



Appeal Decisions

Inquiry Held on 31 March, 1-2 April, 8-9 April 2026, closing in writing 7 May 2026
Site visit made on 2 April 2026

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th May 2026

Appeal A: APP/Q3115/W/25/3373696

Thames Farm, Reading Road, Lower Shiplake RG9 3PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Taylor Wimpey West London against the decision of South Oxfordshire District Council.
 - The application Ref P24/S2642/FUL, dated 16 August 2024, was refused by notice dated 16 July 2025.
 - The development proposed is for engineering operations associated with ground stabilisation works.
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Appeal B: APP/Q3115/W/25/3373700

Thames Farm, Reading Road, Lower Shiplake RG9 3PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Taylor Wimpey West London against the decision of South Oxfordshire District Council.
 - The application Ref P24/S2652/S73, dated 16 August 2024, was refused by notice dated 18 July 2025.
 - Application Ref P24/S2652/S73 sought variation of conditions 1 and 3 on application P19/S0245/RM (Reserved Matters for 95 dwellings (appearance, landscaping, scale and layout) pursuant to outline application P16/S0970/O) (as amended by plans and information received 9 January 2025, 17 February 2025, 14 March 2025 and 9 May 2025).
 - The conditions in dispute (conditions 1 and 3) state:
 - (1) That the development hereby approved shall be carried out in accordance with the details shown on the approved plans.
 - (3) The landscaping scheme as shown on the approved plans shall be implemented in accordance with Landscape Management Plan CSA/4049/01 and thereafter be maintained in accordance with this Plan. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.
 - The reasons given for the conditions are:
 - (1) To secure proper planning of the area in accordance with Development Plan policies.
 - (3) To help to assimilate the development into its surroundings in accordance with Policies CSEN1 and CSQ3 of the South Oxfordshire Core Strategy 2027 and Policies G2, C9 and D1 of the South Oxfordshire Local Plan 2011-2035.
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Appeal C: APP/Q3115/W/25/3373702

Thames Farm, Reading Road, Lower Shiplake RG9 3PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the refusal to grant consent subject to the conditions of consent, agreement or approval of details required by conditions of a planning permission.
 - The appeal is made by Taylor Wimpey West London against the decision of South Oxfordshire District Council.
 - The application reference P24/S2651/DIS, dated 19 August 2024, was refused by notice dated 18 July 2025. It sought approval of details pursuant to conditions 4, 5, 8, 9 and 11 attached to planning permission P16/S0970/O.
 - The development proposed is for outline planning permission for up to 95 dwellings and associated public open space and landscaping. With means of access and strategic landscaping not reserved (allowed at appeal 2 August 2017 as per appeal reference APP/Q3115/X/23/3325922).
 - The condition in dispute is No. 11 which states that: No further development shall commence, beyond the access works already implemented, until a drainage strategy, detailing all on and off-site surface and foul drainage works, has been submitted to and approved in writing by the Local Planning Authority. No discharge of foul or surface water from the site shall occur before the drainage strategy has been completed and brought into use.
 - The reasons given for applying the condition are to ensure the proper provision of surface water and foul water drainage and to ensure flooding and pollution is not exacerbated in the locality in accordance with policy EP4 of the South Oxfordshire Local Plan 2011-2035.
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Decisions

1. **Appeal A** is allowed and planning permission is granted for engineering operations associated with ground stabilisation works in accordance with the terms of the application, reference P24/S2642/FUL, dated 16 August 2024, subject to the 'Schedule of Conditions' set out at the end of this decision.
2. **Appeal B** is allowed and permission is granted for the variation of conditions 1 and 3 on application P19/S0245/RM (Reserved Matters for 95 dwellings (appearance, landscaping, scale and layout) pursuant to outline application P16/S0970/O) (as amended by plans and information received 9 January 2025, 17 February 2025, 14 March 2025 and 9 May 2025) in accordance with the terms of the application, reference P24/S2652/S73, dated 16 August 2024, subject to the 'Schedule of Conditions' set out at the end of this decision.
3. **Appeal C** is allowed and condition discharge is granted in accordance with the terms of the application, reference P24/S2651/DIS, dated 19 August 2024.

Procedural Matters

4. The inquiry concerns three linked appeals A, B and C, as described in the banner. South Oxfordshire District Council (SODC) agree that Appeal B is dependent on the outcome of both Appeal A and Appeal C, and that Appeal C is dependent on Appeal A. It therefore is necessary to assess some of the considerations arising in Appeal's A and C first.
5. Based on the collective main issues and technical matters aired, which overlap, it is also appropriate to deal with all three appeals together rather than as separate decision letters. Accounting for each of the individual Decision Notice grounds contested, I have further consolidated the agreed main issues to avoid unnecessary duplication in my reasoning.

6. I acknowledge the planning application to amend the approved layout (P24/S2652/S73) if successful under Appeal B reduces the number of dwellings proposed from 95, which was the number approved under reserved matters, to 84 dwellings. The reduction is proposed by the appellant to accommodate a drainage basin, as part of its overall drainage strategy.
7. It is also pertinent to mention, in May 2020 SODC approved a non-material amendment (P20/S0134/NM) to planning permission P16/S0970/O. This altered the wording of condition 11 so that it allowed for the provision of a vehicular access to the site prior to the submission and approval of the drainage strategy.
8. Although application P24/S2651/DIS sought acceptability of details for discharge of: condition 4 for vehicular accesses, footways, cycle ways, driveways and turning areas; condition 5 for construction management; condition 8 for landscape management; Condition 9 for a bat method statement; and condition 11 for a drainage strategy. Only condition 11 detail adequacy is disputed by the main appeal parties.
9. Without prejudice to the outcome of the appeals, it was agreed during proceedings that the appellant would be given until 24 April 2026 to produce a completed deed of variation related to its overall case. A completed deed was subsequently received slightly beyond that timeframe (1 May). However, it is legally binding and therefore informs my decision.

Main Issues

10. The main issues relate to the following:

- Whether it is sufficiently demonstrated that the proposed development would not pose unacceptable risks to a local principal aquifer and public water abstraction having regard to stabilisation works, ground stability, pollution, drainage and flooding (Appeal's A and B).
- The acceptability of drainage strategy details for the discharge of condition 11 (Appeal C).
- Deed of variation adequacy to secure associated affordable housing, infrastructure and mitigation (Appeal B).

Reasons

Risks to principal aquifer/public water abstraction from: (i) stabilisation works

11. During my site visit I could see the appeal land was predominantly an open grassed over field accessed from Reading Road, close to existing dwellings in the wider vicinity.
12. It is common ground the site falls within groundwater Source Protection Zone 1 (SPZ1) of an underlying aquifer used for public water supply abstraction. I also note the site is within a Drinking Water Safeguard Zone for groundwater and surface water. The purpose of the latter designation by the Environment Agency (EA) is to protect raw water resources from further deterioration by pollution and to reduce the need for extra treatment by water companies.
13. Groundwater in SPZ1 (as the inner zone of the three main water protection zones) is most vulnerable to pollution given the proximity of the abstraction

point and the water's intended use for human consumption. It is defined within the Environmental Permitting (England and Wales) Regulations 2016 as one of the following: a) the area within 50 metres of a point where the groundwater is abstracted for domestic supply or food production purposes; b) the area where it takes groundwater that is intended to be used to supply water for domestic or food production purposes up to 50 days to travel to the groundwater abstraction point.

14. Groundwater beneath the appeal site travels to the Harpsden Public Water Supply (PWS), approximately 130 metres or so away. From that point onwards abstracted water is treated using filtration and chlorination processes. Water then enters the domestic use supply system.
15. Unstable ground within the site boundary is underlain by the principal aquifer within the SPZ. SODC and Thames Farm Action Group (TFAG) as the Rule 6 Party both underscore the imperative of properly managing local water supply resources given water pathways within the site boundary. Harpsden PWS contributing over one third of the potable supply for the Water Resource Zone.
16. SODC and TFAG combined contend it is not sufficiently demonstrated the engineering works tied to Appeal A could occur without posing unacceptable risks to the principal aquifer and to public water abstraction at Harpsden PWS.
17. The overarching contentions made by them is that the Hydrogeological Impact Assessment (HIA) does not provide sufficient information to properly gauge risk. Tied to that claim is that there is deficient information on: groundwater levels; the extent, number, and depth of solution features; the nature of the hydraulic gradients between the site and the PWS; and the presence of any fast flow pathways.
18. The appellant's HIA assessment is also subject to a long list of technical criticisms including but not limited to: an underestimation of potential for preferential pathways; downplayed potential for unaddressed void presence; solution pipes with superficial deposits are unpredictable; solution pipes can/do sometimes extend below the water table which the site is likely to contain; and that the aquifer itself is not identified as a receptor, based on the source, pathway, and receptor model.
19. Furthermore, it is alleged: chalk fracture width is underestimated as per the core recovery material in boreholes HF4 and HF5; related depth of grouting considerations required downplay hydrological connectivity between structured and unstructured chalk; that flow rates would be assisted by fractures and networks linked to voids; and that a detailed quantitative risk assessment should be undertaken for the proposed ground stabilisation works in view of these considerations.
20. With all those contentions in mind, I acknowledge the underlying geological composition of the appeal site largely comprises of superficial deposits of sand, gravel, clay and silt in different proportions, upper weathered chalk and then moderately weathered chalk.
21. Ground condition investigations reflect regional karstic features of: voids; deep solution features; and fracturing. The investigations imply there could well be rapid flow of groundwater and potential contaminants above and below the water table. Based on the evidence I cannot discount that situation completely.

22. The appeal technical evidence and arguments focus on the presence of structured and unstructured chalk deposits within the site. This is because the properties of chalk layers in the ground has led to solution pipe formation over time. The ground is consequently less stable because of these naturally occurring geological formations, particularly at the eastern side of the site.
23. Solution pipes are characterised to extend into structured chalk at roughly around 15 metres below ground level. Acknowledging some contain permeable superficial deposit material within them and may be hydrologically active or others being potentially waterfilled or air filled voids¹.
24. TFAG broadly argue unstructured chalk layers present in the ground are characterised by high porosity. Fractures or discontinuities are recorded within those layers according to the appellant's January 2023 borehole log investigations². Whereas the appellant's expert witness's analysis is that structured chalk may have become puttylike when mixed with clay and other substrates over time limiting its permeability and potential for complete recovery in the cores. As an explanation of the borehole log information recorded.
25. The appellant's evidence is credible that a naturally occurring meniscus crust forms a barrier within the solution pipes restricting permeability. And that some of the results could be affected by instances of no recovery in the sample cores obtained. Those circumstances offer me plausible explanations of why the borehole information in dispute is interpreted differently by the appellant.
26. Additionally, the appeal evidence suggests that unstructured and structured chalk could be found together, and that fragments of the structured chalk could be found within the unstructured chalk.
27. In that context, I accept that the Drill and Grouting Plan presented by the appellant is not intended to be a precise grouting proposal. That is because it is not possible to conclude all solution features have been identified. And because the appellant would also deliberately be using real-time feedback from the construction operators involved in the drilling and grouting processes to further refine grouting placements. The latter being achieved via active monitoring of injection pressure and grout volumes extruded into the ground giving physical indication whether a feature is stabilised or not.
28. Nevertheless, from a risk perspective the Drill and Grouting Plan still offers a reasonable planning and decision making basis to work from. It is underpinned by a reasonably robust technical assessment allowing for interpretation expertise. Even if there was more prior investigatory technical information aligned with SODC's and TFAG's contentions, operators would still need to respond to real time grout injection feedback when undertaking the work.
29. As part of examining the existing hydrogeological conditions, I note that E.Coli and other total coliform bacteria were consistently found across the site during September to November 2025³ at boreholes MW1-5 and HF2. With concentrations highest at HF2 at the western boundary of the site heading towards existing residential properties.

¹ Geotechnical Investigation 4072D/19 (Terramech), Appendix C: Borehole logs Z1 – Z10.

² Hydrogeological Impact Assessment for ground stabilisation works, (H Fraser Consulting, 2024) Appendix C. Borehole references: HF2; HF3 & HF5.

³ Appellant's Analytical Reports by Analytical i2 Environmental Science Ltd.

30. This does imply routes in groundwater could be affected by surface and subsurface contamination via rapid flow through superficial deposits. Septic tank leakage is highlighted as the likely primary contaminant source. That said, I am equally cognisant a variety of wildlife in the area are also potentially capable of spreading such coliforms. For instance, at my site visit I witnessed two deer moving around within the boundary and there is likely to be other fauna in the locality. Thus, I do not rule out the possibility of other wider traceable sources above septic tank leakage.
31. Importantly, I note that compaction grouting is not a novel construction technique given it has been used in the UK since the 1980's. As depicted by the appellant's experts the compaction grouting process described involves drilling boreholes, then injecting a stiff mortar grout, containing coarse sand and limestone dust. This process produces an expanding bulb, compressing the surrounding ground.
32. The evidence before me implies injected grout would not flow, it would be extruded under pressure emerging as a solid like mass. Setting begins from the moment it is mixed and it achieves full curing within approximately two hours. Injection would be targeted into unstructured chalk, with a 2 metre stand-off above the measured water table monitored daily, with no pulverised fuel ash, and a 50 metre exclusion zone around the PWS.
33. I recognise the EA's approach to groundwater protection involves the application of the precautionary principle. I also agree relative to joint EA/Defra guidance it is the responsibility of a developer to provide an adequate conceptual model for a risk assessment. In addition to any other relevant information for its engineering works to be suitably gauged.
34. Similarly, I also realise seeking more baseline data within the initial assessments can sometimes be an essential requirement. Nonetheless, insights which can be obtained from practical understanding, experience, and applied professional expertise are also applicable as ingredients informing the appellant's overall approach. In this case professional judgment has been applied alongside the limitations in the baseline data available.
35. In such circumstances linked to the dispute, the practical application of engineering solutions devised to treat ground conditions cannot be determined by report data alone. At some junctures there must be some interpretation and inferences applied. In the main this falls at the interface of independent experts and eventual contractors undertaking stabilisation works informed by initial investigation and known risks. Accepting other anomalies could occur.
36. Thus overall, there would never be absolute certainty on ground conditions. The appellant on the whole evidences a structured engineering process and active solutions to treat unstable ground.
37. Based on all the evidence the grouting process would not be haphazard. I have no strong reasons to believe competent contractors would not be able to undertake the engineering works safely or correctly, ensuring adequate protections.
38. Scrutiny of the appellant's approaches during the inquiry itself further focuses and brings attention to any possible weaknesses in the proposed engineering steps to be taken. SODC conceded that a suitable future monitoring scheme

could establish the ground water levels when grouting would be undertaken. SODC's criticisms nevertheless remain that adequate ground level water information is still warranted in the HIA.

39. That said, additional information is contained in the appellant's hydrogeological witness statements referring to December 2025 and January 2026 as well as some off-site Thames Water data in the wider evidence. Although SODC still point to shortfalls from inter-seasonal or inter-annual variation the additional data gives me some further reassurance that the appellant's initial assessments are reasonably robust.
40. With respect to ground investigation work, the appellant has limited its intrusive investigations to isolated boreholes and dynamic probe testing within the zones of the potential features using a 6 metre grid system.
41. Allowing for suggested limitations in the dynamic probe evidence, the criticisms of 6 metre grid spacing utilised instead of 3 metre spacing are material. I accept there may be undetected voids present in the ground. But there would be ample scope for the appellant to safely rectify that situation using the compaction grouting techniques they have described.
42. The matter undoubtably is a risk but I am not persuaded it carries an unacceptable level of risk. Even with 3 metre spacing, the risk of undetected features would still not vanish. The appellant otherwise gives credible evidence of how grout compaction techniques would sufficiently stabilise the ground. More grout stabilisation could be undertaken if it proved necessary during groundworks, when pressure and grout extrusion monitoring feedback would be known by the drilling and injection point operator.
43. There is no dispute about the presence of open fractures and fissures in the structured chalk. Albeit the parties disagree whether the properties of unstructured chalk can support pathways allowing the passage of grout.
44. The precautionary 2 metre stand-off above groundwater levels prior to grout injection would provide some safeguard. Even so, I acknowledge that some of the solution features present penetrate below the water table for drilling into the structured chalk. This does give rise to sub-vertical and sub-horizontal pathway risks as well as risks through the presence of other potential voids in the ground.
45. Yet, the appellant supported by the slump tests it evidences indicates that grout injected into the ground would set within two hours. As a result, there would be no reasonable prospect of transmission into the PWS. Even when conceding there are potential additional pathway risks including fast flow pathways in accordance with SODC and TFAG's cases, the distances involved relative to the setting time are the most crucial factors. Furthermore, no other stabilisation process is considered a realistic practical alternative to grouting.
46. I find the distances evident coupled with the anticipated stiffness/thickness of the grout prior to its setting gives a credible explanation why it would be highly improbable, if not impossible, for the grouting works defined within Appeal A to harm the PWS. Thus, the overall risk level from grouting processes on the aquifer and abstraction would be acceptable. Nevertheless, other overlapping factors also warrant consideration.

(ii) Adequacy of drainage strategy details

47. At the time when the outline planning permission (P16/S0970/O) was approved, and the reserved matters consent (P19/S0245/RM) was granted, SODC had no indication that the ground conditions were such that stabilisation works would be required to implement the permitted housing development.
48. The proposed updated drainage strategy would utilise two detention basins to the east of the site, alongside Reading Road. These were granted under the reserved matters consent. Water would then be pumped from the eastern detention basins to a proposed new primary detention/infiltration basin to the west, replacing 11 permitted homes. A pumping station would be required due to the existing topography, as the new western basin is on the highest part of the site.
49. A surface water pumping station would be located near to the allotments towards the northern boundary. It is designed to meet adoptable standards, which requires the provision of two pumps, in the event of failure. Although the likelihood of both failing at the same time is slim, it is possible. For example, electrical failure could lead to this situation. In such circumstances, significant surface water storage would be available within the drainage network allowing repairs or alternative power provision to be made.
50. Fundamentally, when assessing the appellant's drainage strategy SODC and TFAG provide combined reasons against the principle of a layout using a pumped surface water drainage system. Including allowing for water discharge from Reading Road, on sustainability grounds.
51. In particular, TFAG contend a gravity based system is both possible and preferable as well as supporting a less intensive form of layout. In their view such changes would alleviate the strain on the appellant to seek to rely upon over complicated engineering solutions. I agree a less dense housing scheme would allow greater latitude in the layout and/or utilisation of a gravity system (if feasible) would further minimise some risks.
52. That said, a decision is still required based on the collective information before the inquiry relative to all alleged risks alongside what has already been previously permitted.
53. The appellant takes the position that pumped storage is the most suitable option for its layout in trying to meet SODC's overall reasons for refusal linked to appeals A, B and C. There is nothing compelling to show that a gravity system would be effective for the number of homes the appellant is pursuing. Otherwise, it is likely owing to ease they would already have pursued this alternative option.
54. The Court of Appeal Glidewell LJ⁴ case quoted in the evidence sheds further light on the disputes in that it identifies the overarching legal principle that a Planning Authority cannot refuse the best option achievable. As to do so could amount to a revocation of planning permission in the context of what has already been formally permitted.
55. The fact that the proposed drainage strategy involves adoption requirements through a New Appointments Variation (NAV) or statutory undertaker is an extremely important added complication. TFAG and SODC making the

⁴ Medina Borough Council vs Proberun Ltd; Court of Appeal (Glidewell, Stuart-Smith L.JJ. and Sir David Croom-Johnson): May 15, 1990

combined proposition there is no realistic chance of adoption from a NAV or Thames Water as the statutory undertaker.

56. Affiliated risks also arise in that it is not possible to conclude that all solution features have been identified, particularly within the western detention basin and infiltration blanket area. Subsequently, I have factored risks regarding: solution features remaining untreated; solution features not being completely grouted if they continue to depths below the groundwater table; and risks grout could be injected into a void extending into the water table itself.
57. Moreover, SODC raise: the stability of embankments should not be left to post condition discharge consent; that the basin may be undersized; the potential for overtopping relative to a 300mm freeboard; the lack of emergency storage and spacing around pipes for maintenance and lined permeable road paving on top of a rising main drain; inadequate soakaway tests as all being factors for a NAV to reject adoption of infiltration features.
58. I also note the maximum water levels of the western detention basin would sit around 4 metres above the floor levels of adjacent dwellings in the event of failure.
59. But even when considering all those additional points raised, the overall resultant flood and pollution risks are still likely to be low. Due maintenance regimes can be secured. Plus, the appellant suggested during the inquiry there would be practical flexibility to achieve increased freeboard requirements in the eventual detailed drainage design. There being scope for a 400-600mm (or at least 500mm) freeboard aligned with SuDS Manual advice exceeding the 300mm currently suggested, with a 1 in a 1000 year storm event and possible overtopping in mind.
60. In addition, there are notable historic flooding incidents documented over a ten year period on Reading Road. Even without new housing, I am aware the existing soakaways built under Section 278 (s278) of the Highways Act 1980 provisions may either not be effective or require maintenance. Even so, the Highway Authority has powers to further assess and assist this matter including potentially bolstering maintenance regimes if it needed to further protect the residents it serves, irrespective of the outcome of the appeals.
61. Whilst NAV adoption may be difficult to obtain, I cannot conclude it would be impossible. It is a separate formal process where there is scope to make detailed design adjustment. And, the previous granting of outline permission for a maximum quantum of housing is also material.
62. That is because it is for the appellant to find and pursue the most effective solutions to the technical constraints it faces for the maximum number of houses it can practically achieve, supported by evidence. The maximum figure already being lowered in its intended revised layout with all public and statutory concerns accounted for in mind.
63. Consequently, bringing all relevant technical points together I find the criticisms to the details provided to meet condition 11 concerning Appeal C do not raise insurmountable issues that are incapable of being overcome. Nonetheless, given the intersecting appeal case arguments present further impacts should be addressed before reaching any overall findings.

(iii) Other linked drainage/flooding, ground stability and pollution risks

64. Alongside the submitted drainage strategy, the planning application reference P24/S2652/S73 appealed seeks to amend the approved layout to accommodate the drainage features necessitated by the ground stabilisation works, resulting in a reduction from 95 to 84 dwellings, with upgraded house types and a new SuDS drainage basin in the south-western corner of the site.
65. TFAG contend: the appellant's detailed risk assessment does not recognise the potential for solution features and vulnerabilities as indicated by dynamic probe readings (AO12, AN13, AN14, AO14 and AP14) beneath the planned western detention basin; the risk assessment only considers the PWS, using the chalk aquifer for the purposes of dilution and attenuation of contaminants; the detention basin sits above unstructured chalk and must provide adequate permeability to allow recharge of the aquifer; potential increased turbidity from grouting processes transferring pollutants; and increased alkalinity from using ordinary Portland Cement and uncertainty of any additive use.
66. Additionally, there are material on and off site flood risks attached to potential failure of the proposed detention basin design. Plus, the design of the proposed temporary bunds featuring in the construction phases are alleged by SODC and the Rule 6 Party to not adequately address what the risks are during a severe weather event. I have considered all such criticisms in my overall findings.
67. In terms of drainage/flood and pollution risk matters arising from the engineering works in Appeal A and in the varied layout for Appeal B. The appellant's analysis suggests there are some solution features within the footprint of the detention basin and supporting bunds. SODC and TFAG share concerns that these pose a ground destabilisation and subsequent flood risk if left untreated.
68. However, I have no strong reason to believe the appellant's approach would not be able to be successful given the depths involved relative to the drainage system, infiltration rates and expected containment bund height. Planning conditions would provide further reassurances. Aside to that, any additional solution features would also be able to be suitably treated if they were needed to be. Inclusive of the appellant obtaining any further necessary consents.
69. The appellant as part of its proposed temporary surface water drainage strategy, utilising containment bunds, anticipates the use of a 'silt buster' to minimise sediment in site surface water. Although some unwanted residual sediment may be transported, the process would provide adequate control as the stabilisation works progressed.
70. The south eastern corner of the site has some vulnerability for a 1 in 100 year storm event. Which would affect Reading Road should the temporary bunds fail. Nevertheless, that vulnerability would only be within a limited timeframe whilst the stabilisation works would be completed.
71. I recognise a variety of factors such as seasonality/rainfall, groundwater level variability and pumping periods at the PWS are further variables during construction works. But these considerations would be able to be managed through daily monitoring in the construction processes.
72. In other drainage respects also linked to the layout sought in Appeal B and linked to Appeal's A and C. Falling head tests and permeability rate information provided by the appellant underpinning the size of the basin and infiltration

blanket give me further insights and assurances its approach would be able to be successful.

73. There may be some technical shortfalls in the drainage details provided. However, there is due flexibility to further adapt the drainage design in relation to overcoming minimum freeboard requirements and any notional basin under sizing risk, alongside Defra's national requirements for SuDS through working amendment. Accepting, the detention basin would have a water level considerably above the nearest properties.
74. In the event of bund failure, more water would discharge onto Reading Road and the properties to the east of Reading Road. Nonetheless, I find that residual flood risks would be able to be successfully managed to an acceptable level through the imposition of suitably worded planning conditions aligned with SODC officer recommendations.
75. As to the scope to utilise a Source Protection Strategy (SPS) planning condition. Important nuances arise in that the EA suggests such a condition would be to ensure the proposed development does not harm the water environment. Whereas Thames Water's suggested wording focuses on not harming the water abstraction source.
76. I concur that the suggested SPS condition wording subject to the main appeal party dispute may not be able to discount any harm whatsoever to water resources. It would however facilitate proportionate monitoring and remedial action should any be required. Consequently, it would still be beneficial. Connected to that issue, the appellant's water contamination model is highly conservative in multiple respects and shows negligible risk from contaminants. This strengthens the basis of favouring the appellant's approaches.
77. Other criticisms cite assessment has not accounted for the risk associated with failure of water management systems, including structural failure of sewage pipes leading to the migration of contaminants. Yet, precautions such as flexible couplings and high-specification pipework could readily be incorporated in the detailed design phase, in accordance with the EA's recommendations for sewage infrastructure in SPZ1. Besides, I note there is existing development much closer to SPZ1 which has not been rejected on such speculative grounds.
78. The EA's approach to groundwater protection is material. Development works in Appeal A and Appeal B could potentially require an environmental permit, even though the appellant does not envisage this to be the case. Consequently, I have approached this matter cautiously when considering the scope of the main parties suggested planning condition wordings.
79. In accepting there is a gap between statutory consultee response intentions for condition use application, it is necessary for me to bring all points together relative to the risks involved. I find there would be no realistic prospect of grout reaching the aquifer and thus the risk level is acceptable. But an appropriately worded planning condition would assist with due monitoring and any remedial action on a precautionary basis if the grouting process proved problematic. Even if highly improbable. However improbable the likelihood, a belt and braces precautionary approach is warranted.
80. The chemical structure, of the grout pre and post setting utilising ordinary cement rather than sulphate resisting was clarified by the appellant. On top of

the wider appeal evidence referring to the mix more broadly as containing water, sand, cement and bentonite. Accordingly, a satisfactory impact to water pH levels would be possible and highly probable from the grouts composition. The overall setting time and stiffness of the mixed grout are adequate reasons not to attribute harm from potential additive use, of which none is envisaged in the appellant's submissions.

81. SODC also raise issues with the design and location of the detention basin. Especially outfall; key feature sizing; self-cleansing capacity and its long-term maintenance. Nonetheless, I am satisfied the appellant has planned adequately for its drainage systems to be successful. There is scope to overcome some residual criticisms alongside recognition of s104 of the Water Industry Act 1991 and the processes expected to achieve drainage system adoption. To assume there would be no possibility of adoption would be overly restrictive.
82. Strikingly, SODC do not claim actual harm to the PWS or the chalk aquifer. Both the EA and Thames Water are satisfied that a SPS secured by planning condition is an appropriate and effective safeguard. The EA in applying its groundwater protection policies has concluded that the risks are acceptable. Although such views are not binding, I find there is no compelling basis to disagree with their conclusions.
83. Overall, allowing for planning condition use, I find that collective stabilisation, ground stability, pollution, drainage and flood risk impacts for Appeal A would be able to be managed to an acceptable level. South Oxfordshire Local Plan 2011-2035 (SOLP) Policies ENV12 and DES7 as well as Joint Henley and Harpsden Neighbourhood Plan 2020-2035 (JHHNP) Policy ENV5 would be complied with. Combined those policies aim to prevent harm to human health, the natural environment and neighbouring uses. As well as ensuring new development has appropriate regard to geology and drainage capacity given the chalk present in the area.
84. In tandem, when assessing all overall risks tied to Appeal C relative to Appeals A and B, I find there is sufficient detail to allow formal discharge of condition 11. The details provided would ensure the proper provision of surface water and foul water drainage, to ensure flooding and pollution is not exacerbated in accordance with SOLP Policy EP4 seeking to minimise such risks.
85. Similarly, the collective stabilisation, ground stability, pollution, drainage and flood risk impacts for Appeal B would also be able to be managed to an acceptable level. Accepting, there are other Appeal B matters which need to be addressed.

Deed of variation adequacy/ other residual matters (linked to Appeal B)

86. In assessing the preceding main issues, I have already factored that the Section 73 application appealed is to vary conditions 1 (Approved Plans) and 3 (Landscaping) on the Reserved Matters approval.
87. A suitably worded and executed deed of variation agreed by the appellant, SODC and Oxfordshire County Council would extinguish the reason for refusal previously advanced by SODC towards meeting existing Section 106 (s106) planning obligation requirements administered under the Town and Country Planning Act 1990.

88. As part of those considerations, at the inquiry the appellant acknowledged that an addendum to the affiliated s278 agreement also incorporated into the original planning obligation would be required. This would be needed to secure necessary adjustments to amend the highways soakaway adoption plan drawing and/or any bond provision if required.
89. Such amendment would be able to be achieved through a new separate s278 entered into by the appellant and the County Council directly. In that context, I note that the County Council have indicated that no further revision to Schedule 7 of the original s106 planning obligation would therefore be necessary.
90. The original s106 terms are not otherwise contended by the main appeal parties and I have no substantive reason to conclude the resultant provisions are not acceptable. Consequently, there would be suitable binding arrangements in place securing affordable housing, infrastructure and mitigation meeting SODC's reasons for refusal applied to Appeal B.
91. Whether or not adequate drainage design (linked to Appeal C) and ground stabilisation works (linked to Appeal A) can be provided, having regard to pollution risks to a local aquifer; public water abstraction; as well as the stability of the land for development and flood risk is answered by my overall reasoning in the preceding main issues.
92. Accordingly, I find the information available linked to Appeal B alongside the submitted deed of variation coupled with the original s106 meets the terms of SOLP Policies INF1, TRANS4, TRANS5, EP3, EP4, ENV1, CF5, ENV12 and DES7. As well as JHHNP Policies ENV5, H2, and T5. Collectively those policies seek to ensure: appropriate infrastructure and mitigation including for transport and affordable housing provision; that the quality of the local landscape and the countryside is respected; appropriate regard is paid to geology and drainage; the efficient use and protection of natural resources; pollution and amenity harm avoidance; as well as facilitating safe walking routes.

Other planning considerations

93. For all of the appeals I have carefully considered other public objections relating to: the appellant's Environmental Impact Assessment (EIA) credibility and alleged deficiency; noise, vibration and air quality assessment inclusion in the EIA; harm to human health/absence of proof of adequate safety levels or contingency plans if pollution or contamination of the ground/water did occur; absence of monitoring; and alleged flawed drainage and foul waste disposal.
94. As well as further claims that: planning permission should not have been granted in the first instance; the overall complexity of the site conditions has been underestimated without robust investigation; some risks are unquantifiable; carbon footprint impacts; soil damage; adverse implications to water, gas and sewage utilities; negative impacts to wildlife; unacceptable increases in traffic; conflict with sustainability goals; other sites/alternatives should be pursued for housing; neighbourhood planning interests should not be ignored; and that new housing numbers should not override public safety or water supply management interests.
95. In summary those considerations do not give me compelling reasons to refuse planning permission or condition discharge. Mainly because of the findings of

the officer reports informing SODC's decisions having regard to statutory consultee advice, as well as condition and planning obligation use applicable. But also, because the appellant has otherwise given adequate overall reasoning of why its approaches are acceptable.

96. Having regard to the Town and Country Planning (EIA) Regulations 2017, inclusive of Schedule 4, I am satisfied there is sufficient overall environmental information available to inform a decision. Noting the appeal parties have agreed to the main inquiry issues as informed by topic specific statements bearing in mind all other third party opposition to the appeal in advance of the opening of the inquiry.
97. Tellingly, as highlighted in SODC's officer committee report findings I note that Thames Water has raised no objection to the development. Furthermore, one of the roles of the EA is to protect groundwater sources used to supply drinking water from pollution and they have also raised no objection to the proposed ground stabilisation works. The responses of those statutory bodies carry significant overarching weight.
98. The engineering works detailed within Appeal A is not in itself a proposal for new housing. Therefore, applying the tilted balance within the National Planning Policy Framework (the Framework) would not be appropriate. Nevertheless, the fact that the engineering proposal would be undertaken to facilitate much needed new housing in an administrative area which cannot otherwise demonstrate an adequate housing land supply remains. Accordingly, in the circumstances, I do give substantial weight to enabling new housing as an underpinning reason for the appellant making the planning application linked to Appeal A.
99. Connected to that matter as an overarching point, I agree with interested parties objecting to the appeal schemes that housing supply pressures in themselves should not override public safety interests or unacceptable risks to the water supply. However, in this case coupled with my findings on the main issues and the ability to use appropriately worded planning conditions alongside legal agreement use, there is nothing compelling to suggest such public concerns amount to strong enough reasons to resist the appeals when considered collectively or in isolation. The most pertinent risk factors are adequately addressed.
100. Paragraph 61 of the Framework is relevant. It advocates to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.
101. In accordance with the Framework, enabling the delivery of new housing within the locality carries significant positive economic and social benefits.
102. The adverse impacts of the proposals identified in the Environmental Statement Addendum relating to carbon emissions and embodied carbon attract moderate negative weight. I also concur with SODC that with respect to Appeal B, the impact of the construction compound on the woodland planting area would have a minor negative environmental impact, albeit it is alleviated

by planning conditions. I have factored these positions into my overall conclusions.

Conditions

103. Without prejudice, the main parties compiled two separate lists of planning conditions. One applicable to Appeal A, the other applicable to Appeal B, in the event either is allowed. The lists are only partially agreed by the appellant as SODC and TFAG argue further alternative inclusions and wording extending to prior to commencement inclusions.
104. Section 70(1)(a) of the Town and Country Planning Act 1990 enables a local planning authority when granting permission to impose planning conditions as they think fit. Nevertheless, a pre-commencement condition must not be imposed on the grant of permission (other than a grant of outline planning permission within the meaning of Section 92 of the 1990 Act) without the written agreement of the applicant except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.
105. I have considered all elements relative to the legal tests referenced in paragraph 57 of the Framework and the Planning Practice Guidance, allowing for minor adjustment where necessary. For the avoidance of any doubt the legal tests for a planning condition are whether it is: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.

Appeal A conditions

106. Standard conditions would be needed to specify the time limit and plans in line with statutory provision and to enable a formal mechanism for amendment.
107. I realise that a greater amount of compaction grouting may, or may not, be required above that shown on the proposed Drill and Grout Plan. Importantly, the plan needs to be read alongside the Outline Project Method Statement and the Specification for the Stabilisation of Dissolution Features as well. Together with those documents the umbrella terms of the description of the development appealed do facilitate due latitude.
108. If needed, although I am not suggesting it would be, a further variation of condition application could be applied for, substituting the plan should stabilisation works be more pervasive. But in any event, given the practicalities of undertaking the extensive ground engineering work applied for of which there is fair and sufficient approximate indication of already, it is also reasonable to allow some practical working leigh way. Plus, some plan deviations may not trigger further consent. Either way the Council would retain adequate enforcement controls.
109. Additional conditions pertaining to environmental permitting and collateral warranties are disputed. It is not clear what environmental permit(s) if any would be required. I have no reason to believe EA focused requirements operating outside the planning system would not be duly followed or be able to function effectively. The onus would remain on the appellant to ensure compliance is met with the EA. Likewise, wider private contract interest mechanisms alluded to fall outside the scope of public interest matters to which

the planning permission would relate. Thus, those added components would fail the legal test of necessity.

110. A SPS planning condition would be required to minimise the prospect of harm to the water environment from a risk management perspective which incorporates monitoring. I note that grout composition and permit verification risks aligned to SODC's and TFAG's overall concerns would be alleviated by its inclusion. This is because the Planning Authority would be able to consult the EA and other relevant statutory consultees on the suitability of the SPS details once received. The process facilitates requesting further details if required.
111. A surface water drainage scheme would be needed to manage residual pollution and flooding risks. In the prior to development commencing wording agreed by the appellant, it is reasonable to expect that any future strategy to be approved by the Planning Authority can, and should include, monitoring as part of the management details to be provided. Having regard to residential properties and Reading Road.
112. A soil management and phasing condition would be required to reduce the risk of unwanted soil compaction to assist with successful landscaping establishment.
113. Conditions requiring a Construction Environmental Management Plan and tree protection details are required to protect ecological features, protected species and visually important trees.
114. A condition preventing grouting below the water table would be required to ensure no harm arises to the water environment. The appellant has otherwise indicated it intends to utilise a 2 metre water table safety buffer. Thus, further stipulation in the wording would not improve the effectiveness of the condition to protect water resources or its subsequent enforceability.
115. Construction management conditions securing: the restriction of piling; air quality mitigation; a Construction Traffic Management Plan; as well as construction methods and hours are required. These would be necessary to reduce the potential for harm to the water environment; to protect the living conditions of neighbouring residents and in the interests of highway safety.

Appeal B conditions

116. A standard planning condition listing all approved plans would be appropriate having regard to statutory provisions and to facilitate any future amendments.
117. A landscaping, maintenance and replacement condition would be required to ensure the development properly assimilates with its surroundings. However, a future occupants/landscape guide condition suggested as being agreed by the appellant would not meet enforceability or necessity tests.
118. Separate to that I agree a Travel Plan condition is necessary to promote non-car modes of transportation and sustainable travel.
119. A suite of planning conditions would be essential securing: visibility splays and their retention; other highways related infrastructure (vehicle access, cycle ways, driveways and turning areas with associated surfacing and drainage); alongside construction management details to ensure adequate safety levels. The underlying construction management principles already agreed, but sought

to be further addressed, would be able to be effective without further alteration.

120. For the same reasons already mentioned linked to Appeal A I do not find conditions requiring environmental permit verification or collateral warranties would be necessary.
121. Conditions would also be required to secure an Environmental Management Plan for Biodiversity and lighting details to protect ecological assets, interests and species.
122. A pre-commencement condition securing approval of a water drainage strategy and its subsequent implementation alongside other related conditions would be vital. The conditions would ensure suitable overall site drainage is achieved. Bearing in mind all submissions, the expected strategy should incorporate phasing, infiltration testing and future maintenance elements to minimise the risks of any future harm(s) occurring.
123. An additional condition for verification of the adoption arrangements anticipated under Section 104 of the Water Industry Act 1991 is warranted in line with SODC's and the Rule 6's concerns. It is within the overall public interest to allow such a bespoke safeguard having regard to the overall design amendment and refinements indicated to be necessary relative to local flood risk management interests.
124. Conditions requiring completion of groundworks would be needed to ensure the appeal site is safe. Above that, further house foundation inspection checks within the planning consent would not be necessary given the compaction grouting processes detailed by the appellant overall.
125. Furthermore, conditions are necessary and appropriate for fence/boundary treatments and a noise assessment for the pumping station alongside any mitigation detail implementation. This would ensure the character of the area is respected and satisfactory resultant living conditions are achievable.

Planning Balance and Conclusion

126. I appreciate SODC's and TFAG's submissions reflect the material difficulties in developing the appeal site, requiring due scrutiny particularly in light of all detected shortfalls.
127. Even so, I must make clear a decision on the appeal cases in dispute is not an opportunity to go behind the principle of allowing housing development already granted to the appellant. The starting point for any decision maker is that such principle has already been formally established.
128. When assessed I find that the technical deficiencies in the appellant's proposals are not strong enough reasons to resist the appeals. In totality, allowing for planning condition and legal agreement use, I find that there is adequate information available regarding the risks to local water resources and the PWS. The collective stabilisation, ground stability, pollution, drainage and flood risk impacts would be acceptable. As well as there being reasonable mechanisms available to facilitate PWS and wider locality protections meeting SODC's reasons for refusal they applied when determining the relevant applications.

129. Pursuant to Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, local planning authorities and other decision makers should first have regard to the development plan and then to any other material considerations.
130. If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
131. In the above context, I have found that the appellant demonstrates full compliance with the adopted development plan for the area, taken as a whole, bearing in mind all opposing contentions made.
132. As the appeal proposals comply with the development plan, subsequently it leads me to apply paragraph 11 (c) of the Framework which means that planning permission should be granted without delay.
133. But in any event, having regard to all risks and overall impacts the positive impacts involved would outweigh the negative. The direct benefits arising relative to all considerations give me strong enough reasons to allow the appeals. There are no other considerations of sufficient weight (including resultant carbon emissions, embedded carbon and the overall environmental impacts) counting against the proposals within each of the appeals to conclude otherwise.
134. For the reasons set out above Appeals A, B and C all succeed.

M Shrigley

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Michael Bedford

KC

WHO CALLED:

Tony Clothier PhD Eng(Civil) BSc Eng(Civil) CEng CEnv CWEM

Drainage/flood
risk witness

James Dodds BSc DUC MSc CGeol FGS FIQ

Hydrogeology
witness

Richard Brinkworth BEng CEng MICE ROGEF

Ground
engineering
witness

Stephen Jupp BA LL.M MRTPI

Planning witness

FOR THE RULE 6 PARTY:

Richard Banwell

Counsel

WHO CALLED:

Paul Eccleston BA(Hons) CertWEM CWEM MCIWEM

Drainage/flood
risk witness

Beverley Parrish BSc(Hons) MSc FGS Cgeol FEMA GSL

Geology,
hydrogeology &
environmental risk
witness

FOR THE APPELLANT:

Sasha White

KC

Andrew Parkinson

WHO CALLED:

Hannah Fraser BA(Hons) MSc FGS CGeol SiLC

Hydrogeology
witness

Dr Clive Edmonds

Engineering
geology witness

Andrew Dunhill BSc CEng MIMMM

Grouting witness

Leigh Abley

Drainage/
engineering
witness

Emma Philpott CEng CWEM MCIWEM

Flood risk witness

Michael Knott BA(Hons) MRTPI

Planning witness

DOCUMENTS SUBMITTED DURING THE INQUIRY:

- 1) Appellant's Opening
- 2) Rule 6 Party Opening
- 3) Council's Opening
- 4) Manual for the production of groundwater source protection zones
- 5) Vertase geotechnical response letter
- 6) Drinking Water Protected Areas-challenges for the water environment document

- 7) Draft deed of variation/ list of planning conditions and revisions
- 8) s106/s278 clarification/explanation email note
- 9) Written closings of the Council
- 10) Written closings of the Rule 6 Party
- 11) Written closings of the Appellant
- 12) Completed deed of variation
- 13) EIA addendum consultation responses from Environment Agency/Natural England

DOCUMENTS SUBMITTED POST CLOSURE OF THE INQUIRY:

- 1) Appellant's clarification of planning condition wordings they have agreed to.

Schedule of Planning Conditions for Appeal A only:

APP/Q3115/W/25/3373696

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development shall be carried out in accordance with the details shown on the following approved plans: CB_81_152_TCPA_000 - Location Plan; D1827_66 Rev G - Site Layout Plan ; D1827_66 Rev F - Proposed Drill and Grout Plan; 1150-KC-XXYTREE-TCP01 Rev J - Tree Constraints Plan. Except as controlled or modified by conditions of this permission.
- 3) Prior to the commencement of the development a detailed Source Protection Strategy (SPS), including a monitoring programme, shall be submitted to and approved in writing, by the Local Planning Authority. The SPS shall include details of measures to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after its construction, shall be supported by detailed calculations, and include a programme for future maintenance. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme.
- 4) If any significant impact to the water environment, arising from the development, is found during the monitoring programme, a Remediation Scheme specifying the measures to be taken to remediate the impact shall be submitted to, and approved in writing, by the Local Planning Authority. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report(s) with evidence confirming that all works were completed in accordance with the agreed details.

- 5) Prior to the commencement of the development, a full and detailed surface water drainage design based on testing in accordance with BS EN ISO 22282-2:2012 and CIRIA Report C753 SuDS Manual Chapter 25.3 shall be submitted to, and approved in writing, by the Local Planning Authority (LPA). The infiltration assessment shall observe how the infiltration performs at the precise position of the dispersal point and a procedure shall be submitted to, and approved by the LPA, to demonstrate how monitoring following each rainfall event will be recorded and submitted to the LPA as part of the evidence base for the final design. The surface water drainage scheme shall include details of management systems that will be implemented during the grouting works to manage any potential contamination in surface water runoff. The development shall be carried out in accordance with the approved details
- 6) Prior to the commencement of the development, a detailed monitoring program for the performance of the outfall should be submitted to, and approved, by the Local Planning Authority. The monitoring program should include protocols in the event that the water at the outfall is deemed to be polluted with silt or other contaminants, or in the event that the water overtops and contributes to additional flooding on Reading road or the residents to the East of Reading Road.
- 7) Prior to the commencement of the development, including vegetation clearance or ground works, a programme detailing when the soil stripping and respreading will take place shall be submitted to, and approved in writing, by the Local Planning Authority. The phasing of the of works shall take account of recommendations in Soil Resource Survey (Tim O'Hare Associates dated December 2024) and the works shall be carried out in accordance with the Soil Management Strategy (Tim O'Hare, March 2025).
- 8) Prior to the commencement of the development, including vegetation clearance or ground works, an updated construction environmental management plan for Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing, by the Local Planning Authority. The CEMP (Biodiversity) shall, as far as reasonably possible, be consistent with the 2019 CEMP (Ecology Solutions, dated January 2019) but shall consider the updated site baseline surveys described in the Ecological Assessment Report (Ecology Solutions, dated December 2024). It shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of biodiversity protection zones.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats (retained boundary woodland and hedgerows) and protected species (roosting bats, badger, hedgehog, nesting birds, reptiles and amphibians) during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.

- g) Use 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.

- 9) Prior to the commencement of any site works or operations, including demolition and site clearance relating to the development hereby permitted, an Arboricultural Method Statement and accompanying Tree Protection Plan shall be submitted to, and approved in writing, by the Local Planning Authority. The Arboricultural Method Statement must include the following:
 - a) A specification of any pruning or tree surgery works to any trees to be retained, to prevent accidental damage by construction or demolition activities;
 - b) The specification and location of temporary tree protective fencing and any ground protection required to protect all retained trees in accordance with the current edition of BS 5837 "Trees in relation to design, demolition and construction", and details of the timing and duration of its erection;
 - c) The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;
 - d) The means of demolition of any existing site structures, and of the re-instatement of the area currently occupied thereby;
 - e) The route and method of installation of drainage or any underground services in the vicinity of retained trees;
 - f) Consideration will be made to avoid siting of utilities and service runs within the Root Protection Area (RPA) of all trees to be retained. Only where it can be demonstrated that there is no alternative location for the laying of utilities, will encroachment into the RPA be considered. Methodology for any installation works within the RPA will be provided and must be in compliance with the current edition of NJUG 'Guidelines for the planning and installation and maintenance of utility apparatus in proximity to trees';
 - g) The details and method of construction of any other structures such as boundary walls in the RPA of retained trees and how these relate to existing ground levels;
 - h) The details of materials and method of construction of any roadway, driveway, parking, pathway or other surfacing within the RPA, which is to be of a 'no dig' construction method, in accordance with the principles with in Arboricultural Association Guidance Note 12 "The use of cellular confinement systems near trees" and in accordance with current industry best practice; and is appropriate for the type of roadway required in relation to its usage.
 - i) Provision for the supervision of any works within the RPA of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local Planning Authority, prior to the commencement of development; and provision for the

regular reporting of continued compliance or any departure there from to the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details with the agreed measures being kept in place during the entire course of development.

- 10) The development shall be carried out in accordance with the details in the Outline Project Method Statement (Vertase FLI Dated December 2024) and the Specification for the Stabilisation of Dissolution Features (Vertase FLI dated November 2024). As detailed in these reports, there shall be no grouting below the water table and the grout shall not contain any ingredients that have the potential to contaminate the groundwater (including Pulverised Fuel Ash).
- 11) No piling shall take place in association with the approved development (engineering operations associated with ground stabilisation works) hereby approved.
- 12) The development shall be implemented in accordance with the mitigation measures outlined in the Air Quality Assessment (Stantec, dated August 2024).
- 13) The development hereby approved shall be implemented in accordance with the measures outlined in the Construction Traffic Management Plan (CTMP) (Abley Letchford Partnership dated August 2024 ref: Report A253/R011 rev A). The CTMP shall be implemented prior to any works being carried out on site and shall be maintained throughout the course of the development.
- 14) No development shall commence on site (including any works of demolition), until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the Local Planning Authority. The CMS shall include the following:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) measures for the protection of the natural environment;
 - i) hours of construction to be limited to between 8am and 6pm on Mondays to Fridays and between 8am to 1pm on Saturdays. No work shall be undertaken on Sundays and Public Holidays;

The approved Statement shall be adhered to throughout the construction period. The development shall be carried out in accordance with the approved construction methods.

End of Schedule for Appeal A

Schedule of Planning Conditions for Appeal B only:

APP/Q3115/W/25/3373700

- 1) The development hereby approved shall be carried out in accordance with the details shown on the following approved plans:

CB_81_152_S73_000 Rev A – Site Location Plan; CB_81_152_S73_001 Rev D – Planning Layout; CB_81_152_S73_002 Rev D – Land Use Plan; CB_81_152_S73_003 Rev D – Housing Mix Plan; CB_81_152_S73_004 Rev D – Affordable Housing Plan ; CB_81_152_S73_005 Rev D – Building Heights Plan; CB_81_152_S73_006 Rev D – Parking Strategy Layout; CB_81_152_S73_007 Rev D – Bin and Cycle Store Plan; CB_81_152_S73_008 Rev D – External Finishes Plan; CB_81_152_S73_907 Rev D – Garden Areas Plan; CB_81_152_S73_908 Rev D – Character Areas Plan; CB_81_152_S73_909 Rev D – Solar Panel Plan; CSA/4049/100 - Rev H – Hard Landscape Proposals (1 of 3); CSA/4049/101 - Rev H – Hard Landscape Proposals (2 of 3); CSA/4049/102 - Rev H – Hard Landscape Proposals (3 of 3); CSA/4049/103 - Rev J – Soft Landscape Proposals (1 of 3); CSA/4049/104 - Rev J – Soft Landscape Proposals (2 of 3); CSA/4049/105 - Rev J – Soft Landscape Proposals (3 of 3); CSA/4049/106- Rev C – LAP (Play Area) Proposals; CSA/4049/107 Rev H – Landscape Masterplan; CSA/4049/108 Rev E – Frontage Woodland Planting; CSA/4049/119- Rev A – SuDS Basin Landscape Section; 1150-KC-S73-YTREE-TPP01 Rev A – Tree Protection Plan; CB_81_152_S73_BC_01- Bin and Cycle Storage; CB_81_152_S73_CV_1BF_01 - Elevations & Floor Plans; CB_81_152_S73_CV_2BCH_01 - Elevations & Floor Plans; CB_81_152_S73_CV_2BCH_01 - Elevations & Floor Plans; CB_81_152_S73_CV_HA_01 - Elevations & Floor Plans; CB_81_152_S73_CV_HA_02 - Elevations & Floor Plans; CB_81_152_S73_CV_NA21_01 - Elevations & Floor Plans; CB_81_152_S73_CV_NA21_02 - Elevations & Floor Plans; CB_81_152_S73_CV_NA22_01 - Elevations & Floor Plans; CB_81_152_S73_CV_NA22_02 - Elevations & Floor Plans; CB_81_152_S73_CV_NA32_01 - Elevations & Floor Plans; CB_81_152_S73_CV_NA32_02 - Elevations & Floor Plans; CB_81_152_S73_CV_NA45_01 - Elevations & Floor Plans; CB_81_152_S73_CV_NA45_02 - Elevations & Floor Plans; CB_81_152_S73_CV_NA45_03 - Elevations & Floor Plans; CB_81_152_S73_CV_NA47_01 - Elevations & Floor Plans; CB_81_152_S73_CV_NA47_02 - Elevations & Floor Plans; CB_81_152_S73_CV_NA47_03 - Elevations & Floor Plans; CB_81_152_S73_CV_NT30_01 - Elevations & Floor Plans; CB_81_152_S73_CV_NT30_02 - Elevations & Floor Plans; CB_81_152_S73_CV_NT30_03 - Elevations & Floor Plans; CB_81_152_S73_CV_NT31_01 - Elevations & Floor Plans; CB_81_152_S73_CV_NT31_NA21_01 - Elevations & Floor Plans; CB_81_152_S73_CV_PA34_NA22_01 - Elevations & Floor Plans; CB_81_152_S73_CV_PA34_NA22_02 - Elevations & Floor Plans; CB_81_152_S73_FS_NA21_01 - Elevations & Floor Plans; CB_81_152_S73_FS_NA22_01 - Elevations & Floor Plans;

CB_81_152_S73_FS_NA22_02 - Elevations & Floor Plans;
 CB_81_152_S73_FS_NA22_03 - Elevations & Floor Plans;
 CB_81_152_S73_FS_NA34_NA22_01 - Elevations & Floor Plans;
 CB_81_152_S73_FS_NB32_01 - Elevations & Floor Plans;
 CB_81_152_S73_FS_NT30_01 - Elevations & Floor Plans;
 CB_81_152_S73_FS_NT31_01 - Elevations & Floor Plans;
 CB_81_152_S73_GAR_01 - Elevations & Floor Plans;
 CB_81_152_S73_GAR_02 - Elevations & Floor Plans; CB_81_152_S73_GAR_03
 - Elevations & Floor Plans; CB_81_152_S73_GAR_04 - Elevations & Floor
 Plans; CB_81_152_S73_GAR_05 - Elevations & Floor Plans;
 CB_81_152_S73_GAR_06 - Elevations & Floor Plans; CB_81_152_S73_GAR_07
 - Elevations & Floor Plans; CB_81_152_S73_GAR_08 - Elevations & Floor
 Plans; CB_81_152_S73_GAR_09 - Elevations & Floor Plans;
 CB_81_152_S73_SS_01 - Street Scenes; CB_81_152_S73_SS_02 - Street
 Scenes; CB_81_152_S73_SS_03 - Street Scenes; CB_81_152_S73_SS_04 -
 Street Scenes; CB_81_152_S73_SS_05 - Street Scenes;
 CB_81_152_S73_SS_06 - Street Scenes; CB_81_152_S73_SS_07 - Street
 Scenes; CB_81_152_S73_SS_08 - Street Scenes; CB_81_152_S73_SUB_01 -
 Elevations & Floor Plans; CB_81_152_S73_WC_HA_01 - Elevations & Floor
 Plans; CB_81_152_S73_WC_NA47_01 - Elevations & Floor Plans;
 CB_81_152_S73_WC_NA47_02 - Elevations & Floor Plans;
 CB_81_152_S73_WC_NT30+_01 - Elevations & Floor Plans; A253_S73_101
 Rev P3 - General Arrangement; A253_S73_111 Rev P3 - Levels and Contours;
 A253-S73-511 P2 - Drainage Construction Details Sheet 1; A253-S73-512 P2 -
 Drainage Construction Details Sheet 2; A253-S73-513 P2 - Drainage
 Construction Details Sheet 3; A253-S73-514 P1 - Drainage Construction Details
 Sheet 4; A253_S73_711 Rev P3 - External Works Sheet 1; A253_S73_712 Rev
 P3 - External Works Sheet 2; A253_S73_713 Rev P3 - External Works Sheet
 3; A253_S73_714 Rev P3 - External Works Sheet 4; A253-S73-501 Rev P4 -
 Section 73 Drainage Layout Sheet 1; A253-S73-502 Rev P4 - Section 73
 Drainage Layout Sheet 2; A253-S73-503 Rev P4 - Section 73 Drainage Layout
 Sheet 3; A253-S73-504 Rev P4 - Section 73 Drainage Layout Sheet 4.

Except as controlled or modified by conditions of this permission.

- 2) The landscaping scheme as shown on the approved plans shall be implemented in accordance with the Landscape Management Plan (CSA Environmental dated December 2024) and thereafter be maintained in accordance with this Plan. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.
- 3) Before occupation of any dwelling, a Travel Plan Statement and a Residential Travel Information Pack shall be submitted to, and approved in writing, by the Local Planning Authority. Within one month of occupation, the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.
- 4) Visibility splays of 2.4m x 25m at the junctions of the internal estate roads within the site shall be provided and maintained at all times. Within the visibility envelopes, no obstructions, inclusive of fencing and boundary walls

- shall exceed 600mm in height and any planting shall be located outside and clear of the visibility envelopes.
- 5) No dwelling shall be occupied until the vehicular access, footways, cycle ways, driveways and turning areas that serve the dwelling have been constructed, surfaced and drained. The vehicular access, footways, cycle ways, driveways and turning areas provided for each dwelling shall be retained thereafter.
 - 6) The development shall be carried out in accordance with the measures outlined in the Construction Management Plan (Abley Letchford Partnership dated August 2024 (reference: A253-R008 rev E)). The approved Construction Management Plan shall be complied with throughout the construction period.
 - 7) No further development shall commence beyond the access works already implemented until a Construction Environment Management Plan for Biodiversity (CEMPB) has been submitted to, and approved in writing, by the Local Planning Authority. The approved CEMPB shall be complied with throughout the construction period.
 - 8) No dwelling hereby permitted shall be occupied until visibility splays at the site access, 2.4 metres by 94.6 metres to the north and 2.4 metres by 97.7 metres to the south, have been provided. The visibility splays shall not at any time be obstructed by any object, structure, planting or material with a height exceeding 0.9 metres as measured at carriageway level.
 - 9) No further development shall commence, beyond the access works already implemented, until a method statement to address the impact of the development, including lighting around the site boundaries, on the local bat population has been submitted to, and approved in writing, by the Local Planning Authority. The method statement shall be implemented as approved.
 - 10) No further development shall commence, beyond the access works already implemented, until a full drainage scheme detailing all surface drainage works, has been submitted to, and approved in writing, by the Local Planning Authority. The scheme should take account of intended development construction phases. The scheme should be supported by infiltration testing in accordance with BS EN ISO 22282-2:2012 and CIRIA Report C753 SuDS Manual Chapter 25.3 for BRE365 for all infiltration features, and features and carried out at the base of the infiltration feature in accordance with best practices. The approved strategy shall be fully implemented.
 - 11) Development shall be carried out in full compliance with the submitted foul drainage details. No dwelling shall be occupied until the foul water drainage design that serves that dwelling has been completed and brought into use.
 - 12) A Verification Report should be prepared for each phase of the development by a suitably-qualified professional to confirm that construction has been carried out in accordance with the approved plans, and submitted to the LPA for approval. No dwelling shall be occupied until the foul and surface water drainage for the construction phase in which the dwelling resides, has been completed in accordance with the approved plans, as set out in the Verification Report and brought into use.
 - 13) No dwelling shall be occupied until confirmation of all adoption arrangements under Section 104 of the Water Industry Act (1991), including full Technical Approval has been provided in writing to the Local Planning Authority.

- 14) No development above slab level shall commence until details of the fencing to the pumping station shall be submitted to, and approved in writing, by the Local Planning Authority. The fencing shall be implemented as approved and retained as such thereafter.
- 15) No further development shall commence beyond the access works already implemented on site until a full and detailed design for the attenuation basins has been submitted to, and approved in writing by, the Local Planning Authority. This shall include:
- (a) infiltration testing in accordance with BS EN ISO 22282-2:2012 and upon CIRIA Report C753 SuDS Manual Chapter 25.3 at the base of the infiltration feature;
 - (b) inspection on site by a suitably qualified engineering geologist or geotechnical engineer to assess any evidence of solution features;
 - (c) geotechnical/structural design of the base to the water basin itself to accommodate loadings and to counter any possible ground movements if required; infiltration design based upon BRE365 at the base of the infiltration feature;
 - (d) structural design of the base to the water basin itself to accommodate loadings and to counter any possible ground movements;
 - (e) provisions for long term maintenance of the basin including access arrangements for servicing of forebay and all manholes; and
 - (f) designs and slope stability analysis demonstrating compliance with EC7 for the slopes of the upper attenuation basin; and,
 - (g) details of provision for telemetry to mitigate the risk of overtopping.
- No works (excluding Enabling Works) above ground level shall be carried out until the attenuation basin has been constructed in accordance with the approved details and the associated connections to the approved pumping station completed and are operational.
- 16) No further development shall commence beyond the access works already implemented until a noise assessment for the pumping station has been submitted to, and approved in writing, by the Local Planning Authority. Where necessary, following approval of the noise assessment the applicant must submit a detailed scheme to control the noise which must be approved in writing by the Local Planning Authority. The approved scheme must then be implemented and maintained for the duration of the development.
- 17) No further development shall commence, beyond the access works already implemented, until the ground stabilisation works granted under planning permission P24/2642/FUL have been completed, and the verification reports required under condition 4 of the permission has been submitted to the Local Planning Authority.

End of Schedule for Appeal B