



Appeal Decision

Inquiry held on 10 to 12 June 2025

Site visit made on 9 June 2025

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 1st August 2025

Appeal Ref: APP/R4408/W/25/3359917

Land north of Hemingfield Road, Hemingfield, Barnsley, S73 0PW

- 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 Hargreaves Land Limited, G. N. Wright, M. M. Wood, M. J. Wood, and J. D. Wood against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref is 2024/0122.
 - The development proposed is 'Outline planning application for demolition of existing structures and erection of residential dwellings with associated infrastructure and open space. All matters reserved apart from access into the site'.
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Decision

1. The appeal is allowed and outline planning permission is granted for demolition of existing structures and erection of residential dwellings with associated infrastructure and open space (with all matters reserved apart from access into the site) at land north of Hemingfield Road, Barnsley, S73 0PW in accordance with the terms of the application, Ref 2024/0122 and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural and preliminary matters

2. The application was made in outline form with all matters reserved apart from access into the site. Plans for determination are therefore the site location plan and those relating to external access. The remaining plans are for illustrative purposes only.
3. The Council withdrew its opposition to the development during the inquiry. It requested that I disregard all its submissions to the appeal, including statements, proofs and evidence given under cross examination. The reasons for refusal and the officer's report remain before me, although the Council was clear that it no longer relies on them.
4. I have had regard to the issues raised by interested parties and the remaining evidence, and I set out my reasoning on these below.

Reasons

Housing delivery and land supply

5. Policy H1 of the Barnsley Local Plan (2019) ('LP') seeks to complete 21,546 net additional homes during the period 2014 to 2033, giving an indicative figure of 1,134 per annum. According to Policy H2, approximately 12% of these (2,567)

should be delivered in the general Hoyland area where the site is located. Policy H1 also states that a minimum 5-year supply of deliverable sites will be maintained.

6. The reasons for refusal and officer's report are silent on the matter of housing delivery and land supply. However, a signed statement of common ground on the 5-year housing land supply ('SoCG') was submitted for the appeal, and I have had regard to this and national housing delivery data to glean the Council's position.
7. The housing delivery test result for the borough (2020 to 2023) is 84%, which means that the targets in the plan have not been met over this period. The extent of the undersupply was agreed to be 3,615 dwellings in the SoCG.
8. To assess the required number of houses for the outstanding plan period, the parties agreed to spread the deficit over the remaining years. The low housing delivery means that a 20% buffer must be added to this number. It was a matter of agreement between the parties that the 5-year requirement is therefore 9,215 dwellings using a base date of 1 April 2024.
9. The deliverable housing land supply was a matter of dispute between the parties. The most recent published evidence for the Council's position of 3.1 years supply is from an appeal decision¹, although the Council revised this estimate to 2.9 years during the inquiry in an agreed update to the SoCG [ID5].
10. However, the Council confirmed that it has not been updating annually a supply of specific deliverable sites as required by paragraph 79 of the National Planning Policy Framework ('Framework'). The last published 5-year supply figure was in 2021. At the inquiry the Council reported high level conversations with site developers, which I do not consider meet the requirement in the Framework for 'clear evidence' that major development sites would begin within 5-years. Given these factors, I have low confidence in the Council's trajectory of its housing land supply.
11. On the other hand, I was provided with compelling, detailed evidence from the appellant that the housing land supply is likely to be approximately 2.0 years. It is not necessary for me to rely on an exact number; it is sufficient for the purpose of this decision for me to conclude that the supply is highly likely to be of this order.
12. I conclude that there is a shortfall in the delivery of housing over the plan period to date amounting to between three and four thousand houses. The borough has a significant deficit in its 5-year housing land supply and, although I heard that remedies were being considered, there are currently no clear, substantial emerging policies that would remedy this problem within the remaining plan period. There therefore appears little chance that the requirements of Policy H1 and H2 of the LP will be met over the plan period.
13. The proposal would contribute between 165 and 180 houses. Given the housing delivery and land supply situation described above, this contribution towards the local housing supply would be a substantial benefit of the scheme, and would contribute towards the overall delivery of housing required by Policies H1 and H2.
14. Policy H7 requires that at least 10% of new housing is affordable in Hoyland. This would be secured in this case through an agreement pursuant to section 106 of

¹ APP/R4408/W/24/3347461 (November 2024) *Land to the rear of Greenland Cottage, High Hoyland Lane, High Hoyland, Barnsley*

the Town and Country Planning Act 1990 ('s106') and the policy would therefore be met. The appellant has provided convincing evidence that the affordable housing targets for both the borough and locality have not been met for several years. Although the detailed numbers and underlying methodology were disputed by the Council, it concedes that the deficit is now large. Given this context, delivery of at least 16 affordable houses towards the targets in the LP would also be of considerable benefit.

Safeguarded land

15. The site is not allocated for housing but comprises approximately 6.78 hectares of 'safeguarded land'. It is part of wider plot 'SL6', which is 18.2 hectares in total. Policy GB6 of the LP states that permission for permanent development will only be granted on safeguarded land if proposed following a review of the plan. A review of the plan was undertaken in 2022 which did not subsequently nominate this land for development. Development of this safeguarded land would therefore be in conflict with Policy GB6.
16. The appellant invited me to conclude that the latest review of the LP was unsound because it assumed that the housing supply was healthy. The implication of this is that, had lower housing delivery and land supply figures been used, the site might have been proposed. However, I am not satisfied that I have all the information before me to undertake this exercise and, even if the Council had concluded that the housing land supply was insufficient, it is not an inevitability that SL6 would have been preferred to the other options available. In any event, I do not find this exercise necessary for the purpose of coming to an overall decision.
17. I conclude that the proposal conflicts with Policy GB6 and would, as a consequence, undermine the adopted spatial strategy. This could also lead to longer term development needs being harder to meet and increase the pressure on the Green Belt in the future.

Comprehensive delivery of neighbouring land

18. Policy GD1 states that development should be approved if it does not significantly prejudice the current or future use of the neighbouring land, or adversely affect the potential development of a wider area of land and protects access to this.
19. An overarching master plan has not been provided for development of the SL6 plot in its entirety. However, there is no policy requirement for this, and the appellant has highlighted other similar sites that have not required such a plan.
20. The appellant has provided an assessment of the potential effects of this proposal on the development of the wider SL6 plot, including on transport and highway safety, and concluded that no unavoidable prejudice or adverse effects to future development would be caused. The access points between the sites would be secured, safeguarding the access to adjacent land, as required by the policy.
21. For these reasons, the lack of masterplan does not weigh against the development. I have seen no evidence that development of this site would adversely affect the potential development of the wider area and I therefore conclude that there is no conflict with Policy GD1 of the LP.

Highway safety

22. A new vehicular entrance to the site would be created off Hemingfield Road. As part of these works, a ghost island right turn priority T-junction would be inserted and the northbound lane widened to allow traffic to flow while vehicles are waiting to turn into the site. Suitable visibility splays can be achieved and secured through a condition.
23. Interested parties have raised concerns about exacerbation of local parking problems. I am satisfied that sufficient parking for occupiers and users of the site can be secured at the reserved matters stage, and I have not been provided with any substantial evidence that off-site parking would be inevitable or exacerbated.
24. Concerns were also raised by interested parties regarding the effect on highway safety from additional vehicles around Brierly Meadow, Garden Grove and School Street. The Transport Assessment concludes that most of the traffic generated by the development would travel in the other direction towards the dual carriageway and the number of additional cars predicted to pass the entrance to these streets would be too small to have a significant effect on highway flow and safety. In the absence of compelling evidence to the contrary, I agree with this assessment.
25. I have also noted concerns about tailbacks from the roundabout on the Dearne Valley Parkway and the cumulative effects with other developments in the area. The Transport Assessment, which is not disputed by the Local Highway Authority, has demonstrated that this development would not lead to significant impacts on the transport network or on highway safety, and I am satisfied that this is an appropriate outcome.
26. It has been demonstrated that access to the site would be safe and secure, as required by Policy T4 of the LP and paragraph 115 of the Framework.

Sustainability of the location of the site

27. The site is in an area with good public transport links. The proposal would invest in these in order to mitigate the effects of the development, secured via the s106 agreement, including through provision of a platform adjacent to the relocated southbound bus stop to enable installation of a shelter, which would also be of wider public benefit.
28. Hemingfield has several facilities, including a school, pub, café and store and there are supermarkets within a couple of miles. The development would deliver additional pedestrian crossing points on the main road to improve access to these facilities, including raised kerbs and tactile paving facilities, which would also be of public benefit.
29. Policy T3, which requires that new development is accessible to public transport, is therefore met. A travel plan would be secured through a condition and the remaining requirements of Policy T3 would be reserved matters. For these reasons, the proposal is also consistent with paragraph 110 of the Framework, which requires that significant development is in a sustainable location with a genuine choice of transport modes.

Agricultural land

30. The site comprises agricultural land, at least some of which was confirmed to be Best Most Versatile (BMV) land at the inquiry. In the absence of a local policy on this issue I have turned to paragraph 187 of the Framework, which states that the economic and other benefits of BMV land must be recognised in decisions. Even if the entire site is BMV, at around 7 hectares the scale of loss would be small and the harm caused therefore minor.

Landscape

31. The site comprises two fields, currently used for arable crops and equestrian grazing, in addition to hosting agricultural buildings. It is adjoined on two sides by embankments planted with mixed trees and hedges, which support the Dearne Valley Parkway and Hemingfield Road.
32. A public right of way crosses the centre of the site (Wombwell Footpath 17) and another footpath (Wombwell Footpath 18) runs adjacent to the southern boundary, both of which would be retained. I observed that these are well used and heard at the inquiry how much people appreciate walking in the countryside around the area.
33. There would be effects on landscape features and character from the development through loss of rolling landform and farmland, and replacement of this with housing. Some hedgerows and trees within the site would be lost. These are of value to the landscape, albeit they are not of exceptional quality or condition.
34. The run-down agricultural buildings and associated hardstanding would be replaced with public green space at the entrance to the site, which would have a beneficial effect. The development also has the potential to increase the number of hedgerows and trees compared to the existing situation at the reserved matters stage, which would reduce the harm above and may even be beneficial in the long term.
35. The low-lying position in the landscape means that distant views of the changes at the site would be limited and largely against a backdrop of the existing settlement. Longer views across the fields and down the valley from Hemingfield Road would be largely lost, although the harm to the visual amenity from this would be reduced through landscaping and planting. The harmful effects on the landscape would also be visible from nearby residential properties, including potentially major effects on some properties on Garden Grove and Briery Meadows.
36. The visual effects of the change in landscape from Footpath 17 would be strongly felt when crossing the site itself, a distance of approximately 200 metres. Views from the footpath beyond the site in both directions are highly restricted, including by topography, vegetation and the road bridge. The parameters plan, with which the development would need to be in broad accordance, incorporates a green corridor along this right of way, which would open into a large, landscaped area. This would reduce the harm to visual amenity for the users of this Footpath 17. The effects would also be felt by users of Footpath 18, although this is reduced due to the low intervisibility with the site along much of its length.
37. Overall, there would be harm to the character of the landscape, the visual effects of which would be reduced but not eliminated through planting and planned green

spaces. There is therefore conflict with Policy LC1, which requires retention and enhancement of the character and distinctiveness of the landscape and paragraph 187 of the Framework, which protects landscapes and the character of the countryside.

Ecology and biodiversity

38. A series of comprehensive ecological surveys have demonstrated that the site is of low intrinsic ecological value. The site may be used for breeding birds, which would be displaced. However, suitable habitat is present in the surrounding area and the s106 secures a contribution towards maintaining and improving these opportunities. Some hedgerow would be lost, but it is proposed to provide additional hedgerows and enhance those that remain, which would reduce the harm from this. Mitigation measures also include avoiding site clearance during the breeding season and providing new nesting opportunities in the form of new habitat and nest boxes. I am satisfied that any effects on breeding birds would be appropriately mitigated.
39. The ecological survey recorded that bat activity is low throughout the site. The main impact of the development would be from an increase in lighting. A dark corridor along the woodland edge habitat is therefore proposed to preserve a commuting route, augmented with a sensitive lighting scheme for the remainder of the site. I am satisfied that any effects on bats would be appropriately mitigated.
40. A Biodiversity Net Gain of at least 10%, in addition to a significant increase in hedgerow units, would be secured through a condition for a Habitat Management and Monitoring Plan (HMMP). This would be a benefit of the development.
41. The development is therefore consistent with the requirements of Policy BIO10 and paragraph 187 of the Framework, which state that development must protect habitats and species of ecological value, and provide net gains for biodiversity.

Green space

42. The development would deliver new, publicly accessible green spaces linked through additional pedestrian routes. At present, only the edges of the fields are accessible and the quantum of open space available for public use would therefore increase.
43. This is consistent with the requirements of Policy GS1 of the LP, which states that new residential developments must provide towards green space and Policy GI1 which encourages an integrated network of connected and multi-functional Green Infrastructure assets. It is also consistent with paragraph 135 of the Framework, which states that good design accommodates a mix of development, including green space, and paragraph 96, that encourages provision of accessible green infrastructure to achieve healthy and inclusive places.

Other considerations

44. There would also be benefits from contribution to local construction employment and the local expenditure generated by future residents.
45. The development would support local schools, some of which the appellant has demonstrated have declining numbers.

Other matters

46. I have noted the concerns raised by interested parties regarding the additional pressure on local infrastructure, including sewage. However, the relevant operators have been consulted and have not raised concerns about capacity or requested financial contributions. On this basis, I must conclude that the development would not cause the burden on these services to become unsustainable.
47. At the inquiry, I heard about the concerns of neighbours regarding disturbance during construction. I am satisfied that this can be controlled and minimised as far as possible through a condition. The residual disturbance would be temporary and does not weigh against the development.
48. Matters of layout and landscaping would be dealt with at the reserved matters stage. This is the point at which the living conditions of neighbours, including those on Brierly Meadows, would be assessed in detail in accordance with the Council's guidance to ensure they are protected. Concerns regarding the effect of layout and landscaping on anti-social behaviour and the appropriate location for the playground can also be addressed at this stage, as can the character and mix of housing on the development.
49. Planning is concerned with land use in the public interest so the protection of private interests, such as neighbouring property values is not a material consideration.
50. The additional council tax revenue is a neutral matter because the contributions are predominantly to cover the services and costs associated with the new properties.
51. The site is not in a flood zone and, based on the Flood Risk and Drainage Assessment, I am satisfied that the development can be designed to ensure that it does not increase the risk of flooding elsewhere.

Conditions

52. I have considered the suggested conditions taking into account the discussions at the inquiry, the policies in the Framework and the advice given in the Planning Practice Guidance. The appellant has given written agreement to all the conditions, including those that are pre-commencement. I impose all of them following the recommended sequence in the guidance, and amending some wording in the interests of conciseness, precision and enforceability.
53. Conditions [1-2] controlling time limits and the provision of details on reserved matters are necessary because the application is for outline permission.
54. I have imposed condition [3] specifying the approved plans for reasons of certainty. As agreed at the inquiry, reference to plans that are illustrative and supporting documents have been removed.
55. Condition [4] controls construction traffic during development and mitigates against the potential effects of this on other highway users and the environment. It controls surface water during construction to protect the environment and manage any risk of flooding. It also specifies the hours of working to protect the amenities of neighbours.

56. Condition [5] ensures that the long-term flood risk from surface water drainage is not increased or water quality harmed. Condition [6] requires that details of foul drainage are provided to ensure that it is appropriately disposed of.
57. Condition [7] ensures that the ecological interests of the site, including any protected species, are adequately safeguarded throughout the development. Condition [8] secures a minimum of 10% Biodiversity Net Gain. Condition [9] requires additional mitigation and enhancement measures in the form of bat and bird boxes, and hedgehog highways. Condition [10] controls external lighting for the protection of bats.
58. A written scheme of archaeological investigation has already been approved and acted upon. Condition [11] therefore requires an evaluation of this and proposals for mitigation and recording, as required.
59. The site is within a Development High Risk Area for mining. A Coal Mining Risk Assessment was submitted with the application and an investigation of the site is required to establish the detailed ground conditions. Remedial works and mitigation may be necessary. These controls on the ground stability of the site are secured through condition [12].
60. Condition [13] maintains the required visibility splay at the main entrance in perpetuity. Condition [14] is for a travel plan. Condition [15] is the for the long-term management of streets within the development. These conditions are necessary to protect highway safety and the highway network.
61. Conditions [16] and [17] protect and secure access in perpetuity to the Yorkshire Water sewage infrastructure that runs beneath the site.
62. Conditions [18] and [19] are necessary to clarify what must be submitted at the reserved matters stage, including that the development must be in broad accordance with the principles established during the application. This includes the requirement to install the agreed access points, including to the remaining safeguarded land, and an Arboricultural Impact Assessment. Condition [19] is necessary to protect future residents from the external noise associated with the main road.

Planning obligation

63. A dated and signed planning obligation in the form of an agreement pursuant to section 106 of the Town and Country Planning Act 1990 was submitted on 17 June 2025. This secures commitments to affordable housing, buses, recreation and skylark mitigation.
64. None of these contributions are in dispute between the main parties and the Council has provided evidence, including detailed Community Infrastructure Levy (CIL) compliance statements, that justify the requirements and amounts sought.
65. It is clear from the submitted evidence that all the provisions and contributions set out within the planning agreement 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 proposed. They therefore satisfy the tests within Regulation 122(2) of the Community Infrastructure Levy 2019 and paragraph 57 of the Framework, and I have taken them into consideration when reaching my decision.

Planning balance and conclusion

Assessment against the local development plan

66. The site is identified as safeguarded land in the LP, which was not released for development following a recent review. For this reason, the proposed development would undermine the spatial strategy and land reserved for development under a future plan would be removed, potentially increasing pressure on the Green Belt. This conflict with Policy GB6 is a matter of significant weight against the proposal.
67. The scheme would deliver 165 to 180 dwellings and at least 16 affordable houses in Hoyland, in an area earmarked for growth in the LP. This is consistent with Policies H1 and H2. Delivery of at least 10% affordable housing is also consistent with Policy H7.
68. The shortfall in delivery of both market dwellings and affordable housing is now considerable both in this area and across the borough. The current housing land supply is less than 3 years and probably of the order of 2 years. I conclude that the likelihood of the housing requirement in the local plan being met over the remaining plan period from the allocated sites is vanishingly small.
69. For these reasons, I reduce the weight given to the conflict with Policy GB6, which constrains development. I also give very substantial weight to both the provision of a large number of market dwellings and affordable housing towards the targets in the local policies.
70. The development would cause there to be some harm to the character of the landscape, as well as visual harm, contrary to Policy LC1. This is a matter of small weight against the proposal, allowing for the proposed mitigation measures.
71. Investment in public transport infrastructure and improvement of pedestrian networks are consistent with Policy T4. These would be of public benefit and these are therefore matters of small beneficial weight. There would also be an improvement in publicly accessible green infrastructure in accordance with Policy GI1, which weighs towards the development to a small extent, given the scale of the scheme. The proposal is consistent with Policy BIO10, which protects habitats and species of ecological value, and delivery of more than 10% BNG is also a matter of small weight in favour of the scheme.
72. The proposal would not adversely affect potential development of the remaining safeguarded area and therefore complies with Policy GD1. It has been demonstrated that access to the site would be safe and secure, and the proposal therefore also complies with Policy T4.
73. There would also be minor benefits from temporary construction employment, local long-term expenditure and support for declining numbers in local schools. There would be minor harm from loss of agricultural land.
74. I conclude that the considerable benefits from provision of market and affordable housing in a sustainably located area, in addition to the other benefits listed above, outweigh the harm caused by conflict with spatial policy GB6 and to the landscape. This is in the context of a significant shortfall in housing across the borough and little prospect of the need being met over the plan period.

75. The proposal is therefore consistent with the local development plan when read as a whole.

Conclusion

76. The appeal is allowed.

B Davies

INSPECTOR

Richborough

APPEARANCES AT THE INQUIRY

FOR THE APPELLANT:

Mr Richard Sagar, Partner, Walker Morris LLP
Mr Robert Moore, Director, Walker Morris LLP
Mr Matthew Good, Senior Director, Pegasus Group
Mr Gary Lees, Consultant, Pegasus Group
Mr Stuart Wilkins, Director, Bryan G Hall
Mr Andrew Baker, Managing Director, Baker Consultants

FOR THE LOCAL PLANNING AUTHORITY:

Mr Philip Robson KC of Kings Chambers
Ms Laura Bennett, Spatial Planning Project Manager, BMBC
Ms Emma Coveney, Senior Planning Officer, BMBC
Ms Alison Dalton, Group Leader Affordable Housing, BMBC

INTERESTED PARTIES:

Mr David Lloyd, Local Resident
Mrs Glynnis Ford, Local Resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- ID1. Appellant's notice of appearance
- ID2. Opening submissions of the appellant
- ID3. Opening submissions on behalf of the LPA
- ID4. Biodiversity net gain: exempt developments (Defra, 21 August 2024)
- ID5. BMBC Revised 5-year land supply position 10 June 2025
- ID6. Draft agreement under Section 106 of the Town and County Planning Act (1990)
- ID7. Summary of s106 Agreement
- ID8. Agreed revised conditions
- ID9. Signed s106 Agreement
- ID10. Final draft of agreed conditions
- ID11. Closing Statement for the Appellant

Schedule of Planning Conditions

- 1) The development hereby permitted shall be begun not later than three years from the date of this permission or two years from the date of approval of the last of the reserved matters.
- 2) Before the development has begun, details of the appearance, landscaping, layout and scale ("the reserved matters") shall be submitted to and approved in writing by the local planning authority and the development shall be carried out as approved.
- 3) The development, hereby permitted, shall be carried out in accordance with the following approved plans:
 - Site Location Plan 2344.03 Rev A, dated 07.02.24
 - Proposed Access Arrangements (Right Turn Ghost Island Junction) 23/160/SKH/007 Rev E, dated 21.08.24
- 4) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The statement shall include details of the following:
 - i. Site working hours, including construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials
 - ii. Routes to and from the site for construction traffic
 - iii. The parking of vehicles of site operatives and visitors
 - iv. Any temporary access to the site, including the timing of closure of any existing access
 - v. Loading and unloading of plant and materials
 - vi. Storage of plant and materials used in constructing the development
 - vii. Arrangements to receive abnormal loads or unusually large vehicles
 - viii. Methods of communicating the Construction Management Plan to the workforce, visitors and neighbouring residents and businesses
 - ix. Measures to prevent mud/debris being deposited on the public highway.
 - x. Details of how surface water drainage will be managed during the construction phase.

The submitted and approved Construction Management Plan shall be adhered to throughout the construction period.
- 5) No development shall take place unless and until details of the surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Thereafter, the development, or parts thereof, shall only be occupied or brought into use if the relevant parts of the approved scheme have been implemented. The scheme shall be retained throughout the life of the development. The scheme shall be informed by:

- i. porosity tests to demonstrate that the subsoil is suitable for soakaways; and
 - ii. Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways.
- 6) No development shall take place unless and until details of the foul water drainage scheme have been submitted to and approved by the local planning authority. Thereafter, the development, or parts thereof, shall only be occupied or brought into use if the relevant parts of the approved scheme have been implemented. The scheme shall be retained throughout the life of the development.
- 7) No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:
 - i. A risk assessment of potentially damaging construction activities;
 - ii. The identification of 'biodiversity protection zones';
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (which may be provided as a set of method statements including, but not limited to, an arboricultural method statement);
 - iv. The location and timing of sensitive works to avoid harm to retained biodiversity features (including trees) (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - v. The use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 - vi. The times during construction when specialists ecologists need to be present on site to oversee works;
 - vii. Responsible persons and lines of communication;
 - viii. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);

The approved CEMP-B shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 8) A Habitat Management and Monitoring Plan (HMMP) detailing a biodiversity enhancement scheme which secures a minimum 10% Biodiversity Net Gain which has been completed by a qualified ecologist and detailing management to be carried out for a minimum period of 30 years from the date of implementation of the approved HMMP will be submitted to and approved by the local planning authority prior to the commencement of the development. The HMMP should follow the template HMMP provided by Natural England and include information on the following;

- i. Project information, funding and evidence of legal agreements securing the management and monitoring of the approved biodiversity enhancements
- ii. Summary of Habitat Proposal and Plans, site boundary map, site context map
- iii. Phasing Strategy – if relevant
- iv. Roles & Responsibilities
- v. Land use summary, site context photographs, site baseline and environmental information checklist
- vi. Management plan aims and objectives, design principles informed by baseline information
- vii. Habitat and condition targets, habitat retention and protection measures map
- viii. Creation, enhancement and management targets and prescriptions
- ix. Risk register and remedial measures
- x. Monitoring plan for reporting to the Council project progress in years 1,3,5,10,15, 20, and 30 from the date of implementation and adaptive management.

The HMMP shall be implemented in accordance with the approved scheme.

- 9) The development shall be carried out in accordance with the following additional biodiversity mitigation and enhancement measures, for which a scheme shall be submitted to and approved in writing by the local planning authority, prior to development above the damp-proof course. The scheme will include the measures listed below at (i) and (ii) and shall be implemented prior to the first occupation of each dwelling. The features shall thereafter be permanently retained.
 - i. Integrated bat, swallow and swift boxes/bricks or other suitable mitigation shall be installed in suitable locations within 50% of the dwellings on site; and
 - ii. Hedgehog highways to be installed in all boundary fencing, including fences between dwellings. The hedgehog highways will be signposted to prevent residents blocking the gaps.
- 10) Prior to first occupation of the development, details of external lighting shall be submitted to and approved in writing by the local planning authority. The scheme will aim to reduce adverse impacts on bats using key corridors, foraging and commuting features and roosting sites. The details shall include, but are not limited to, the following:
 - i. Identification of areas/features on site that are particularly sensitive e.g. breeding, resting, foraging and commuting sites;
 - ii. A drawing showing dark corridors and buffer areas.
 - iii. Details showing how and where external lighting will be installed will be agreed in order to minimise impacts on bats.

The lighting plan will be prepared with reference to the current Bat Conservation Trust guidance on lighting and bats and with reference to the baseline lighting levels around the site. It shall include:

- i. Technical descriptions, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- ii. A description of the luminosity of lights and their light colour;
- iii. A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- iv. Methods to control lighting control (e.g. timer operation, Passive Infrared Sensors (PIR)); and
- v. Lighting contour plans, both horizontal and vertical where appropriate, taking into account hard and soft landscaping.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. They shall be maintained thereafter in accordance with these details.

- 11) Prior to the commencement of development:
 - i. an archaeological evaluation of the site will be undertaken in accordance with the Written Scheme of Investigation – Archaeological Evaluation by Trial Trenching report prepared by MAP Archaeological Practice (Version C-181124);
 - ii. a report detailing the outcome of the archaeological evaluation and proposed mitigation measures (if necessary) will be submitted to and approved by the local planning authority; and
 - iii. any mitigation measures required will be implemented in full.
- 12) No development shall commence until:
 - i. a scheme of intrusive site investigations has been submitted to and approved by the local planning authority. The approved scheme shall be carried out on site to assess and establish the risks posed to the development by past coal mining activity.
 - ii. Where the intrusive site investigation recommends remedial works and/or mitigation measures, a scheme detailing the proposed remedial works and/or mitigation measures shall be submitted to and approved by the local planning authority. Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
 - iii. Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the local planning authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

- 13) Prior to the first occupation of the development hereby permitted, visibility splays shall be provided in full accordance with the details shown on approved plan Proposed Access Arrangements (Right Turn Ghost Island Junction) 23/160/SKH/007 Rev E, dated 21.08.24. The splays shall thereafter be maintained at all times free from obstructions exceeding 1m above the level of the adjacent carriageway.
- 14) Prior to first occupation of the site a detailed site specific Travel Plan shall be submitted to and approved by the local planning authority. The Travel Plan shall be implemented in accordance with the details that have been approved.
- 15) No building hereby permitted shall be occupied until details of arrangements for the future management and maintenance of proposed carriageways, footways, footpaths and landscaped areas not put forward for adoption as maintainable at public expense within the site have been submitted to and approved in writing by the local planning authority. On occupation of the first dwelling within the site, the streets shall be maintained in accordance with the approved management and maintenance details.
- 16) No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer i.e. a protected strip width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been approved by the local planning authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.
- 17) No new tree planting shall be permitted over or within 5.0 (five) metres either side of the centre line of the sewer(s), which cross the site.
- 18) Any application(s) for the approval of reserved matters shall be submitted in broad accordance with the approved Parameter Plan 2344.PP.01 Rev A, dated December 2023, and shall include the following:
 - i. Detailed drawings to scale showing the routes providing vehicular and pedestrian access within the site from the approved vehicular and pedestrian access into the site (in accordance with Plan reference Proposed Access Arrangements (Right Turn Ghost Island Junction) 23/160/SKH/007 Rev E, dated 21.08.24) up to the eastern site boundary of the site;
 - ii. A timetable for the construction of the routes providing vehicular and pedestrian access within the site; and
 - iii. An Arboricultural Impact Assessment (AIA) showing the effect of the layout on trees to be removed or retained.

- 19) A noise mitigation report, taking into account the proposed location of the dwellings, shall be submitted at reserved matters stage. This shall provide details of the mitigation measures to be implemented taking account of the Noise Impact Assessment produced by Environmental Noise Solutions Ltd dated 7 February 2024, ref: NIA-11108-24-11392-v4 Hemingfield Road, following the scheme of mitigation outlined in Table 4.1, section 4.3 and section 4.4. Thereafter the agreed mitigation measures shall be implemented prior to the first occupation of each dwelling in accordance with the approved scheme.

Richborough