to meet the vision and the objectives of the BNDP by fostering economic development in the town. It would also accord with VALP Policies S1 and S2 which seek the delivery of new housing and employment land to support Buckingham's function as a market town and for sustainable economic growth in the north of Aylesbury Vale.

Planning Obligations

44. The s106 agreement covers a number of planning obligations that are required by the development plan to ensure the facilities and services that are essential for development to take place are delivered or mitigate its impact.
45. An obligation would provide healthcare contributions towards Acute Care and Primary Care in the form of cancer services, in-patient beds, diagnostics and therapy services as well as GP services. The Buckingham, Oxfordshire and Berkshire West Integrated Care Board (BOB ICB) advise that the increase in population resulting from the proposed development would place increased pressure on the local healthcare infrastructure including The Swan Practice in Buckingham.
46. Unlike the Leicester judgement³ the requested contributions would be for capital funding for infrastructure to meet specific needs arising from population growth associated with the development. The BOB ICB have confirmed that capital funding for infrastructure development is not received within their annual budgets. The Council's evidence includes comprehensive costings to justify the contributions factoring in patient yield (based on the increased population resulting from the development that would require care), floorspace requirements and build costs. The evidence identifies specific projects and key areas of Buckinghamshire Healthcare NHS Trust provision directly related to the development.
47. As such, given the policy requirements and infrastructure needs arising from the development I am satisfied that all the obligations, including the healthcare contributions, set out in the s106 are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. They would accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

Planning Balance

48. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
49. The proposed development would be contrary to BNDP Policy EE1. There would also be conflict with criterion c. of VALP Policy E2 as an appropriate marketing

³ University Hospitals of Leicester NHS Trust v Harborough District Council v Leicestershire County Council 2023 EWHC 263

exercise demonstrating that the site is not viable for employment use has not been undertaken.

50. The conflict with these policies has to be balanced against the lack of up-to-date evidence that 10ha of employment land is required. Furthermore, as the Council cannot demonstrate a deliverable five-year supply of housing land paragraph 11 d) of the Framework, which is a material consideration of significant weight, is engaged. It states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
51. Given the Council's housing land supply position it is evident that there is a pressing and urgent need for housing when considering this shortfall. The provision of up to 300 dwellings would make a significant contribution towards Buckinghamshire's supply providing housing that would meet the needs of the area and different groups in the community including through the provision of self-build and custom housebuilding plots. The delivery of market units attracts substantial weight in favour of the proposal. This is also the case for the delivery of affordable dwellings including units of different sizes and tenures.
52. Whilst the proposal would not deliver 10ha of employment land it would nonetheless deliver a proportion of land commensurate with Buckingham's contribution towards jobs in the former district of Aylesbury Vale in the form of 1.7ha of employment land. The appellants are committed to giving the site a "leg up" through laying infrastructure to make it more attractive to the market.
53. The construction of dwellings and commercial units would provide jobs during the construction phase and the proposed employment land would increase economic investment, activity and growth in Buckingham providing space for new firms coming into the area or for existing businesses to expand and grow.
54. The proposal would be in good proximity to services and facilities with alternative options to car travel. New residents would support local services and facilities including ones located within the town centre through increased expenditure. These social and economic benefits attract great weight in favour of the proposal.
55. The planning obligations would contribute towards supporting or improving local facilities and infrastructure. However, these would essentially mitigate the impact of the proposed development in planning terms. As such, these are matters of neutral consequence in the overall balance.
56. I find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. A decision should thus be taken otherwise than in accordance with the development plan.

Conditions

57. In the event of the appeal being allowed, the main parties suggested that 37 conditions would be necessary to make the scheme acceptable. I have considered the suggested conditions in light of the Framework and the Planning Practice Guidance. In the interests of precision and clarity I have undertaken some rationalisation and rewording of the conditions suggested.

58. The relevant time limits have been imposed alongside conditions relating to the submission of reserved matters. I have imposed a condition specifying the relevant drawings as this provides certainty.
59. Taking into account the scale of the proposal and as it relates to both residential and employment development a condition relating to the phasing of development is necessary. A condition for an appropriate mix of housing and self-build and custom housebuilding plots is also considered reasonable.
60. In the interests of highway safety conditions for details of the parking and manoeuvring areas; electric vehicle charging; cycle parking, mobility hub and details of the access visibility splay and estate roads have been imposed. To ensure adequate connectivity and accessibility conditions in respect of residential and employment Travel Plans have been imposed.
61. In order to maintain the safe and efficient operation of the local highway network during the construction phase a condition for a Construction Traffic Management Plan has been imposed.
62. In the interests of safeguarding wildlife, habitat and protected species conditions for a Construction Ecological Management Plan; Biodiversity Net Gain; Landscaping and Ecological Management Plan; tree protection; external lighting and a scheme for the protection of badgers have been imposed. In terms of sustainability a condition for an Energy Statement/ Natural Resources Strategy has been imposed.
63. Conditions for a detailed surface water drainage scheme, foul drainage, and rainwater harvesting are necessary in the interests of sustainability and flood risk.
64. Conditions relating to land contamination, hard and soft landscaping, noise attenuation, accessible dwellings, highspeed broadband and restrictions of the types of employment uses permitted have been imposed to ensure a satisfactory standard of development is provided.
65. As the site is greenfield a condition for the identification, treatment and preservation of significant archaeological features within the site is necessary.
66. As part of condition 8 the Council has requested details of materials, boundary treatments, hard and soft landscaping and areas of open space. Such details would form part of the Reserved Matters and therefore another condition requesting such details is not necessary. Thus, the condition has been reworded accordingly.
67. The Council suggested two further conditions for details of the finished floor levels and landscaping, however, such matters would form part of the reserved matters and therefore separate conditions are not necessary and have not been imposed.

Conclusion

68. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Killian Garvey Kings Chambers

Mr Jeff Richards Turley

Mr Anthony Pollard Turley

FOR THE LOCAL PLANNING AUTHORITY:

Ms Phillipa Jarvis Planning Consultant

Ms Helen Harding Principal Planning Policy Officer

Ms Louise Anderson Principal Planner

INTERESTED PARTIES:

Ms Leani Haim Planning Consultant on behalf of Buckingham Town Council

Councillor Mark Cole Buckingham Town Council

Schedule of conditions

- 1) Details of the appearance, landscaping, layout, and scale, "the reserved matters" shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters in respect of the first phase shall be made to the local planning authority not later than two years from the date of this permission.
- 3) Application for approval of reserved matters in respect of any subsequent phase of development shall be made to the local planning authority not later than five years from the date of this permission.
- 4) The first phase of development hereby permitted shall take place not later than two years from the date of the approval of the reserved matters to be approved.
- 5) Subsequent phases of development hereby permitted shall take place not later than two years from the date of the approval of the last of the reserved matters for that phase to be approved.
- 6) Prior to submission of the first reserved matters, a phasing plan shall be submitted to and approved in writing by the local planning authority. The plan will show the phasing of the employment use (including the delivery of suitable access to the employment land and services to the boundary of the employment land), market dwellings, affordable housing, the self-build and custom build dwellings, and the Green Infrastructure / Open Space areas. The development shall be carried out in accordance with the approved phasing plan.
- 7) The development hereby permitted shall be carried out in accordance with drawing numbers: Location Plan Drawing Number L01; Proposed Site Access Drawing Number 24428-01 Rev D; Site Access Visibility Splays Long Section Drawing Number 24428-01-3 Rev D and Proposed Footway Link, London Road Drawing Number 24428-01-2 Rev D.
- 8) Plans and details submitted for the reserved matter for any phase of development pursuant to condition 1, 2 and 3 shall include the following and shall be carried out in accordance with the approved details:
 - (a) any proposed access road(s) within the site including details of horizontal and vertical alignment;
 - (b) any existing access points within the application site that are not required for the development and which are proposed to be closed when new accesses forming part of the development are brought into use;
 - (c) the layout and specification of:
 - (1) any internal roads not covered by a) above;
 - (2) footpaths;

- (3) parking, including electric vehicle charging points, turning and loading/unloading areas (including visibility splays);
 - (4) cycle parking areas;
 - (5) cycle storage facilities;
 - (6) access facilities for the disabled;
 - (7) individual accesses; and
 - (8) Details of a Mobility Hub within the site. This should include but not be limited to e-bike hire options, parcel lockers, and car club provision, and shall include details of funding and maintenance.
- (d) a waste strategy including details of bin and recycling storage;
- (e) details of any external lighting to any building(s);
- (f) parking turning and / or manoeuvring areas, roads, footpaths and green ways.
- 9) The sizes and type of the dwellings to be submitted pursuant to conditions 1, 2 and 3 above shall have regard to the Housing and Economic Development Needs Assessment (2017) or latest evidence of housing need, including the specific need / demand related to self- build and custom house building housing and, in respect of market and affordable housing, the size and types of dwellings agreed on any previous phase.
- 10) Either prior to or at the same time as the first reserved matters application an Energy Statement/ Natural Resource Strategy to demonstrate how the energy hierarchy has been applied and how the development minimises the use of natural resources shall be submitted to and approved in writing by the local planning authority. The statement shall consider the following:
- (a) how energy use is reduced / minimised, in particular through the use of sustainable design and construction methods;
 - (b) how water efficiency and minimisation of use are to be encouraged;
 - (c) measures to promote waste minimisation and recycling;
 - (d) provision of an efficient energy supply, with priority to decentralised supplies;
 - (e) making use of renewable energy;
 - (f) making use of allowable solutions; and
 - (g) a feasibility study for district heating and cooling utilising technologies such as combined heat and power, including biomass or other low carbon technology.
- The development shall be implemented in accordance with the approved strategy prior to first occupation.
- 11) The details to be submitted for approval in writing by the local planning authority in accordance with conditions 1, 2 and 3 above shall include a written noise impact assessment, together with proposals for any necessary mitigation measures. The development shall be carried out in accordance with the approved mitigation scheme and shall be retained thereafter.

- 12) Prior to or at the same time as the submission of first reserved matters, an Archaeological Report shall be submitted to the local planning authority. Where significant archaeology remains are confirmed, these will be preserved in situ in accordance with an appropriate methodology for their preservation which shall be submitted to and approved in writing by the local planning authority prior to commencement of development. Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording, an implementation of a programme of archaeological works shall be carried out in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority prior to commencement of development.
- 13) Prior to or at the same time as the submission of first reserved matters a Contaminated Land Assessment, together with associated remedial strategy and timetable of works, shall be submitted to and approved in writing by the local planning authority. The assessment shall have regard to the findings of Phase 1 Desk Study Investigation (Ground Contamination, Geo- Environmental and Geotechnical Risks) (December 2022) and shall include measures to identify, assess and mitigate any adverse conditions, and verification plan. The agreed remediation works shall be fully completed in accordance with the approved details and timetable.
- 14) No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The approved Construction Traffic Management Plan shall be adhered to throughout the construction period for the development.
- 15) Prior to or at the same time as the submission of first reserved matters an Arboricultural Method Statement with Tree Protection Plan in accordance with British Standard 5837:2012 or the nearest equivalent standard in any future modification to the British Standard documents shall be submitted to and approved in writing by the local planning authority. The agreed tree protection measures shall be implemented prior to commencement of development on site (including vegetation clearance and ground works) and shall be retained and maintained until all building, engineering or other construction operations have been completed, and no works shall be carried out or materials stored within any protected areas.
- 16) Prior to or at the same time as the submission of first reserved matters a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The approved CEMP: Biodiversity shall be adhered to throughout the construction period.

- 17) Prior to or at the same time as the submission of first reserved matters a method statement for the protection and mitigation for badgers informed by an up-to-date badger survey shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and shall be retained thereafter.
- 18) Prior to or at the same time as the submission of first reserved matters a revised Biodiversity Net Gain Report and associated Biodiversity Metric, demonstrating that Biodiversity Net Gain can be achieved on site, shall be submitted to and approved in writing by the local planning authority.
- 19) Prior to or at the same time as the submission of first reserved matters details of biodiversity features to be installed within each phase of the development, including bird boxes, bat boxes, log piles and hedgehog holes, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved biodiversity features, which shall have been installed prior to the first occupation of that part of the development to which it relates and retained as such thereafter.
- 20) Prior to or at the same time as the submission of first reserved matters a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The approved LEMP shall be implemented in accordance with the approved details.
- 21) Prior to or at the same time as the submission of first reserved matters a surface water drainage scheme for that phase or the whole site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 22) No part of the development shall be occupied until a whole life maintenance plan for the surface water drainage scheme for the site approved pursuant to condition 21 has been submitted to and approved in writing by the local planning authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage / SuDS component) with details of who is to be responsible for carrying out the maintenance. The plan shall also include as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The whole life maintenance plan for the approved surface water drainage scheme shall subsequently be implemented in accordance with the approved details.
- 23) No development shall take place above damp proof course within a phase of the development, until a scheme for on-site foul water drainage works, including

proposed connection point and discharge rate to the public network for that phase has been submitted to and approved in writing by the local planning authority.

- 24) No development shall take place above damp proof course within a phase of the development, until details of measures to facilitate the availability of a high-speed broadband connection to the occupants of that phase has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of the buildings to which it relates.
- 25) No part of the development shall be occupied within a phase of the development until details of a rainwater harvesting / recycling scheme for each new building within that phase has been submitted to and approved in writing by the local planning authority. The scheme shall include details of collection and storage including maximum capacity, and how this water will be recycled. The rainwater harvesting / recycling scheme shall be installed and operational prior to the first occupation of the building to which they form part and maintained as such thereafter.
- 26) No part of the development shall be occupied until a 'lighting design strategy for biodiversity' for the stream corridor and boundary hedgerow has been 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 the 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 strategy, and these shall be maintained thereafter in accordance with the strategy.

- 27) The development shall not be occupied until the new access off the A413 London Road has been sited and laid out in accordance with approved Site Access Plan drawing number 24428-01 Rev D, and Site Access Visibility Splays Long Section Plan drawing number 24428-01-3 Rev D.
- 28) The development shall not be occupied until minimum vehicular visibility splays of 82m have been provided in either direction of the access onto the A413 London Road from 2.4m back from the edge of the carriageway, and the visibility

splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

- 29) The development shall not be occupied until the estate roads which provide access to it from the existing highway have been laid out and constructed to binder level in accordance with the details to be approved pursuant to condition 1 and 8 above. The estate roads in any phase of the development shall be fully completed as approved before occupation of 95% of the dwellings in the whole development.
- 30) The residential part of the development shall not be occupied until a Residential Travel Plan has been submitted to and approved in writing by the local planning authority. The approved Residential Travel Plan shall be implemented and maintained thereafter.
- 31) The employment part of the development shall not be occupied until an Employment Travel Plan has been submitted to and approved in writing by the local planning authority. The approved Employment Travel Plan shall be implemented and maintained thereafter.
- 32) All dwellings shall be built to a minimum Building Regulation Standard M4(2) 'Accessible and adaptable dwellings' and 15% of all Affordable dwellings shall be built to a Building Regulations Standard M4(3) 'Wheelchair Accessible Housing', or the nearest equivalent standard in any future modifications to the Building Regulations Approved Documents. The development shall be thereafter retained to those standards.
- 33) The dwellinghouses hereby permitted shall be built and fitted out so as not to exceed the optional water consumption standard of 110 litres per person per day.
- 34) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the relevant phase of development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority
- 35) The employment element of the development hereby permitted shall be used for Class B8 and Class E (c), (d), (e), (f) and (g) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purposes including any other purpose in Classes B or E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent

to that Class in any statutory instrument revoking and re-acting that Order with or without modification.

END OF SCHEDULE

Richborough