



Appeal Decision

Inquiry held on 28 – 31 October 2025

Site visit made on 31 October 2025

by Stephen Normington BSc, DipTP, MRICS, MRTPI, FIHE, FIQ

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2026

Appeal Ref: APP/W2845/W/25/3367158

Land to the west of Brackley, Brackley, NN13 6FA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Vulpes Ltd T/A Vulpes Land (Vulpes Land), Ashfield Land Developments Ltd & Davidsons Developments Ltd against West Northamptonshire Council.
 - The application ref is WNS/2021/0492/EIA.
 - The development proposed is outline permission, with access not reserved, for up to 700 residential dwellings, areas of public open space, a rugby pitch, landscaping, allotments, sustainable drainage and associated infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted, with access not reserved, for up to 700 residential dwellings, areas of public open space, a rugby pitch, landscaping, allotments, sustainable drainage and associated infrastructure. at land to the west of Brackley, Brackley, NN13 6FA in accordance with the terms of the application, Ref WNS/2021/0492/EIA, subject to the conditions set out in the attached schedule in Annex E.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for subsequent approval except for two access points off the A422 and Hasle Road to be considered at this stage. Matters of appearance, landscaping, layout and scale are reserved for future consideration.
3. In addition to the detailed plans relating to the vehicular site access points, a number of plans were submitted with the application including a Parameters Plan, details of proposed footway/cycleway links on Halse Road, proposed drainage strategy, and proposed non-motorised road user improvements on Banbury Road. These are submitted for approval as part of the application to ensure that the detailed proposals have consistency with the parameters and details that have been assessed in this appeal. They have informed my consideration of the appeal accordingly. In addition, the application was accompanied by a Concept Masterplan. Whilst this shows indicative layouts of built development it also shows the location of land uses including proposed public open space, allotments, footpath and cycle routes, and landscaping areas. Both main parties agree that the development should also be carried out in general accordance with this plan.
4. Following the submission of the appeal, the planning application was presented to the Council's Strategic Planning Committee meeting on 15 July 2025. The

Committee accepted the recommendation in the Planning Officer's Report¹ that had the Council been in a position to determine the application a single putative reason for the refusal of planning permission would have been resolved. This related to an absence, at that time, of a completed agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (Section 106 Agreement) that would formally secure mitigations to offset the impacts of the development.

5. The Council's Statement of Case² confirms that should a Section 106 Agreement be agreed and completed then the putative reason would fall away. An Agreement was provided, signed and dated by the Appellants and the Council on 18 November 2025³. The Council provided a Community Infrastructure Levy (CIL) Compliance Statement⁴ on 28 October 2025. The Compliance Statement considered the obligations provided against the tests set out in regulation 122(2) of the Community Infrastructure Regulations 2010 (CIL Regulations) and concluded that the Council is satisfied that the planning obligations in the Section 106 Agreement are Regulation 122 compliant. The Council's Opening Submissions⁵ confirm that an acceptable Section 106 Agreement has been entered into and that the Council's putative reason for refusal fails away. I shall return to the Section 106 Agreement and its content later.
6. A Statement of Common Ground (Main SoCG)⁶ was provided and signed by the Council and the Appellant on 15 September 2025 and 16 September 2025 respectively. This identified that both parties agree that planning permission should be granted for the proposed development. The only matter of disagreement relates to the status of the development plan and whether it remains up to date in the context of the application of paragraph 11(d)(ii) of the National Planning Policy Framework (the Framework).
7. A SoCG relating to transportation matters signed by the Appellant and the Council in its capacity as highway authority (Transportation SoCG)⁷ was also provided dated 19 September 2025. This identified that there are no matters of disagreement between the two parties on transport or highways matters.
8. A SoCG relating to housing (Housing SoCG)⁸, signed by both main parties on 19 September 2025 was also provided. This identified a number of disputed matters that primarily relate to five year housing land supply with particular regard to the five year requirement and deliverable supply. I return to these matters later.
9. The application scheme constitutes Environmental Impact Assessment development, and the application was accompanied by an Environmental Statement (ES) prepared pursuant to the Town and Country Planning (Environmental Impact Assessment (EIA)) Regulations 2017 (as amended). An ES addendum was also submitted in September 2024. This was subject to review by the Planning Inspectorate and found to be satisfactory in terms of Schedule 4 of the Regulations. Having taken into account the content of the ES, I am satisfied that it identifies the likely environmental effects arising from the appeal scheme.

¹ CDG01

² CDC08A

³ ID23

⁴ ID5

⁵ ID2 paragraph 4

⁶ CDC10

⁷ CDC12

⁸ CDC11

10. Prior to my determination of this appeal, on 16 December 2025 the Government published a consultation National Planning Policy Framework: proposed reforms and other changes to the planning system. This sets out proposed reforms to the National Planning Policy Framework (the Framework) along with other changes to the planning system. The consultation was accompanied by a Written Ministerial Statement (WMS). The consultation draft Framework does not constitute Government policy or guidance as it may be subject to change before the final document is published. However, it may, along with the WMS, be treated as material considerations in the determination of appeals.
11. Both main parties were invited to comment on any implications arising from the consultation proposals. The Council provided comments on 23 December 2025. These set out that the Council considers that the consultation draft Framework should only be afforded limited weight at this time as the draft Framework could be subject to material change prior to formal publication later in 2026. Furthermore, the Council commented that the consultation draft Framework and WMS does not yet change the mechanism by which the decision on this appeal should be made (i.e. the Development Plan and the existing Framework), nor does it alter the Council's case put forward in the Inquiry in relation to how that decision is reached.
12. The Appellant provided comments on 24 December 2025. These set out that for decision-taking, the new version of the Framework will take effect from the day it is published. Until that point, applications, and appeals must be determined with regard to the 2024 version of the Framework. On that basis, it has no weight and is not a material consideration for this appeal. With regard to the WMS, the Appellants are of the view that this reiterates that "England remains in the grip of a housing crisis that is both acute and entrenched..." and identifies (reiterates) that the Government are committed to delivering 1.5 million new homes in this Parliament. It goes on to identify that the proposed draft Framework changes are, "proposing new policies to boost housing land supply..." and are seeking to fully support 'suitably located development'.
13. The Appellant contends that the proposed development accords with the Government's commitment to deliver more homes to address the housing crisis, and it is in a suitable, sustainable location on the edge of an existing, established settlement, with access to shops, services, and means of transport other than the private car. It is therefore considered that the proposed development is in accordance with the WMS, being a suitable location for development. However, it is contended that the WMS does not suggest that the outcome of the appeal should be any different to what has been proposed by both the Appellants and the Council in their evidence.
14. I have taken into account the relevant provisions of the consultation draft Framework and the WMS in the determination of the appeal. Having regard to the comments provided by the main parties, I am satisfied that there are no material changes contained within the consultation draft Framework and WMS of significant relevance to the substance of this appeal. Therefore, I am satisfied that no party to this appeal would be prejudiced by the potential changes to the national policy context.

Main Issues

15. In light of the agreement between the parties that the appeal should be allowed, I consider the main issues to be:
- Whether the proposal would provide an appropriate site for development having regard to the development plan.
 - Whether the Council can demonstrate a five year housing land supply and whether paragraph 11(d) of the Framework is engaged.
 - Whether the proposed development would be sustainably located in relation to existing local facilities and whether adequate provision would be made for infrastructure requirements and opportunities for sustainable travel arising from the proposal.
 - The overall planning balance and compliance with the Framework and development plan and whether any harms would significantly and demonstrably outweigh the benefits of the appeal scheme.

Reasons

The appeal site

16. The appeal site comprises approximately 35.12ha of agricultural land located to the immediate west of Brackley, south of Halse Road and north of the A422. It consists of six irregular fields, separated by a series of hedgerows. Existing residential development is located to the east of the site with an intervening linear strip of public open space which runs behind the gardens of the existing properties. Agricultural land is located to the north and west of the site. Brackley Rugby Club lies adjacent to the northeastern boundary of the site.
17. The site is located outside the defined settlement boundary of Brackley and is thus located within the open countryside. The Main SoCG identifies that the site does not contain any designated heritage assets nor does it contribute to the significance of any designated heritage assets in the surrounding area. In addition, the site is not covered by any statutory designations for nature conservation and no statutory designations for nature conservation are present within any zone of influence surrounding the site.

The proposed development

18. The proposed development would deliver up to 700 residential dwellings, including up to 280 (40% of the final overall number) affordable homes. The proposed southern access for the site would be via a new arm on the A442/Banbury Road roundabout. The northern access is proposed as a priority junction off Halse Road. The proposed access would change the priority of Halse Road so that the road would continue into the site and the existing northern section of Halse Road would form the minor arm of the junction. The appeal site would have a primary internal vehicular access road running north to south through it, connecting to the A422 in the south and Halse Road in the north.
19. The proposals include provision for approximately 1.54ha of land to be constructed as a full size rugby union pitch which is proposed to be made available to the Brackley Rugby Union Football Club. In addition, approximately

0.5ha would comprise an allotment facility with an overall total of approximately 10.57ha of public open space being provided within the site.

20. A public right of way (PRoW) crosses the appeal site in an east-west alignment which would be retained and enhanced. New pedestrian connections are proposed on the site's eastern boundary using the links already reserved by the previous development.

Whether the proposal would provide an appropriate site for development having regard to the development plan

21. On 1 April 2021, West Northamptonshire Council was formed from the amalgamation of Daventry District Council, Northampton Borough Council and South Northamptonshire District Council. Prior to this, the West Northamptonshire Joint Planning Unit, established in 2008, had prepared the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (WNJCS) on behalf of the three councils, to set out the long-term vision and objectives for the whole of the West Northamptonshire area up to 2029, including strategic policies for steering and shaping development. The development plans of the previous local planning authorities were carried forward to the new Council. The appeal therefore falls to be considered with reference to the policies set out in the plans adopted by the former South Northamptonshire District Council.
22. As such the development plan comprises the following:
- West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2024)⁹.
 - South Northamptonshire Part 2 Local Plan 2011-2029 (2020) (LPP2)¹⁰.
23. The development plan also includes the Northamptonshire Minerals and Waste Local Plan (2016). However, both main parties agree that there are no policies contained within this plan which are relevant to the determination of this appeal.
24. The new West Northamptonshire Local Plan will replace the WNJCS and LPP2. However, this plan is in a relatively early stage of preparation with consultation pursuant to Regulation 18 of the Town and Country Planning (Local Plan) (England) Regulations 2012 to commence in late 2025/early 2026. Neither party referred to any policies contained within the emerging plan in substantive evidence presented to the Inquiry. In accordance with the provisions of paragraph 49 of the Framework, I have attached little weight to the policies contained within the emerging plan.
25. Policy S1 of the WNJCS provides a hierarchical approach to the distribution of development in West Northamptonshire. The policy identifies Brackley is a Rural Service Centre which is third in the spatial hierarchy tiering being below Northampton and Daventry. Policy B1 (Spatial Strategy for Brackley) states, amongst other things, that the role of Brackley as a Rural Service Centre will be supported and enhanced by housing development within the existing urban area.
26. Policy SS1 (Settlement Hierarchy) of LPP2 reiterates the WNJCS spatial hierarchy and states that new development should be within defined settlement confines. Policy LH1 (Residential Development Inside and Outside Settlement Confines) of

⁹ CD D03

¹⁰ CD D04

LPP2 reiterates the principles of housing development being acceptable inside settlement confines. The policy further states that development outside settlement confines is considered to be in the open countryside and will not be acceptable unless it relates to a number of exception criteria. None of the exception criteria are applicable to the appeal site.

27. While the appeal site is adjacent to a Rural Service Centre, it lies outside of it and would be in the open countryside. Consequently, the proposed development would not be in a suitable location for housing having regard to development plan policy. As such, the proposal would be contrary to Policies S1 and B1 of the WNJCS and Policies SS1 and LH1 of LPP2.

Whether the Council can demonstrate a five year housing land supply and whether paragraph 11 (d) of the Framework is engaged

28. Policy S3 of the WNJCS identifies a housing requirement for West Northamptonshire of 42,620 homes over the period 2011-2029, equating to 2,368 homes per annum. Within that overall requirement, Policy S3 of the WNJCS identified a requirement for 11,020 homes in South Northamptonshire (as was at that time), including about 23,160 homes at Brackley.
29. Both the WNJCS and LPP2 were adopted more than five years ago and have not been subject to an up to date review. The Council's Officer Report to Strategic Planning Committee identified that following the introduction of the new standard methodology in the 2024 version of the Framework there is now a need for significantly more homes than that provided for by the adopted policies. The policies of the development plan were designed to provide for 2,368 homes per annum across West Northamptonshire whereas the Appellants identify that there is now a local housing need, identified by the standard methodology, for a minimum 2,528 homes per annum (excluding the addition of any buffer)¹¹.
30. Paragraph 5.27 of the supporting text of the WNJCS explains that Northampton Borough was unable to meet its identified objectively assessed need within its administrative boundaries and as such a Northampton Related Development Area (NRDA) was identified which encompassed parts of Daventry and South Northamptonshire. The purpose of the NRDA was to address the unmet needs of Northampton Borough and deliver development within and as close to Northampton as possible.
31. As a result, the WNJCS identifies a series of sub-areas comprising the NRDA which covers the entirety of Northampton Borough as well as specific allocations within South Northamptonshire and Daventry. The remainder of South Northamptonshire is referred to as South Northamptonshire (excluding NRDA), and the remainder of Daventry is referred to as Daventry (excluding NRDA).
32. The Council published the latest Housing Land Supply Assessment in April 2025¹². This report, for the first time, provided a single housing land supply figure for the whole of West Northamptonshire (rather than the separate sub-areas). The Assessment is based on the Local Housing Need (LHN) and confirms that the Council can demonstrate a 5.5 years supply of housing land. The Housing SoCG provides a revision to this figure, after taking into account comments made by the

¹¹ Proof of Evidence Neil Tilley

¹² CD D15 – D18

Appellants, and identifies that 5.34 years supply can be demonstrated for West Northamptonshire. The Assessment does not provide any calculation of five year housing land supply (five year HLS) for South Northamptonshire (excluding the NRDA).

33. The Housing SoCG identifies that the Appellants consider the five year HLS for the West Northamptonshire area to be 3.73 years. The Council considers that the five year HLS for West Northamptonshire is 5.34 years. The Appellants have also calculated the supply for South Northamptonshire (excluding the NRDA) to be 3.74 years.
34. There are three main areas of disagreement between the parties that give rise to the differences in five year HLS. These relate to the area of assessment, the calculation of local housing need and the deliverable supply. I consider each of these matters below.

The area of assessment

35. Planning Practice Guidance (PPG)¹³ sets out that “Areas which have a joint plan have the option to monitor their 5 year housing land supply and have the Housing Delivery Test applied over the whole of the joint planning area or on a single authority basis. The approach to using individual or combined housing requirement figures will be established through the plan-making process and will need to be set out in the strategic policies.” It further states that “Where the 5 year housing land supply is to be measured on a single authority basis, annual housing requirement figures for the joint planning area will need to be apportioned to each area in the plan. If the area is monitored jointly, any policy consequences of under-delivery or lack of 5 year housing land supply will also apply jointly.”
36. The WNJCS was adopted on the basis that the five year HLS position would be calculated separately for each sub-area. As such, the development plan assumes that the five year HLS would be assessed for South Northamptonshire (excluding the NRDA).
37. The PPG also indicates that the housing land supply position should continue to be assessed in accordance with the development plan following Local Government reorganisation¹⁴. It advises that where strategic housing requirement policies, covering the predecessor authority area, are older than five years and require updating, local housing need should be used, where this is available. Where the data required to calculate local housing need is not available an alternative approach will have to be used.
38. There is dispute between the main parties regarding the current approach to the calculation of local housing need. The Council consider that as the standard method local housing need data is now only available for West Northamptonshire as a whole, then that is the correct area of assessment. By contrast, the Appellants consider that the sub-area approach is still required to be used, in accordance with the advice in the PPG, and have calculated housing supply on that basis.
39. I have carefully considered the respective positions of both parties regarding this matter. In this regard, I agree with the Appellants that housing land supply

¹³ Paragraph: 019 Reference ID: 68-028-20240205

¹⁴ Paragraph: 016 Reference ID: 68-025-20190722

considerations provide an indication of whether or not the spatial strategy of the development plan is being effective in meeting housing needs. In order to fulfil this purpose it would be appropriate to assess the supply in accordance with the adopted spatial strategy for South Northamptonshire (excluding the NRDA) sub-area which forms the key basis for the spatial strategy set out in the WNJCS.

40. If supply was assessed on the wider area of West Northamptonshire then this could lead to a position where the spatial strategy of the development plan becomes undermined. In particular, it would not be possible to assess the currency of policies in South Northamptonshire as this would also be based on the performance of different policies in Daventry and Northampton. This approach could potentially result in an unsustainable distribution of growth across West Northamptonshire contrary to the provisions of the spatial strategies of the relevant sub-areas. Furthermore, it would not be possible to assess whether or not the spatial distribution required by Policies S2, S3, S4 and S5 of the JCS is being achieved.
41. I have taken into account the appeal decision in the 'Flore'¹⁵ case. However, I accept the Appellants' view that this decision is not determinative in this case, particularly as I have no evidence regarding the extent to which the area of assessment was disputed between the parties. The decision, on reasonable reading, would suggest that there was no dispute between the main parties regarding the use of the West Northamptonshire area as the basis of the assessment area to calculate local housing need. Therefore, I have no evidence to indicate the extent to which this matter was argued in the Flore case which is very different to the circumstances in this appeal where there is a clear difference in the views of the main parties regarding the assessment area.
42. In calculating the five years HLS the Council has aggregated the housing land supply situations across each former local planning authority area which now comprise the West Northamptonshire area. The Appellants' approach is to focus on the individual development plan area. As planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise, I consider that the Appellants' approach is the correct one and would be consistent with the provisions of the PPG.

Local housing need

43. The Housing SoCG confirms that both main parties agree that it is appropriate to consider HLS over the period 1 April 2025 to 31 March 2030 for the purposes of this appeal. Furthermore, as the strategic policies contained within the development plan are more than five years old, the deliverable supply should be assessed against the LHN in accordance with paragraph 78 of the Framework.
44. The unchallenged evidence of the Appellants is that the five year LHN requirement for the South Northamptonshire sub area (excluding the NRDA), including a 5% buffer, is 2,462 dwellings. The Council provided no evidence of LHN for the South Northamptonshire (excluding the NRDA) sub-area.
45. With regard to the calculation for West Northamptonshire, there is dispute between the parties regarding one of the inputs into the LHN calculation. The Appellants use the most recent affordability ratios showing the position for 2024,

¹⁵ CD E04

published in March 2025 and the most recent housing stock information, also reflecting the position in 2024 and published in May 2025. The Council uses the same affordability ratios but uses housing stock information reflecting the position in 2023. The Appellants' calculation of LHN for West Northamptonshire over five years, including a 5% buffer, is 13,273 homes. The Council's calculation is 13,141 homes.

46. The PPG Housing and Economic Needs Assessment section states that the standard method is to be calculated using the most recent data published at the time. In this context, I consider that the Appellants have adopted the correct approach in the calculation of LHN. If LHN were to be calculated in accordance with national guidance, there is some degree of agreement between the parties that the requirement for West Northamptonshire is 13,273 dwellings over five years. The LHN now exceeds that identified in the WNJCS.

Deliverable supply

47. There is dispute regarding the supply figures associated with a number of the sites that the Council has relied on in the calculation of five year HLS. The Housing SoCG includes a Scott Schedule of sites that the Council considers will be deliverable to contribute to the five year HLS. The Scott Schedule identifies the position of each main party regarding deliverability. Those sites where there was a difference of 50 units or more were discussed in detail in the Inquiry. I have considered the respective positions of both main parties regarding those sites where dispute remains in coming to my own conclusions as set out below.
48. The Glossary of the Framework defines deliverable housing sites as those which are 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. It also sets out that sites with outline planning permission for major development, allocated sites, sites with a grant of permission in principle and sites identified on a brownfield land register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
49. I have considered the deliverability of those contested sites that were discussed in the Housing Round Table Session as follows:
50. *Northampton Railway Station Car Park* – This site is subject to an undetermined hybrid planning application including a full application to deliver a multi-storey car park and improvements to the public realm as Phase 1 and an outline application to then deliver a six-storey residential block of 280 apartments and hotel. The SoCG relied upon by the Council was signed by the landowner and not a developer who may have more experience in providing realistic information on the time it takes to deliver residential development of this nature. Furthermore, there is no evidence that a developer has been secured. Due to the steps that would need to follow after the granting of outline permission to construct the apartment block it is unlikely that completions could be achieved within the next five years. In the absence of any other clear evidence of deliverability, I can only conclude that 280 homes should be removed from the supply.
51. *Northampton Railway Station Rail Freight* – Although the Council suggest that it has entered into a SoCG that suggest that proposals are being prepared with an intention to commence delivery within the next five years, the site is currently in

use as a rail freight depot. Furthermore, no planning application for residential development has been submitted. As such, the site is not available now and I find there to be no clear evidence of delivery within the five year period. Consequently, I consider that 186 homes should be removed from the supply.

52. *University of Northampton Avenue Campus* – The Council accepts that the permitted schemes for this site are no longer viable. In order to progress a revised scheme there would likely be a need for land disposals, an infrastructure contract, new electricity supply to be secured, and a new planning application. Against this background, there is no clear evidence that housing completions will begin on site within five years. Consequently, I consider that 170 homes should be removed from the supply.
53. *N4 Northampton West Phase 5 – hybrid* – This site is subject to a hybrid planning application including a full application for 100 homes and an outline application for 350 homes. This application was undetermined at the time of the Inquiry. The Appellants suggest that the 100 homes subject to the full application are deliverable. In this case the applicant is also one of the appellants in the appeal scheme. A SoCG signed in May 2025 suggest the delivery of 200 homes in the next five years. However, the Appellants identify that there is an obvious error in the SoCG in that it anticipated house building commencing in the same quarter as the approval of the hybrid application and prior to ground works and initial infrastructure being delivered. Owing to delays with the determination of the application the developer now considers that no homes will be delivered from the outline application within the next five years. Consequently, I consider that 100 homes should be removed from the supply.
54. *Norwood Farm/Upton Farm* – this is an allocated site with development coming forward in two distinct schemes. The Norwood Farm site has outline planning permission for 1,900 homes with several reserved matters applications being approved which the Appellants consider would contribute 779 homes to the deliverable supply. The Council suggest that the site delivered 234 dwellings in 2024.
55. The Upton Farm site is subject to an undetermined outline planning application for up to 1,400 dwellings which was resolved to be granted planning permission in 2021 subject to the completion of a Section 106 Agreement. Although the Council suggests that the Section 106 Agreement is close to being signed, I have no conclusive evidence to support this. In addition, I have no evidence to suggest that a developer has been secured. In my view, this site cannot reasonably be considered as being deliverable.
56. The Council suggests that 1,476 homes would be delivered on this allocation in the next five years at an average of 295 per annum. Giving my findings regarding the Upton Farm site, this figure is not realistic. The Council suggests that the Norwood Farm site delivered 234 homes in 2024. As set out above, the Appellants suggest that this delivery rate would not be sustained and an average of 156 completions per annum would be more appropriate based on the content of the Start and Finish Report¹⁶ which suggest that typically a site of this size would deliver between 100 and 188 homes per annum. Consequently, the Appellants

¹⁶ CD H03

suggest that the delivery of 779 homes would be more realistic over the next five years.

57. I recognise that the assessment of future delivery rates is not a precise science and can fluctuate annually. In this case both main parties have identified the evidence base on which they seek to rely to inform annual delivery and it is not possible to come to any firm conclusion on which may be more appropriate. For the purposes of this appeal in relation to this site, I have therefore used the upper figure of 188 dwellings as set out in the Start and Finish Report. Consequently, 539 homes should be removed from the supply.
58. *East of Wooton Fields* – This site is proposed as an allocation in the emerging West Northamptonshire Local Plan. Sites within emerging local plans are not identified in the PPG as being suitable for consideration as being deliverable. I accept that outline planning applications have been submitted and that the Council has entered into a SoCG with the promoter, albeit not a developer which reduces the weight that I attach regarding completion timescales. This site also lies within the open countryside. In my view, there is insufficient compelling evidence to suggest that this site would be delivering dwellings within the next five years, notwithstanding the fact that it does not fall within the definition of available and offer a suitable location for development now. Consequently, 150 homes should be deducted from the supply.
59. *Daventry Northeast* – The Council considers that this site would deliver 400 homes over the next five years. However, the site would be delivered by Davidsons Developments Limited, also one of the Appellants in this appeal, who have confirmed that the site will deliver fewer homes than estimated by the SoCG (signed in May 2025) that the Council relies upon. This is identified as being a consequence of the Local Education Authority requesting revisions to the scheme which would necessitate the production of revised viability assessments and an Addendum to the ES. The developer has advised that completions would not be achieved until 2029/30. Consequently, I consider that 350 homes should be removed from the supply.
60. *Land at Welton Road, Daventry* – Planning permission was granted in 2017 for an 85-bed care home and 40 apartments. The parties agree that the 85-bed care home provides for an equivalent of 46 homes and therefore the development would provide for 86 homes overall. Condition 1 of the permission required commencement within 3 years, by March 2020. None of the pre-commencement conditions have been discharged and there is no evidence of any substantive progress towards delivery since outline planning permission was granted in 2017. Consequently, on the basis of the evidence presented in this appeal, I consider that the planning permission has likely expired and 86 homes should be deducted from the supply.
61. *North and west of Town Centre, Daventry* – This is an allocated site but no planning application has been submitted and there is no evidence to suggest that any completions would be achieved within five years. Therefore, 60 homes should be deducted from the supply.
62. There are smaller sites in the disputed list which would make little difference to the overall calculation of five year supply. I make no adjustment to those sites.

63. Taking into account my findings in respect of just nine of the disputed sites, as set out above it is my view that the total supply, based on the evidence submitted and discussed at the Inquiry, should be discounted by 1,921 homes.
64. The above recognises that the prediction of supply is not a precise science, and I accept that each party has produced its best evidence on a difficult topic. However, the Appellants' evidence is to be preferred here in the main, especially in light of the stringent requirements set out to demonstrate deliverability, and the lack of evidence which the Council was able to produce on specific sites.

Conclusion - Five year housing land supply

65. At the close of the Inquiry the Council's position, based on the whole of West Northamptonshire, was that there would be 5.29 years supply and a surplus of 768 homes. This is based on a five year LHN requirement (including 5% buffer) of 13,141 and a deliverable supply of 13,909¹⁷.
66. For the same area, the Appellants consider the supply to be 3.84 years with a shortfall of 3,071 homes. This is based on a on a five year LHN requirement (including 5% buffer) of 13,273 and a deliverable supply of 10,202. For South Northamptonshire (excluding the NRDA) the Appellant identifies 3.89 years supply and a shortfall of 547 homes.
67. Notwithstanding my view that the five year housing land supply should be calculated on the basis of the South Northamptonshire (excluding the NRDA) sub-area, even if I were to apply the above reduction of 1,921 dwellings to the West Northamptonshire area and utilise the Council' LHN position, a five year supply would still not be able to be demonstrated. Based on the Council's five year requirement (including 5% buffer) of 13,141, the deliverable supply would be 11,988. This would result in a shortfall of 1,153 homes and a supply of 4.56 years.
68. Regardless of the area of assessment, the Council is able to demonstrate a five year housing land supply. There were other sites whose deliverability was challenged by the Appellants. However, these are generally smaller sites so would have only a minimal effect on supply. On this basis, and even if I were to consider all the other disputed sites were deliverable, the Council would fail to be able to demonstrate a five year's supply of housing land on any of the above calculation basis. Accordingly, this engages the 'tilted' balance set out in paragraph 11(d) of the Framework and the most important policies for determining this appeal should therefore be deemed out of date.

Sustainable location and travel

69. The Transportation SoCG confirms that there is no disagreement between the main parties that the appeal site is sustainable in terms of general location and that the proposed access points for the appeal scheme would be appropriate in terms of safety and operation of the local highway network and would be well integrated into the existing infrastructure.
70. The appeal site is immediately adjacent to the settlement boundary and in a sustainable location adjacent to Brackley which is a rural service centre and is an acceptable location for accommodating growth as established in the development

¹⁷ Appellants Closing Submissions

plan. The Appellants' Technical Note on Transportation Matters¹⁸ and the Transportation SoCG set out a range of measures that would either be incorporated into the detailed design or secured by the proposed planning obligations that would offer opportunity to access local facilities by means other than the car.

71. The proposed walking and cycling strategy includes:

- Enhancement of the existing public right of way link that runs through the middle of the site along an east-west alignment, linking with existing housing to the east.
- New pedestrian/cycleway access point to link with Harris Close.
- Second new pedestrian access point to link with existing green space provision to the north of Rose Drive.
- Connection through to the existing footpath on Prices Way.
- A 3m wide footway/cycleway along both sides of the carriageway of the proposed additional fourth arm of the A422 roundabout.

72. Table 4.1 of the Transport Assessment¹⁹ sets out the distances and approximate walking and cycling times from the site to local facilities. This demonstrates that the site is located within walking or cycling distance of a range of facilities and amenities which may be required by residents on a daily and weekly basis. It further identifies that all of Brackley is within a reasonable cycling distance from the approximate centre of the site.

73. There are several bus stops in proximity of the site and a financial contribution of £1,000 per dwelling is proposed within the Section 106 Agreement towards public transport provision which the Planning Officer's Committee Report suggests that this would provide a bus route within the site. Conditions are also proposed to require the provision of two pairs of new bus stops within the site or on the A422 or Banbury Road in close proximity to the site's southern boundary. A Framework Travel Plan (FTP) was submitted which sets out preliminary targets for travel to and from the development by all modes of transport, along with initiatives and measures to support these targets.

74. Overall, I am satisfied that the appeal site would be sustainably located and has been designed to reduce the reliance on the private car and would provide a real choice of transport modes. Consequently, the proposal would accord with the provisions of paragraph 115 of the Framework and there would be no conflict with Policy C2 of the WNJCS.

Other Matters

Age of the development plan

75. Regardless of my conclusions on HLS, the Appellants also contend that the most important policies for determining this appeal are out of date for a number of reasons. These include a failure to carry out a review of the development plan within 5 years of its adoption, contrary to the requirements of Regulation 10A of

¹⁸ Proof of Evidence Sarah Butterfield (Appendix 2) sets

¹⁹ CD A35R

the Town and Country Planning (Local Planning) (England) Regulations 2012; and/or inconsistency with the policies within the Framework; and/or the significant increase in housing need following the adoption of the standard method; and/or the Council's decision to assess housing land supply on an aggregated West Northamptonshire basis contrary to the development plan; and/or the Council's agreement that planning permission ought to be granted in this case.

76. Giving my findings above that the lack of five year HLS engages paragraph 11(d) of the Framework, it is not necessary for me to consider this matter in any detail. A review of the WNJCS was undertaken in December 2019. LPP2 was adopted in July 2020 but has also not been subject to any review. The Council agrees that the WNJCS has not been reviewed in the last five years in accordance with paragraph 34 of the Framework²⁰ and that the LHN under the standard method is significantly in excess of the figure in the WNJCS²¹. The Council's closing submissions also identify that the overarching sustainability policy (Policy SA) of the WNJCS is no longer consistent with the Framework²², albeit there is dispute between the parties regarding the extent to which this policy was considered to comprise one of the most important policies for the determination of this appeal.
77. I have set out above my views regarding the calculation of HLS across the whole of West Northamptonshire and the subsequent disaggregation of this approach with the sub-area policies contained within the WNJCS. I also recognise that there is some merit in the Appellant's view that the Council's agreement that planning permission ought to be granted in this case for significant development outside of the settlement boundaries has a relationship with the ability to meet current housing needs within those boundaries. This in itself is indicative of important policies in the development plan being out of date.
78. Although there is no need for me to consider the above matters further, they do reinforce my view that the most important policies for determining this appeal should be deemed out of date.

Character and appearance

79. While not a matter of dispute between the main parties, there would be some loss of the open landscape character attributes of the site as the proposal would involve the incursion of up to 700 dwellings and associated infrastructure on the undeveloped fields. This would cause an urbanising effect and would result in some loss of the site's existing greenfield and countryside landscape character.
80. In terms of mitigation, the existing field boundaries across the site and on the periphery would be largely retained with buffer areas to create green corridors along these areas. A new strip of woodland planting is proposed along the north western site boundary to create a landscaping screen to an otherwise relatively open site boundary. Additional tree planting and other landscaping to open space would be provided. These mitigating measures would assist in ensuring that the landscape character would not be unduly impacted.
81. The ES Landscape and Visual Impact Assessment (LVIA)²³ identifies that significant visual effects resulting from the proposed development would be

²⁰ Main SoCG

²¹ Housing SoCG

²² Paragraph 38 Council Closing Submissions

²³ CD A09H and CD A35E

predominantly limited to three visual receptors comprising residents at properties directly adjacent to the site (winter months only), users of the PRoW running through the centre of the site, and users of a PRoW with unobstructed views over the southern half of the site.

82. The site is well enclosed by existing hedgerows and trees. The northern half of the site is relatively flat with the southern half gently sloping to the south. The southern boundary of the site is formed of relatively tall trees on a raised embankment which was formerly a railway line and lies between the site and the A442. Given the degree of this existing screening and containment provided by the A442, wider views of the site from the surrounding countryside are limited. Furthermore, the proposed development would be viewed in the context of the existing residential development to the east of the site. While the application is in outline form, the Parameter Plans and Concept Masterplan provide some assurance over green infrastructure provision to mitigate the landscape and visual effects of the proposal.
83. The LVIA concludes that the significant effects identified on the landscape character of the site are localised and limited to the landscape within the application boundary only. From my observations at the site visit I agree with this conclusion. This level of effect is largely unavoidable when a development such as a new residential scheme is introduced to a greenfield site.
84. In terms of visual effects, the impacts within the site would be significant particularly for the users of the PRoW. However, beyond the site boundaries the visual effects would be largely mitigated. Where longer distance views of the appeal site are possible from the south, such views are not of the whole site due to existing topography and vegetation. In any event, such views are in the context of the existing urban form of Brackley.
85. Overall, there would be some moderate adverse harm to the character and appearance of the area but this would be localised and limited. Consequently, there would be a degree of conflict with Policies S10 and BN5 of the WNJCS. However, this conflict does need to be considered in the overall planning balance.

Archaeology and heritage

86. The site does not affect the setting of any designated or non-designated heritage assets. The Council's heritage officer raised no objection to the proposed development.
87. The closest designated heritage assets are in the Brackley Conservation Area, located approximately 1km south-east of the site. However, there is substantial existing development between the conservation area and the appeal site. As such, there would be no intervisibility between the application site and the conservation area. Consequently, the proposed development would not result in harm to the character, appearance or setting of the Brackley Conservation Area.
88. The Council's archaeological officer identified that archaeological works around the northern side of the town have identified extensive areas of Iron Age settlement and related activities, and the geophysical survey and trial trenching on the appeal site have shown that similar activity is present here. The area of archaeological interest is relatively small and lies towards the southern end of the site. Consequently, the archaeological officer has requested that no development

within the area of archaeological interests occurs until a full excavation of the area is undertaken. This matter can be suitably secured via a planning condition (condition No. 14). Subject to the imposition of the condition there would be no conflict with Policy BN5 of the WNJCS or Policy HE2 of LPP2.

Flood risk

89. Representatives of the Brackley and District Angling Club raised concerns that the proposal could exacerbate the risk of flooding to St James' Lake, located to the south of the proposed development. It is suggested that the lake was constructed in 1976 as a balancing pool, designed to regulate flow into the Hinton Stream, and is now subject to periodic flooding alleged to be as a consequence of recent development in the locality.
90. The site lies fully within Flood Zone 1 (lowest risk of flooding). The ES and Flood Risk Assessment submitted with the application concludes that the site is at low (negligible) risk of flooding from all sources assessed, or possibly minor beneficial when considering the specified mitigation measures.
91. The Lead Local Flood Authority (LLFA) has identified that no sequential assessment is required on flood risk matters. Whilst the southern access point runs through an area at risk of surface water flooding there would be no built development form in the area of risk. To further mitigate risk, it is proposed that the land either side of the highway is lowered to create compensatory storage and would be hydraulically connected with a culvert under the highway. This would ensure that the development is not at risk of pluvial flooding and does not increase flood risk off-site.
92. An outline drainage strategy has been proposed which splits the site into six sub-catchments, each of which would be managed by above ground storage ponds. The ponds would be positioned within the low point of each parcel to ensure water is drained by gravity, thus mimicking the existing drainage regime. The outline drainage strategy ensures that surface water runoff from the proposed development would be restricted to the equivalent greenfield runoff rate up to the 1 in 100-year event + 40% allowance for climate change. The restricted runoff rate would therefore ensure no increased rate of release to the surface water outfall.
93. The submitted evidence suggest that the appropriate management of surface water would ensure that the proposed development has a negligible effect on flood risk. In addition, the use of Sustainable Drainage Systems and above ground storage would also provide treatment to surface water runoff and therefore the effect of the proposed development on surface water quality and groundwater receptors would be minor beneficial. There is no objection from the Environment Agency. Although the LLFA require further information of the detailed drainage system design, this can be secured by a planning condition.
94. In the absence of any other technical evidence to the contrary, I am satisfied that there are no substantive reasons to suggest that the proposed drainage scheme would be inadequate. Whilst I have some sympathy with the concerns of the Angling Club, these primarily appear to relate to the maintenance arrangements associated with the adjoining stream as opposed to any demonstrable evidence that the appeal scheme would exacerbate flood risk. Consequently, there would be no conflict with Policies BN7 and BN7A of the WNJCS.

Other matters

95. The evidence of both parties refers to other appeal decisions, including a decision concerning proposed development in West Northamptonshire. Those in other areas would have been the subject of different development plan policies compared to the appeal before me. Moreover, I am not familiar with the full circumstances of any of those cases. While I am mindful of the importance of consistency in appeal decision making, it is also important that each decision is made on its individual merits. Although I have taken all of the other appeal decisions into account, I have assessed and determined this appeal on the basis of the evidence before me in the relevant policy context. Having done so, I do not consider that any of the appeal decisions would have altered the outcome of this appeal.
96. In addition to the main issues and the other foregoing matters, concern was expressed, including by those who spoke at the Inquiry, in respect to a number of other considerations. These include, amongst other things, the effect of the proposed development on highway safety and congestion, the capacity of local schools and infrastructure to accommodate the additional residents, and that a development of this scale should be considered through the development plan process. Some of these matters are addressed by means of the financial contributions provided by the obligations contained within the Section 106 Agreement and considered below.
97. Many of these matters are largely identified and considered within the Council Officer's Report on the appeal scheme and did not form the basis of the Council's putative reason for the refusal of planning permission. Although they have been carefully noted, they do not alter the main issues which have been identified as the basis for the determination of this appeal, particularly in circumstances where the Council has not objected to the appeal scheme for these other reasons. I have been provided with no substantive evidence which would prompt me to disagree with the Council's conclusions in these respects subject to the imposition of planning conditions as discussed below.

Planning Obligation

98. The Appellants have submitted an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). This includes a number of obligations that would come into effect if planning permission were granted. These obligations would secure the following:
- Affordable housing: 40% of units to be affordable, with a tenure split of 70% social/affordable rent, 30% low-cost home ownership (shared ownership).
 - Primary Healthcare: Financial contribution of £794,160 towards the provision of primary care-led facilities and associated infrastructure within the local Primary Care Network.
 - Primary Education: Financial contribution based on final housing mix with fees allocated for each housing unit relevant to dwelling bedroom numbers.
 - Secondary Education: Financial contribution based on final housing mix with fees allocated for each housing unit relevant to dwelling bedroom numbers.

- Early Years: Financial contribution based on final housing mix with fees allocated for each housing unit relevant to dwelling bedroom numbers.
- Special Educational Needs and Disabilities (SEND): Financial contribution of £1,253.63 for each dwelling permitted by a Reserved Matters Approved up to a maximum sum of £877,544.
- Libraries: Financial contribution, based on final housing mix with fees allocated for each housing unit relevant to dwelling bedroom numbers, towards the provision or enhancement and/or expansion of library capacity facilities.
- Public Transport: Financial contribution of £1,000 per dwelling towards bus service provision.
- Refuse and Recycling: Financial contribution of £70 per dwelling for wheelie bin provision in relation to each of the dwellings.
- Public open space: To provide required amounts (minimums) at reserved matters stage, and provisions for its long term ownership/maintenance (including a financial contribution for on-going maintenance if the open space is transferred to Brackley Town Council).
- Allotments: To provide a parcel or parcels of land within the site, up to a maximum of 0.5 hectares, to secure the provision of an allotment facility. The approximate locations are shown on the Concept Masterplan. The provisions require the land to be prepared for use as an allotment facility with the freehold transfer thereafter to the Brackley and District Allotment and Garden Holders' Association Limited.
- Rugby Club land: requires the provision of a minimum of 1.54ha of land within the site immediately to the west of the existing rugby club with provision made for one full-size adult grass rugby pitch (including land profiling, installation of drainage, seeding, and the provision of 2m tall green weld mesh perimeter security fencing). The obligation also includes provision for the offer of the freehold transfer of the land to Brackley Rugby Union Football Club.
- Off-site indoor sports facilities and artificial grass pitches (AGP): Financial contribution of £955.10 for each dwelling permitted by a Reserved Matters Approval up to a maximum of £668,567 towards indoor sports facilities within the local area.
- Travel Plan: implementation and a financial contribution of £5,000 to be used by the Council for the purposes of monitoring compliance with the approved Travel Plan.
- Biodiversity Net Gain: Includes provisions for delivery, on-going management and a financial contribution of £9,000 to cover the Council's monitoring costs to ensure compliance with the Biodiversity Gain Plan and Habitat Management and Monitoring Plan.
- Section 106 Monitoring Costs: Financial Contribution of £5,000 towards the Council's costs of monitoring and enforcing the obligations contained within the Section 106 Agreement.

99. The above obligations are not in dispute. The CIL Compliance Statement addresses the statutory requirements to the planning obligations contained within the Section 106 Agreement and sets out the relevant planning policy support and justification.
100. At the Inquiry, no party suggested that any of the obligations would not comply with the relevant tests. I am satisfied that the obligations are necessary, directly related to the proposal and are fair and reasonable in scale and kind to the appeal scheme and are necessary to make the development acceptable in planning terms. As a result, the obligations are Regulation 122 compliant.
101. The above provisions of the Section 106 Agreement are consistent with the required Heads of Terms as identified as being necessary in the Officer Report to Strategic Planning Committee. As such, they address the matters identified in the Council's putative reason for the refusal of planning permission. Consequently, I have taken them into account in my determination of this appeal.

Planning Balance

102. The proposal would contravene adopted development policies for the control of development in the countryside outside development boundaries. However, as a result of the Council being unable to demonstrate an adequate supply of housing land the tilted balance pursuant to paragraph 11(d) of the Framework is engaged. This means that development plan policies of greatest importance for the determination of this appeal are deemed to be out of date as they would not provide for a sufficient supply of housing. In particular Policies S1 and B1 of the WNJCS and Policies SS1 and LH1 of LPP2 are out of date, in so far as they relate to settlement boundaries, as there is a lack of evidence that sufficient housing to meet the identified local housing need could be provided within the adopted boundaries. Limited weight can be afforded to the emerging Local Plan and its development boundaries which are not yet part of the development plan and which may change prior to adoption.
103. Turning to the benefits of the proposal the following matters are important:
- The provision of market and affordable housing in an accessible location with reasonable access to a range of services and facilities. The proposal would partially address the housing supply position and contribute to the Government's objective of significantly boosting the supply of homes and the provision of affordable housing, as reconfirmed in the recent WMS. Given the area's current housing delivery circumstances, these benefits together carry substantial weight in favour of the appeal.
 - A number of economic benefits would be created by the proposed development including construction employment opportunities, employment opportunities within the supply chain, and expenditure within the local area associated with the residents of the new dwellings. However, economic benefits from the proposal are of moderate weight as these benefits would be expected to be provided with any housing development and are not specific to this site.
 - The provision of 0.5ha of allotments would accord with the requirements of the open space standards as set out in the supporting text of Policy GS1 of

LPP2. As the provision of the allotments is a policy requirement, I attach no weight to this matter.

- The Appellants identify that the 2011 Playing Pitch Strategy, as referenced in the supporting text to Policy GS1 of LPP2, sets out that there is a need to expand the Brackley Rugby Union Football Club by the provision of extra pitch space. The provision of the full-sized new rugby pitch would address this need and thus is a matter to which I attach limited weight.
- The overall provision of 10.57ha of open space would exceed the requirements of Policy GS1. In addition, the Section 106 Agreement contributions to off-site sports and recreation provisions would be of benefit to the wider community. Overall, I attach moderate weight to these benefits.

104. There would be adverse impacts arising from the proposed development. Harm to the character and appearance of the area attracts adverse moderate weight for the reasons given above. There is also conflict with the spatial strategy for the location of development. However, in the context of there being no Framework compliant housing land supply this matter carries limited weight.
105. I have had particular regard to paragraphs 110 and 115 of the Framework which both seek to support development in locations that are or can be made sustainable. As set out above, although the proposal would be outside the settlement's confines, the future residents would have reasonably good access to the facilities and services within Brackley to support their day to day needs.
106. The proposal would be in a suitable location for housing with regard to national policy. I conclude that the substantial benefits of the scheme comprise other material considerations that would significantly and demonstrably outweigh the adverse impacts of the development when assessed against the Framework policies taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
107. Consequently, the proposed development benefits from the Framework's presumption in favour of sustainable development. Therefore, material considerations outweigh the conflict with the development plan as a whole and indicate that the appeal should be allowed.

Conditions

108. The main parties provided a list of agreed planning conditions prior to the opening of the Inquiry. The conditions were discussed at a round-table session following which further amendments were made with a final agreed list²⁴ submitted after the close of the Inquiry. I have considered the suggested conditions against the advice given in paragraph 57 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the PPG. Where necessary I have amended them in the interests of clarity, precision, conciseness or enforceability.
109. To provide certainty, standard conditions covering time limits, submission of reserved matters and the approved plans are necessary [Conditions 1, 2 and 3]. The submission of a phasing plan identifying each phase or sub-phase of development is necessary to ensure that the phased implementation of

²⁴ ID22

- development accords with the approved plans, planning conditions and the obligations set out in the Section 106 Agreement [4].
110. In order to ensure that subsequent reserved matters applications accord with the approved plans and the details assessed in this appeal, a condition is necessary to ensure that no more than 700 dwellings are accommodated on the site [5].
 111. Conditions are necessary to ensure that the proposed northern and southern accesses are completed and open to traffic prior to occupation of any dwelling, in respect of the northern access, and prior to the occupation of the 125th dwelling in respect of the southern access [6 and 7]. These conditions are necessary to ensure that the site can be safely accessed.
 112. In order to protect ecological and nature conservation interests conditions are necessary to ensure that site clearance works do not occur during the bird nesting season; to ensure that the development is carried out in accordance with the recommendations, mitigation measures and enhancements set out in ES Chapter 8: Ecology and Nature Conservation; and, the provision of an ecology check to be undertaken within 12 months of the commencement of development [8, 9, and 10]. For the same reasons, a condition is necessary requiring the submission and implementation of a Habitat Management and Monitoring Plan (HMMP) for the retained, enhanced and created habitats, including the on and off-site biodiversity net gain provision [19]. In addition, a condition is necessary requiring submission of details and implementation of interpretation boards to explain the wildlife of the retained Local Wildlife Site habitats [31].
 113. To ensure that the development does not cause harm to any protected species or their habitats, conditions are necessary requiring that development is carried out in accordance with the Council's Organisational Licence (WML-OR1510); prevention of the commencement of development until a certificate has been submitted confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with; the submission of a protected species mitigation strategy; and, the submission of a Lighting Design Strategy for Biodiversity [11, 13, 20 and 24].
 114. In the interests of ensuring that features of archaeological interest are properly examined and recorded, a condition is necessary requiring the submission and implementation of details of a programme of archaeological investigatory work [14].
 115. In order to ensure that the site can be adequately drained and to prevent an increased risk of flooding both on and off site, a condition is necessary requiring the submission of reserved matters applications to include an updated drainage strategy [12]. For the same reasons, conditions are necessary requiring the submission of drainage outfall details, details of the management of surface water on site during construction, and the submission of full details of the surface and foul water drainage scheme for the site [17, 18, 21 and 22]. A condition is also necessary requiring the submission of a Verification Report to demonstrate that the constructed drainage systems are in compliance with the approved drainage strategy for the relevant phase or sub-phase of the proposed development [30].
 116. In order to protect the environment, biodiversity interests and the living conditions of occupants of existing and proposed dwellings, conditions are necessary requiring the submission and implementation of a Construction and Environmental

Management Plan (CEMP) and a CEMP: Biodiversity [15 and 23]. To ensure the continued health of retained trees/hedges and in the interests of the visual amenity of the area, a condition is necessary requiring the submission and implementation of tree protection measures [16].

117. Also to protect the living conditions of existing and proposed residents, conditions are necessary requiring the submission of a noise mitigation scheme and prescription of construction hours [25 and 33]. To ensure that adequate water infrastructure provision is made on site for the local fire service to tackle any property fire, a condition is necessary requiring the submission and implementation of a scheme and timetable detailing the provision of fire hydrants and their associated infrastructure [26].
118. To ensure that adequate public transport infrastructure is provided, a condition is necessary to ensure that the development is provided with two pairs of bus stops [27]. Conditions are also necessary requiring off-site highway improvements including the provision of tactile paving and refreshed road markings [28 and 29].
119. In the interests of sustainable development, a condition is necessary to ensure that each dwelling is provided with an electric vehicle charging point [32]. To ensure that the development can be safely undertaken and occupied, a condition is necessary requiring the submission of a remediation strategy detailing how any unsuspected contamination will be dealt with [34].

Conclusion

120. For the above reasons, based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed subject to the identified conditions and the provisions of the Section 106 Agreement.

Stephen Normington

INSPECTOR

ANNEX A - APPEARANCES

FOR THE APPELLANT

Sasha White KC

Instructed by Pegasus Group

Assisted by Kimberley Ziya

They called

Ms Sarah Butterfield BSc (Hons),
DipTP, MRTPI

Director, Pegasus

Participants on behalf of Appellant in the Housing Land Supply Round Table
Session:

Neil Tiley, Assoc RTPI, BSc (Hons)

Senior Director, Pegasus

FOR WEST NORTHAMPTONSHIRE COUNCIL

Andrew Fraser-Urquhart KC

Instructed by Sian Webb, West
Northamptonshire Council

He called

Daniel Callis MSc, BSc, MRTPI

Major Projects Officer/Principal
Planning Officer

Participants on behalf of the Council in the Housing Land Supply Round Table
Session:

Richard Wood

West Northamptonshire Council

Alan Munn

West Northamptonshire Council

INTERESTED PARTIES

Councillor Fiona Baker

West Northamptonshire Council

Mike Graves

Brackley Angling Club

John Brooks

Brackley Angling Club

Alan Mayes

Northamptonshire CPRE

Kevin Blencowe

Local Resident

ANNEX B**CORE DOCUMENTS (CD)**

A – Planning Application	
Original Application Documents Submitted 28/04/2021	
A01	Application Form, dated 28th April 2021
A02	Copy of Site Notice and Notice Letters, served 23rd April 2021
A03	CIL Form 1, dated 23rd April 2021
A04	Site Boundary Plan, prepared by Urban Design Box ASH105_1003N
A05	Concept Masterplan, prepared by Urban Design Box ASH105_3203N
A06	Parameter Plan, prepared by Urban Design Box ASH105_3502D
A07	Environmental Statement – Competency Statement
A08	Environmental Statement – Non-Technical Summary
A09A	Environmental Statement – Chapter 0 – Contents
A09B	Environmental Statement – Chapter 1 – Introduction
A09C	Environmental Statement – Chapter 2 – Assessment, Scope and Methodology
A09D	Environmental Statement – Chapter 3 – Application Site
A09E	Environmental Statement – Chapter 4 – Proposed Development and Alternatives
A09F	Environmental Statement – Chapter 5 – Planning Policy
A09G	Environmental Statement – Chapter 6 – Socio Economics and Human Health
A09H	Environmental Statement – Chapter 7 – Landscape and Visual Issues
A09I	Environmental Statement – Chapter 8 – Ecology and Nature Conservation
A09J	Environmental Statement – Chapter 9 – Archaeology and Cultural Heritage
A09K	Environmental Statement – Chapter 10 – Transport and Access
A09L	Environmental Statement – Chapter 11 – Noise and Vibration

A09M	Environmental Statement – Chapter 12 – Air Quality
A09N	Environmental Statement – Chapter 13 – Flood Risk and Drainage
A09O	Environmental Statement – Chapter 14 – Ground Conditions
A09P	Environmental Statement – Chapter 15 – Lighting
A09Q	Environmental Statement – Chapter 16 – Summary
A09R	Environmental Statement – Chapter 17 – Glossary
A09S	Environmental Statement – Chapter 18 - References
A10A	Environmental Statement - Technical Appendix 2.1 - Appendix A – Site Location Plan - Appendix B – ASH105_Brackley 3501 - Appendix C – Schedule 4 - Appendix D – edp5995_d001b_UNCONTROLLED - Appendix E – Ground Condition Impact Assessment Methodology Tables - Appendix F – Solis and ALC Report Brackley - P19-2224 EIA Scoping Cover Letter 201220 - P19-2224 EIA Scoping Cover Letter 201220 - P19-2224 EIA Scoping Report Rev B 201220
A10B	Environmental Statement – Technical Appendix 2.2 – Decision Notice
A10C	Environmental Statement – Technical Appendix 2.3 – Site Location Plan
A10D	Environmental Statement – Technical Appendix 2.4 – Site Location Plan
A10E	Environmental Statement – Technical Appendix 2.5 – Site Location Plan
A10F	Environmental Statement – Technical Appendix 7.1 – Viewpoints
A10G	Environmental Statement – Technical Appendix 8.1 PEA v5 CONFIDENTIAL
A10H	Environmental Statement – Technical Appendix 8.1 PEA v5
A10I	Environmental Statement – Technical Appendix 8.2 – Ecology Report v3
A10J	Environmental Statement – Technical Appendix 8.2 – Ecology Report v3 CONFIDENTIAL Appendix

A10K	Environmental Statement – Technical Appendix 8.3 Preliminary Arboricultural
A10L	Environmental Statement – Technical Appendix 9.1 – Archaeology and Heritage
A10M	Environmental Statement – Technical Appendix 9.2 – WSI-PCA
A10N	Environmental Statement – Technical Appendix 10.1 - Transport Assessment - P19-2224_TA_April 21_PT1 - P19-2224_TA_April 21_PT2 - P19-2224_TA_April 21_PT3 - P19-2224_TA_April 21_PT4 - P19-2224_TA_April 21_PT5 - P19-2224_TA_April 21_PT6 - P19-2224_TA_April 21_PT7 - P19-2224_TA_April 21_PT8
A10O	Environmental Statement – Technical Appendix 10.2 – Travel Plan - P19-2224_TP_April 21_PT1 - P19-2224_TP_April 21_PT2 - P19-2224_TP_April 21_PT3
A10P	Environmental Statement – Technical Appendix 11.1 – 11.5 – Noise Appendices
A10Q	Environmental Statement – Technical Appendix 12.1 - 12.5 – Air Quality Appendices
A10R	Environmental Statement – Technical Appendix 13.1 – FRA
A10S	Environmental Statement – Technical Appendix 13.2 - SDS
A10T	Environmental Statement – Technical Appendix 13.2 – SDS compressed
A10U	Environmental Statement – Technical Appendix 14.1 – Phase 1 Desk Study
A10V	Environmental Statement – Technical Appendix 14.2 – Guidance Documentation
A10W	Environmental Statement – Technical Appendix 14.3 – Scoping Response
A10X	Environmental Statement – Technical Appendix 14.4 – Excavation Logs

A10Z	Environmental Statement – Technical Appendix 14.5 – Chemical Analysis Certificates
A10AA	Environmental Statement – Technical Appendix 15.1 – Baseline Survey Results
A10BB	Environmental Statement – Technical Appendix 15.2 – Baseline Survey Measurement
A10CC	Environmental Statement – Technical Appendix 15.3 – 1804-DFL-HLG-XX-CA
A10DD	Environmental Statement – Technical Appendix 15.4 – Modelling Results
A10EE	Environmental Statement – Technical Appendix 15.5 – Lighting Receptor
A11A	Environmental Statement – Figure 1.1 – Application Site Context
A11B	Environmental Statement – Figure 1.2 – Site Boundary Plan
A11C	Environmental Statement – Figure 2.1 – Relevant Approved Development within 3km of the Proposed Development
A11D	Environmental Statement – Figure 4.1 – Parameter Plan
A11E	Environmental Statement – Figure 4.2 – Concept Masterplan
A11F	Environmental Statement – Figure 6.1 – Neighbourhood Impact Area
A11G	Environmental Statement – Figure 6.2 – Local and Wider Impact Areas
A11H	Environmental Statement – Figure 7.1 – Site Location Map
A11I	Environmental Statement – Figure 7.2 – Zone of Theoretical Visibility
A11J	Environmental Statement – Figure 7.3 – Topography
A11K	Environmental Statement – Figure 7.4 – Landscape Character Areas
A11L	Environmental Statement – Figure 7.5 – Access Routes
A11M	Environmental Statement – Figure 9.1 – Known Archaeological Remains and NHER
A11N	Environmental Statement – Figure 11.1 – Noise Monitoring Locations
A11O	Environmental Statement – Figure 11.2 – Construction Noise Assessment Locations
A11P	Environmental Statement – Figure 11.3 – Daytime Noise Contours

A11Q	Environmental Statement – Figure 11.4 – Night-time Noise Contours
A11R	Environmental Statement – Figure 11.5 – Sports Pitch Noise Contours
A11S	Environmental Statement – Figure 11.6 – Glazing Assessment Locations
A11T	Environmental Statement – Figure 11.7 – Garden Noise Contours
A11U	Environmental Statement – Figure 12.1 – Receptor Locations
A11V	Environmental Statement – Figure 12.2 – Monitoring
A11W	Environmental Statement – Figure 12.3 – Site Sensitivity
A11X	Environmental Statement – Figure 12.4 – Trackout Sensitivity
A11Y	Environmental Statement – Figure 14.1 – Geological Unit Boundaries and Excavation Location Plan Sept 2010
A12	Soils and ALC Report 1725/1 0 – Land Research Associates
A13	Design and Access Statement ASH105 – Urban Design Box
A14	Health Impact Assessment P19-2224, April 2021 SRC – Pegasus Group
A15	Open Space, Sport and Recreation Assessment P19-2224 2021 NCO – Pegasus Group
A16	Planning Statement P19-2224, April 2021 NCO – Pegasus Group
A17	Statement of Community Engagement 23 April 2021 – Camargue
A18	Sustainability and Energy Statement ASHZ3003 – Turley
A19	Utilities Assessment, BRW-BWB-ZZ-0001-UA – BWB Consulting
A20	Heads of Terms P19-2224_HoT-13042 – Pegasus Group
Additional Documents Submitted February 2022	
A21	Letter requesting information from the CCG L001v12PL – Pegasus Group
A22	Letter requesting information from the LEA L002v2 PL – Pegasus Group
Additional Documents Submitted September 2022	
A25	Letter Response to LEA L003v3 – Pegasus Group, 21st September 2022
A26	Letter Response on Healthcare L004v1 – Pegasus Group, 21st September 2022

Additional Documents Submitted January 2023	
A27	Letter Response to Education Contributions R002v1 – Pegasus Group, 20th January 2023 Additional Documents
Additional Documents Submitted March 2023	
A28	Letter Response to Education Contributions R003v1 – Pegasus Group, 17th March 2023
Additional Documents Submitted May 2023	
A29	Letter Response to Healthcare Contributions L005v1 EC CIR – Pegasus Group, 15th May 2023
Additional Documents Submitted July 2023	
A30	Letter Response to Integrated Care Board R004v1 – Pegasus Group, 31st July 2023 Additional Documents
Additional Documents Submitted October 2023	
A31	Letter to Ben Pearson L006v1 – Pegasus Group, 25th October 2023 Additional Documents
Additional Documents Submitted September 2024	
A32	Cover Letter for Submission of Additional Information Lv001 – Pegasus Group, 23rd September 2024
A33	Excel Table of Proposed S106 Requests Rev 2 200924 – Pegasus Group
A34	Statement Addendum 001_P19-2224 – Pegasus Group, September 2024
ES Further Information – Submitted September 2024	
A35A	Environmental Statement Addendum – Additional Competency Statement
A35B	Environmental Statement Addendum – Non-Technical Summary including Addendum 210924
A35C	Environmental Statement Addendum – Chapter 0 – Contents
A35D	Environmental Statement Addendum – Chapters 1–4 Introduction, Assessment, Scope and Methodology, Application Site and Proposed Development and Alternatives Addendum
A35E	Environmental Statement Addendum – Chapter 7 – Landscape and Visual Issues Addendum

A35F	Environmental Statement Addendum – Chapter 8 – Ecology and Nature Conservation Addendum
A35G	Environmental Statement Addendum – Chapter 9 – Archaeology and Cultural Heritage Addendum
A35H	Environmental Statement Addendum – Chapter 10 – Transport and Access Addendum
A35I	Environmental Statement Addendum – Chapter 11 – Noise and Vibration Addendum
A35J	Environmental Statement Addendum – Chapter 12 – Air Quality Addendum
A35K	Environmental Statement Addendum – Chapters 16-17 – Summary and Glossary Addendum
A35L	Environmental Statement Addendum – Chapter 18 – References Addendum
A35M	Environmental Statement Addendum – Appendix 2.6 - Consultation Responses
A35N	Environmental Statement Addendum – Appendix 8.4 - Updated Habitat Assessment
A35O	Environmental Statement Addendum – Appendix 8.5 - Breeding Bird Assessment
A35P	Environmental Statement Addendum– Appendix 8.6 – Badger Report CONFIDENTIAL
A35Q	Environmental Statement Addendum – Appendix 8.7 - GCN Report
A35R	Environmental Statement Addendum – Appendix 10.1 – Transport Assessment
A35S	Environmental Statement Addendum – Appendix 10.2 – Travel Plan
A35T	Environmental Statement Addendum – Appendix 10.3A – Link Sensitivity
A35U	Environmental Statement Addendum – Appendix 10.4-1 ComDev
A35V	Environmental Statement Addendum – Appendix 10.4-2 ComDev
A35W	Environmental Statement Addendum – Appendix 11.1-11.5A Noise Appendices
A35X	Environmental Statement Addendum – Appendix 12.1A – 12.5A – Air Quality

A35Y	Environmental Statement Addendum – Figure 2.1A – Other Developments
A35Z	Environmental Statement Addendum – Figure 8.1a – Bat Transect Plan
A35AA	Environmental Statement Addendum – Figure 8.1b – Bat Transect Plan - Walkover
A35BB	Environmental Statement Addendum – Figure 8.2 – Static Detector Locations
A35CC	Environmental Statement Addendum – Figure 11.1A – Noise Locations
A35DD	Environmental Statement Addendum – Figure 11.2 – Construction Noise Assessment Locations
A35EE	Environmental Statement Addendum – Figure 11.3 – Daytime Noise Contours
A35FF	Environmental Statement Addendum – Figure 11.4A – Night-time Noise Contours
A35GG	Environmental Statement Addendum – Figure 11.5A – Sports Pitch Noise Locations
A35HH	Environmental Statement Addendum – Figure 11.6 – Glazing Assessment Locations
A35II	Environmental Statement Addendum – Figure 11.7A – Garden Noise Assessment Locations
A35JJ	Environmental Statement Addendum – Figure 12.1A – Receptor Locations
A35KK	Environmental Statement Addendum – Figure 12.2A – Monitoring
A35LL	Environmental Statement Addendum – Figure 12.3A – Site Sensitivity
A35MM	Environmental Statement Addendum – Figure 12.4A – Trackout Sensitivity
A35NN	12481 030924 BNG Metric
Additional Information – Submitted November 2024	
A36	Response to National Highways – Email from Pegasus Group to National Highways, 15th November 2024
Additional Information – Submitted December 2024	
A37	Brackley RSA report – Stage 1 – Andy Paul BEng (Hons); MCIHT HE RSA Cert Comp, 9th December 2024

Additional Information – Submitted April 2025	
A38	Highways Technical Note – P19-2224 TR05 – Pegasus Group, April 2025
Additional Information – Submitted March 2025	
A39	LLFA Correspondence on Sequential Assessment, March 2025
Additional Information – Submitted June 2025	
A40	Addendum to the Flood Risk Assessment (300500-P01), submitted 02.06.25
A41	Response to LLFA – Proposed Drainage Strategy Plan (520501-P01), submitted 02.06.25

B – Application Consultation Responses (Consultee)	
B01	Anglian Water Response
B02A	Brackley Health Response
B02B	Brackley Summary Report
B03A	Brackley Rugby Club Response 1
B03B	Brackley RUFC Response 2 – Applications Comments
B03C	Brackley RUFC Response 3 – Playing Pitch Strategy Update
B04	Brackley Town Council Response
B05	CPRE Response
B06A	Environment Agency Response 1
B06B	Environment Agency Response 2
B07A	Farthingoe Parish Council Response 1
B07B	Farthingoe Parish Council Response 2
B07C	Farthingoe Parish Council Response 3
B07D	Farthingoe Parish Council Response 4
B08	Greatworth & Halse Parish Council Response
B09A	Highways England Response 1

B09B	Highways England Response 2
B10A	Hinton in the Hedges Parish Council Response 1
B10B	Hinton in the Hedges Parish Council Response 2
B11A	National Highways Response 1
B11B	National Highways Response 2
B11C	National Highways Response 3
B11D	National Highways Response 4
B11E	National Highways Response 5
B11F	National Highways Response 6
B11G	National Highways Response 7
B11H	National Highways Response 8
B11I	National Highways Response 9
B11J	National Highways Response 10
B11K	National Highways Response 11
B11L	National Highways Response 12
B11M	National Highways Response 13
B11N	National Highways Response 14
B11O	National Highways Response 15
B11P	National Highways Response 16
B11Q	National Highways Response 17
B11R	National Highways Response 18
B11S	National Highways Response 19
B12A	Natural England Response 1
B12B	Natural England Response 2
B13A	NHS Response 1
B13B	NHS Response 2
B14	NCIB Response

B15A	Northants Badger Group Response 1
B15B	Northants Badger Group Response 2
B16A	Northants CCG Response 1
B16B	Northants CCG Response 2
B17A	Northants Police Response 1
B17B	Northants Police Response 2
B18	Ramblers Association Response
B19	Sport England Response
B20	Wildlife Trust Response
B21A	WNC Archaeology Response 1
B21B	WNC Archaeology Response 2
B22	WNC Building Control Response
B23A	WNC Conservation Response 1
B23B	WNC Conservation Response 2
B24A	WNC Developer Contributions Response 1
B24B	WNC Developer Contributions Response 2
B25A	WNC Ecology Response 1
B25B	WNC Ecology Response 2
B26	WNC Economic Growth Response
B27	WNC Education Response
B28A	WNC Environmental Health Response 1
B28B	WNC Environmental Health Response 2
B29A	WNC Highways Response 1
B29B	WNC Highways Response 2
B29C	WNC Highways Response 3
B29D	WNC Highways Response 4
B29E	WNC Highways Response 5

B29F	WNC Highways Response 6
B30A	WNC Local Lead Flood Authority Response 1
B30B	WNC Local Lead Flood Authority Response 2
B31	WNC Recreation & Leisure Response
B32	WNC Recreation & Leisure Response

C – Appeal Documents	
C01	Pre-Notification of Appeal
C02	Appeal Form
C03	Appellant Start Letter – 24 June 2025
C04	LPA Start Letter – 24 June 2025
C05A	CMC Agenda
C05B	CMC Pre-Conference Note
C05C	CMC Summary Note
C06	Appeal Suggested Procedural Note
Statements of Case and 3rd Party Comments	
C07	Appellant's Statement of Case
C08A	Council's Statement of Case
C08B	Appendix A - WNC Planning Committee Report
	3rd party comments
C09A	Carlton J - 1184850 - INTERESTED PARTY
C09B	Carlton J - 1184850 - INTERESTED PARTY (attachment)
C09C	Mordue L - 1182167 - INTERESTED PARTY
C09D	Mordue L - 1182167 - INTERESTED PARTY (attachment)
C09E	Seldon M - 1185598 - INTERESTED PARTY
C09F	Seldon M - 1185598 - INTERESTED PARTY (attachment)

Statements of Common Ground	
C10	Appellant and LPA Planning Statement of Common Ground
C11	Appellant and LPA Housing Statement of Common Ground
C12	Appellant and LPA Transport Statement of Common Ground
Appellant and LPA Proofs of Evidence	
C13A	Appellant's Planning Proof of Evidence and Appendices 1-4
C13B	Appellant's Planning Summary Proof of Evidence
C14A	Appellant's Housing Need and Supply Proof of Evidence
C14B	R004v3 Appendices to Housing Proof
C15A	LPA's Planning Proof of Evidence
C15B	LPA's Summary Proof of Evidence - Dan Callis (WNC)
C16	LPA's Housing Need and Supply Proof of Evidence
Rebuttals	
C17	Appellant's Planning Rebuttal
C18	Appellant's Housing Rebuttal
Section 106 Agreement	
C19	Agreed draft S106 Agreement
CIL Compliance Statement	
C20	LPA's CIL Compliance Statement
Conditions	
C21	Agreed Conditions List
Other Appeal Documents	
C22	Land West of Brackley Appeal – Proposed Site Visit Route

D – Planning Policy & Guidance and Housing Land Supply	
D01	National Planning Policy Framework (December 2024)
D02	National Planning Practice Guidance
D03	West Northamptonshire Joint Core Strategy Local Plan (part 1) – adopted December 2014
D04A	South Northamptonshire Part 2 Local Plan – adopted July 2020
D04B	South Northamptonshire Part 2 Local Plan – Insert 10 (Brackley Constraints Map)
D05	Air Quality and Emissions Mitigation SPD (South Northamptonshire, 2019)
D06	South Northamptonshire Development Contributions SPD (2010)
D07	Parking: Standards and Design SPD (adopted 2018)
D08	South Northamptonshire Energy Efficiency SPD (2013)
D08A	Part 1: Low Carbon and Renewable Energy SPD
D08B	Part 2: Low Carbon and Renewable Energy SPD
D08C	Appendices: Energy Efficiency and Renewable Energy SPD
D09	Energy and Development SPD (2007)
D10	Brackley Masterplan 2011
D12	2019 West Northamptonshire Joint Core Strategy Regulation 10A Review
D13	Local Development Scheme Feb 2025
D14	Emerging Local Plan, Regulation 18 consultation draft
D15	West Northamptonshire Council Housing Land Supply Assessment: April 2025 (including Appendices 1 and 2)
D16	West Northamptonshire Council Housing Land Supply Assessment: April 2025 (Appendix 3 – Statements of Common Ground)
D17	West Northamptonshire Council Housing Land Supply Assessment: April 2025 (Appendix 4 - Completions)
D18	West Northamptonshire Council Housing Land Supply Assessment: April 2025 (Appendix 6 – Mapping)

D19	Extracts of the PPG on Housing Supply and Delivery
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E – Appeal and Case Law Decisions	
E01	Laura Cummins and London Borough of Camden, SSETR and Barrett Homes Limited [2001]; R v. Rochdale MBC ex parte Milne [2000] and City of Edinburgh Council v. Secretary of State for Scotland [1997]
E02	Appeal Decision: APP/W2845/W/23/3318366 – Land east of Brington Road, Flore
E03	Appeal Decision: APP/Z2830/W/20/3261483 - Land east of Waters Lane, Middleton Cheney
E04	Redetermination Decision - Land East of Brington Road, Flore
E05	Appeal Decision - Heatherfield Stables, Redbridge Road Crossways
E06	Appeal Decision - Land off Audlem Road
E07	Appeal Decision - Land off Popes Lane, Sturry
E08	Appeal Decision - Land at Caddywell Lane Burwood Lane Great Torrington
E09	Appeal Decision - Land to the north of Moreton Road, Moreton
E10	Appeal Decision - Land at Warwickshire Police Headquarters, Woodcote Lane, Leek Wootton
E11	Appeal Decision - Land at Farleigh Fields
E12	Appeal Decision - Land off Darnhull School Lane
E13	Appeal Decision - Land adjacent to Bonhams and Flints, Hoe Lane, Flansham
E14	Appeal Decision - Entech House, London Road, Woolmer Green
E15	Appeal Decision - Land on East Side of Green Road, Woolpit, Suffolk
E16	Appeal Decision - Land off Colchester Road, Bures Hamlet, Essex
E17	Appeal Decision - Land South of Westleaze, Charminster, Dorset
E18	Appeal Decision - 700 St Johns Road and St Johns Nursery site, Earls Hall Drive, Clacton on Sea
E19	Appeal Decision - Land off Bakers Lane, Braiswick, Colchester, Essex

E20	Court of Appeal Judgment in Hallam Land Management Ltd vs Secretary of State for Communities and Local Government & Anor [2018] EWCA Civ 1808
E21	High Court Judgment of Wainhomes (South West) Holdings Ltd and the Secretary of State for Communities and Local Government et al [2013] EWHC 597 (Admin)
E22	Appeal Decision - Land West of Church Hill and Land Off Butts Close and Schoolhouse Lane, Marnhull, Dorset

G – Committee Report

G01	West Northamptonshire Council Planning Committee Report 15th July 2025
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H – Miscellaneous Documents

H01	West Northamptonshire Council Cabinet report 24th June 2025
H02	Northampton Town Centre Strategic Regeneration Acquisition
H03	Start to Finish: How quickly do large-scale housing sites deliver? (March 2024)
H04	Creaton Parish Council minutes 2nd July 2024
H05	Housing Flows Reconciliation Guide
H06	Our Future Campus Vision - Mercedes-AMG PETRONAS F1 Team
H07	Mercedes expansion set to create huge investment and highly skilled jobs in Brackley, West Northamptonshire - West Northamptonshire Council News
H08	Assumed cycle speed of 270 metres per minute, from Department for Transport (2020) Local Transport Note 1/20: Cycle Infrastructure Design
H09	West Northamptonshire Council Cabinet Report 16th July 2025
H10	National Travel Survey 2024 dataset NTS 0303f 'Average Trip duration by main mode (minutes)'

i – Proposed plans for approval

i01	Dwg No ASH105 1003E (Site Location Plan)
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i02	Dwg No ASH105 3502D (Parameters Plan)
i03	Dwg No P19-2225 Figure 5.2 rev A (Proposed southern access arrangements)
i04	Dwg No P19-2224 Figure 6.5 rev B (Proposed non-motorised road-user improvements on Banbury Road)
i05	Dwg No P19-2224 Figure 5.1 rev B (Proposed northern access arrangements)
i06	Dwg No P19-2224 SK24 rev B (Potential footway/cycleway links on Halse Road)
i07	Dwg No. 5028761/RDG/22/XX/D/C/520501 rev P02 (Proposed drainage strategy plan)
i08	Dwg No ASH105 3202N (Concept Plan)
i09	List of Proposed Approved Plans 300925 AGREED

ANNEX C**DOCUMENTS SUBMITTED DURING THE INQUIRY (ID)**

Inquiry Document (ID)	Description of Document
ID1	Appellant Opening Statement
ID2	West Northants Council Opening Statement
ID3	Speaking Note of Mr Graves on behalf of Brackley & District Angling Club
ID4	Speaking Note of Mr Mayes on behalf of CPRE Northamptonshire
ID5	Updated CIL Compliance Statement (28.10.25) provided by Council
ID6	HLS Scott Schedule Update (28.10.25) provided by Council
ID7	Speaking Note of Councillor Baker
ID8	Brackley & District Angling Club Covering Letter and Full Representation
ID9	Updated Site Visit Itinerary – Issue V2
ID10	Appellant Technical Note in response to submissions by Fish Legal on behalf Brackley & District Angling Club 29.10.25
ID11	SoCG Council, Davidsons and Bloors regarding N4 Northampton West Sustainable Urban Extension Housing Delivery
ID12	Email (30.10.25) from Richard Wood explaining correlation between 2025 HLS figures and JCS Policy S3
ID13	WNC 5 Year Housing Land Supply 2025 SoCG Signatories
ID14	Appellant Observations on WNC 5 Year Housing Land Supply 2025 SoCG Signatories (ID123)
ID15	West Northamptonshire Council Closing Statement
ID16	Appellant's Closing Statement
ID17	Gladman Developments Ltd v Daventry DC & the Secretary of State for Communities & Local Government
ID18	Wainhome (North West) Limited v Secretary of State for Communities & Local Government, South Ribble District Council

ID19	Borough of Telford and Wrekin v Secretary of State for Communities & Local Government, Gladman Developments Ltd
ID20	Peel v SSCHLG (2020) EWCA Civ 1175

ANNEX D

LIST OF DOCUMENTS REQUESTED BY THE INSPECTOR AND SUBMITTED AFTER THE CLOSE OF THE ORAL SESSIONS OF THE INQUIRY

Inquiry Document (ID)	Description of Document
ID21	Updated Draft Section 106 Agreement following RTS discussions
ID22	Agreed schedule of suggested planning conditions
ID23	Signed Agreement dated 18 November 2025 pursuant to pursuant to Section 106 of the Town and Country Planning Act 1990

ANNEX E

SCHEDULE OF CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

Time limit (outline)

- 1) Application for approval of all the reserved matters for at least the first 100 dwellings (plus associated public open space) shall be made to the Local Planning Authority before the expiration of two years from the date of this permission and applications for approval of all the reserved matters for the remainder of the site shall be made to the Local Planning Authority before the expiry of ten years from the date of this permission. Phase 1 of the development hereby permitted shall be begun before the expiration of four years from the date of this permission. Subsequent phases shall all be begun before the expiration of two years from the date of approval of each respective reserved matters to be approved.

Reserved matters

- 2) Details of the layout, scale, appearance and landscaping for each phase or sub-phase (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place on that particular phase or sub-phase and the development shall be carried out as approved.

Approved plans

- 3) The development shall be carried out in accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:
 - Drawing No. ASH105 1003E (Site Location Plan)
 - Drawing No. ASH105 3502D (Parameters Plan)
 - Drawing No. P19-2224 Figure 5.2 rev A (proposed southern site access arrangements)
 - Drawing No. P19-2224 Figure 6.5 rev B (proposed non-motorised road-user improvements on Banbury Road)
 - Drawing No. P19-2224 Figure 5.1 rev B (proposed northern access arrangement)
 - Drawing No. P19-2224 SK24 rev B (potential footway/cycleway link on Halse Road)
 - Drawing No. 5028761/RDG/ZZ/XX/D/C/520501 rev P02 (proposed drainage strategy plan)

The development shall also be carried out in general accordance with Drawing No. ASH105 3202N (Concept Masterplan).

Phasing Plan

- 4) No part of the development shall take place until a phasing plan identifying each phase or sub-phase of development has been submitted to and approved in writing by the Local Planning Authority. Such plan shall include the anticipated timing for the delivery of each phase or sub-phase in accordance with other conditions attached to this planning permission and the obligations set out in the S106 Agreement. Each reserved matters application shall refer to the relevant phase identified in the approved phasing plan.

Quantum of development

- 5) No more than 700 dwellings shall be accommodated on the site.

Northern access

- 6) Prior to the first occupation of any dwelling hereby permitted the scheme of works to create the northern access (on to Halse Road) in general accordance with Drawing No. P19-2224 Figure 5.1 rev B (proposed northern access arrangement) and Drawing No. P19-2224 SK24 rev B (potential footway/cycleway link on Halse Road) shall be complete and open to traffic.

Southern access

- 7) Prior to the occupation of the 125th dwelling hereby permitted, and in accordance with the phasing plan to be approved, the scheme of works to create the southern highway access (from the A422) in general accordance with Drawing No. P19-2224 Figure 5.2 rev A (proposed southern site access arrangements) and Drawing No. P19-2224 Figure 6.5 rev B (potential alternative non-motorised road-user improvements on Banbury Road), shall be completed and open to all traffic.

Site clearance

- 8) All site clearance (including the removal of or works to hedgerows or trees) should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative provisions have been previously approved in writing by the Local Planning Authority

Ecological survey

- 9) The development hereby permitted shall be carried out in accordance with the recommendations, mitigation measures and enhancements set out in Chapter 8: Ecology and Nature Conservation of the Land West of Brackley, Northamptonshire Environmental Statement, by Pegasus Group, dated 16th April 2021, Addendum to the Environmental Statement – Chapter 8 Ecology and Nature Conservation by Pegasus Group (P19-2224_08_Add_ecology_180924) and its supporting appendices and survey reports, unless otherwise approved in writing by the Local Planning Authority.

Ecology check

- 10) Prior to, and within twelve months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

GCN District Licence 1

- 11) No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR151, or a 'Further Licence') and with the proposals detailed on plan "Land West of Brackley: Impact plan for great crested newt District Licensing (Version 2)", dated 9th July 2025.

Drainage strategy

- 12) All subsequent reserved matters applications for each phase or sub-phase shall be accompanied by an updated drainage strategy. Development shall be implemented in general accordance with the originally approved drainage strategy (Drawing No. 5028761/RDG/ZZ/XX/D/C/520501 rev P02) except as necessary to accord with the subsequently updated strategy as shall be approved in writing by the Local Planning Authority as part of the reserved matters.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE ANY DEVELOPMENT COMMENCES

GCN District Licence 2

- 13) No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR151, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved in writing by the Local Planning Authority. Shall approval shall provide authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to The Local Planning Authority for approval prior to the commencement of the development.

Archaeology

- 14) No development on the relevant phase or sub-phase shall take place within the area of archaeological interest until details of a programme of archaeological work have been submitted to and approved in writing by the Local Planning Authority. This written scheme shall include the following components, completion of each of which will trigger the phased discharging of the condition:
- i. Approval of a Written Scheme of Investigation;
 - ii. Fieldwork in accordance with the approved Written Scheme of Investigation;

- iii. Completion of a Post-Excavation Assessment report to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
- iv. Completion of analysis, preparation of site archive ready for deposition at Northamptonshire ARC (or other location approved by the Local Planning Authority), production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in writing by the Local Planning Authority.

The approved archaeological works in relation to (i) and (ii) above shall be completed in accordance with the approved details prior to the commencement of any development within those respective parts of the site.

Construction and Environmental Management Plan (CEMP)

- 15) No development shall take place, until a Construction and Environmental Management Plan (for each respective phase or sub-phase) has been submitted to and approved in writing by the Local Planning Authority. The submission shall include the following details:
- i. The parking of vehicles of site operatives and visitors;
 - ii. The routing of HGVs to and from the site;
 - iii. Loading and unloading of plant and materials;
 - iv. Storage of plant and materials used in constructing the development (including any materials or liquids with the potential of causing contamination);
 - v. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi. A scheme for the prevention of mud being deposited on the public highway which may include wheel washing facilities and / or road sweeping;
 - vii. Measures to control the emission of dust and dirt during construction;
 - viii. A scheme for recycling/ disposing of waste resulting from the construction works;
 - ix. Details of any temporary construction access; and,
 - x. A noise and vibration risk assessment and mitigation measures as necessary.

The approved Construction and Environmental Management Plan shall be adhered to throughout the construction period of the development.

Tree protection

- 16) No development shall take place until the existing trees and hedges to be retained have been protected in accordance with the Tree Constraints Plan contained within Preliminary Arboricultural Appraisal Report ref: 2025_Fv1 and in the following manner unless otherwise approved in writing by the Local Planning Authority;

- i. Protective barriers shall be erected around the trees to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multi-stemmed trees 10 times the trunk diameter just above the root flare.
- ii. The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.
- iii. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment, machinery and surplus material has been removed from the site.
- iv. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the prior written approval of the Local Planning Authority.

Drainage outfall

- 17) No development shall commence on a phase or sub-phase until the following drainage outfall details for that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. These shall include:
 - i. Details for the outfall location(s).
 - ii. Confirmation that any agreements required with third parties (e.g. highway authorities) for the outfall location(s) to be implemented are secured.
 - iii. Confirmation that the proposed outfall location(s) have capacity for the proposed discharge rates and volumes and are in a suitable condition.
 - iv. A survey (CCTV drainage survey or similar) of the existing receiving drainage network, evidencing the condition of existing assets downstream of the site (the scope of which shall be agreed in writing with the Local Planning Authority).

Surface water drainage management

- 18) No development shall take place until details of the management of surface water on site during construction (including individual phases of development) have been submitted to and approved in writing by the Local Planning Authority. Total surface water discharge rates during construction (including any groundwater dewatering flows) are not to exceed the rates set out within the approved drainage strategy. Thereafter, the development shall be carried out in accordance with the details approved.

Habitat Management and Monitoring Plan

- 19) Prior to the commencement of each phase or sub-phase (including ground works and vegetation clearance) a Habitat Management and Monitoring Plan (HMMP) for the retained, enhanced and created habitats, including the on and off-site

biodiversity net gain provision, shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the HMMP shall follow that of the published Natural England/DEFRA HMMP template (JP058), as amended, and include as a minimum the following;

- i. Description and evaluation of features to be managed.
- ii. Ecological trends and constraints on site that might influence management.
- iii. Detailed design for off site BNG provision (if relevant).
- iv. Aims and objectives of management.
- v. Appropriate management options for achieving aims and objectives.
- vi. Prescriptions for management actions including initial aftercare and long-term maintenance.
- vii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period) demonstrating that works are aligned with the proposed phasing of development.
- viii. Details of the body or organisation responsible for implementation of the plan.
- ix. Ongoing monitoring and remedial measures including years 1, 2, 3, 5 and then every 5 year monitoring cycle of Biodiversity Net Gain provision with timescales identified for the results to be provided to the Local Planning Authority.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives set out in the approved HMMP 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 shall be implemented for each phase / sub-phase in accordance with the approved details.

Protected Species mitigation

- 20) Prior to the commencement of the development hereby approved, including any site clearance, a mitigation strategy for protected species, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective measures around specific habitats, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

Surface water drainage

- 21) No above ground works shall take place until full details of the surface water drainage scheme for the site, based on the approved drainage strategy (Drawing

No. 5028761/RDG/ZZ/XX/D/C/520501 rev P02), have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented and maintained in accordance with the approved details. The submitted details shall include:

- i. Details of all sustainable drainage systems which will be implemented across the site, to include details of the drainage hierarchy (including infiltration testing) which shall be compliant with the latest National Standards for Sustainable Drainage Systems.
- ii. Information about the design storm period and intensity, the method to be employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving system.
- iii. Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions etc.) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins.
- iv. Full and appropriately cross-referenced supporting calculations, including an appropriate allowance for climate change. Calculations shall be based on FEH22 (or the most recent available data) and shall be calculated based on the proposed roofs and hardstanding, and an allowance for runoff from greenspaces.
- v. Cross sections of all control chambers (including site specific levels mAOD) and manufacturers hydraulic curves for all hydrobrakes and any other flow control devices.
- vi. Demonstration that exceedance flow routes are appropriately routed such that there is no residual risk to property and critical infrastructure.
- vii. Evidence that all surface storage features provide an appropriate residual uncertainty allowance (freeboard) above the design maximum water level to top of bank and to finished floor levels around the site.
- viii. A timetable for the implementation of the drainage scheme.
- ix. A detailed management and maintenance plan for the lifetime of the development, which shall include, for every element of the system, the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure operation of the scheme throughout its lifetime, details of any drainage elements that will require replacement within the lifetime of the proposed development, and a plan showing access, easements, and maintenance operational areas.

Above ground storage of water shall only be accepted in areas designated for this use, and will not be accepted in car parks, loading bays, or other areas subject to vehicle movements.

Foul water drainage

- 22) No building shall be constructed above slab level on any phase or sub-phase until a scheme for the provision and implementation of foul water drainage (including connection point(s) and discharge rate) has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed

and completed in accordance with the approved plans before the first occupation of any of the dwellings hereby approved.

CEMP: Biodiversity

- 23) No development shall take place (including ground works and vegetation clearance) on each phase or sub-phase until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include detail of:
- i. Risk assessment of construction activities which have the potential to harm or injure wildlife (including protected species);
 - ii. Identification of 'Biodiversity Protection Zones';
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to sensitive ecological receptors during construction (to be provided as a set of method statements);
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features;
 - v. The times during construction when specialist ecologists need to be present on site to oversee works;
 - vi. Responsible persons and lines of communication;
 - vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and,
 - viii. Location of and details of protective fences, exclusion barriers and warning signs

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

Lighting (biodiversity)

- 24) With each submission of reserved matters for each phase or sub-phase a "Lighting Design Strategy for Biodiversity" relating to street lighting and public lighting shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- i. 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
 - ii. 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. Under no circumstances should any other external lighting be installed without the prior approval of the Local Planning Authority.

Noise mitigation

- 25) Each reserved matters application relating to residential uses for each phase or sub-phase of the approved development shall include a noise mitigation scheme to protect residential amenities from noise sources affecting the site, as detailed in the Noise & Environmental Assessment of the Environmental Statement, which shall be submitted to and approved in writing by the Local Planning Authority. The noise mitigation scheme for dwellings that will be situated close to the proposed Sports Pitches and/or existing Rugby Club scheme shall also take into consideration potential impacts from these sources, with additional noise assessments being provided, as detailed in sections 11.4.58 to 11.04:66 and 11.4.67 to 11.6.80 of the Noise & Vibration Assessment of the Environmental Statement. Thereafter, the proposed noise mitigation scheme shall be completed in accordance with the approved details before each respective dwelling is first occupied.

Fire hydrants

- 26) No occupation shall take place on a phase or sub-phase until a scheme and timetable detailing the provision of fire hydrants and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

Bus stops

- 27) The development shall provide two pairs of bus stops which shall be located on the main internal spine road and/or on the A422 or Banbury Road in close proximity to the site's southern boundary.

Details of the first pair of bus stops (including location, shelters, cycle storage (if necessary) and a timetable for installation) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling. Thereafter, the bus stops shall be installed in accordance with the approved details and timetable.

Details of the second pair of bus stops (including location, shelters, cycle storage (if necessary) and a timetable for installation) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the 400th dwelling. Thereafter, the bus stops shall be installed in accordance with the approved details and timetable.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE OCCUPATION

Off-Site Highway Improvements

- 28) Prior to the first occupation of any dwelling a S278 application shall be submitted to and approved in writing by the Local Planning Authority which includes proposals for providing Tactile Paving in the following locations:

- i. all arms of the Prices Way/Humphries Drive roundabout
- ii. all arms of the Rose Drive/Humphries Drive/Somerville Road roundabout; and
- iii. all arms of the Somerville Road/Brasenose Drive/Nuffield Close roundabout

Thereafter, the tactile paving shall be provided in all locations prior to the occupation of the 350th dwelling.

Off-Site Highway Improvements

- 29) Prior to the first occupation of any dwelling a scheme providing for refreshed markings at zebra crossings shall be submitted to and approved in writing by the Local Planning Authority for the following locations:

- i. to the south of Somerville Road on Pavilions Way; and
- ii. to the south of Humphries Drive on Pavilions Way

Thereafter, the refreshed marking shall be provided in accordance with the approved scheme.

Surface water drainage verification

- 30) Prior to first occupation of a dwelling in any phase or sub-phase, a Verification Report for the installed surface water drainage system for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report shall be carried out by a suitably competent person and must demonstrate that the constructed drainage system is in compliance with the approved drainage strategy for that phase or sub-phase. These shall include:

- i. As-built drawings.
- ii. Construction photos of any elements of the drainage system which would not be accessible for inspection upon completion.
- iii. Evidence that any departure from the agreed design is keeping with the approved principles and does not increase flood risk or pollution potential.
- iv. Copies of any Statutory Approvals, such as Land Drainage Consent.
- v. Evidence (by way of CCTV or similar) that the entire system is free from defects, damage, and foreign objects.
- vi. Provide GIS (.shp) files or national grid references of key drainage elements such as, but not restricted to, areas for attenuation, flow control devices and outfalls.
- vii. Confirmation of the competency of the person undertaking the Verification assessment.

In the event that the constructed drainage system is demonstrated to have not been constructed in accordance with the approved drainage strategy, the submission shall include details of the works necessary to rectify the situation, including a timescale for completing any such works. Thereafter, the rectification

works shall be completed in accordance with the details approved and within the timescale approved.

Interpretation boards

- 31) No dwelling hereby approved shall be occupied until details of interpretation boards (including the content/artwork, lectern/stand, and location of installation), to explain to visitors/residents the wildlife of the retained Local Wildlife Site habitats, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the interpretation board shall be installed as approved prior to the occupation of the 250th dwelling.

EV charging

- 32) No dwelling hereby permitted (with a garage or driveway) shall be occupied until it has been provided with electric charging equipment of 7.2 kW (or equipment providing for no lesser standard of efficiency) to serve that dwelling.

Construction hours

- 33) No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Unexpected contamination

- 34) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.