

6 July 2009

Morag E Thomson  
Marrons  
1 Meridian South  
Meridian Business Park  
Leicester  
LE19 1WY

Our Ref: APP/P3040/A/08/2083092/NWF  
Your Ref: JAB SJS 4007-2-1

Dear Ms Thomson,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78**

**APPEAL BY DAVID WILSON HOMES LIMITED & MR BRIAN WELLS  
AT LAND EAST AND WEST OF MELTON ROAD, EDWALTON,  
NOTTINGHAMSHIRE, NG12**

**APPLICATION: REF 08/00664/OUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, John L Gray, DipArch, MSc, Registered Architect, who held a public local inquiry between 10 - 19 February 2009 into your client's appeal against a decision of Rushcliffe Borough Council to refuse planning permission for: an outline application for a Residential-led Mixed Use Development comprising up to 1,200 dwellings; 1.5 form-entry Primary School; Business Innovation Centre; Further Education Establishment; 100-bed Hotel; Local Centre with Retail Units, Community Building and Health Centre; Formal Sports Facilities & Community Park; together with associated Roads, Drainage, Service and Green Infrastructure with Primary Vehicular Access from Melton Road and Bus-only link to Musters Road, in accordance with application number 08/00664/OUT, dated 4 April 2008.
2. On 15 September 2008 the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that planning permission be granted subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his

recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### **Procedural Matters**

4. In reaching this position the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as amended by a submission under Regulation 19 (Inquiry document A10). The Secretary of State is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the appeal proposal.
5. Since the original appeal was submitted, the scope of the application was amended by the substitution of a hotel with an equivalent amount of B1 office floorspace, as set out in IR3. The Secretary of State agrees with the Inspector that the change is not a substantial one in the context of the proposal as a whole and that there has been adequate time for the necessary consultations, and he has determined the appeal on this basis (IR3).

### **Policy considerations**

6. In deciding the appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
7. In this case, the development plan comprises the Regional Spatial Strategy (RSS) for the East Midlands, the *East Midlands Regional Plan*, published on 12 March 2009, and saved policies in the 1996 Rushcliffe Borough Local Plan (RBLP). The Secretary of State notes that, at the time of the inquiry, the RSS was at an advanced draft stage, but was published in its final form after the Inspector had substantially drafted his conclusions (IR254). For the reasons set out at IR255 to IR258, the Secretary of State agrees with the Inspector that the publication of the new RSS simply strengthens the Inspector's conclusions (IR259). Having compared the changes between the emerging and published RSS, the Secretary of State does not consider that there have been material alterations on matters relevant to this appeal to an extent that would affect his decision. This consideration, along with the substantial weight afforded by the Inspector to the emerging policies, mean that the Secretary of State is satisfied that there is no need for him to refer back to parties for further representations prior to reaching his decision.
8. The Secretary of State has also taken into account the fact that the saved policies within the Nottinghamshire and Nottingham Joint Structure Plan (2006) have been replaced by the RSS and so no longer carry any weight. He agrees with the Inspector that no weight should be given to the non-statutory 'local plan' referred to at IR201. Rushcliffe Borough Council's work on new Development Plan Documents is at an early stage and, accordingly, the Secretary of State affords no weight to the consultation documents prepared to date.

9. Other material considerations which the Secretary of State has taken into account include: Planning Policy Statement 1 (PPS1): *Delivering Sustainable Development*; Planning Policy Statement: *Planning and Climate Change* (supplement to PPS1); Planning Policy Guidance Note 2: *Green Belts*; Planning Policy Statement 3 (PPS3): *Housing*; Planning Policy Guidance note 4 (PPG4): *Industrial, Commercial Development and Small Firms*; Planning Policy Guidance Note 17: *Planning for Open Space, Sport and Recreation*; Planning Policy Statement 9: *Biodiversity and Geological Conservation*; Planning Policy Guidance note 13 (PPG13): *Transport*; Circular 11/95: *Use of Conditions in Planning Permission*; and Circular 05/2005: *Planning Obligations*.
10. The Secretary of State has also taken into account draft PPS4: *Planning for Prosperous Economies*, published for consultation on 5 May 2009. However, as this document is still in draft and may be subject to change, he affords it little weight.

### **Main issues**

11. The Secretary of State considers that the main issues in this case are as set out in the Inspector's conclusions, and also the proposed retail and office elements of the proposal.

#### The development plan

12. The Secretary of State agrees with the Inspector's assessment of the relevant RBLP policies at IR197. He has taken account of the Inspector's assessment of the most relevant policies in the then emerging RSS at IR202 - 204. The Secretary of State has noted that there is not a Policy 13 in the published RSS and considers that Policy 13a is the relevant RSS policy in regard to housing distribution. With this exception, the Secretary of State considers that the policies listed at IR203 - 204 remain the most relevant policies for this appeal in the published RSS. He agrees with the Inspector at IR231 that the proposal would comply with the aims of RSS Policies 3, 12 and Three Cities SRS 1, and that there is no conflict with Policies 13a, 14 and Three Cities SRS 3. In reaching this conclusion, the Secretary of State has had regard to the amendments between the Proposed Changes stage and published RSS, as described in IR255 - 258.
13. The proposal is inappropriate development in the Green Belt and therefore contrary to saved RBLP policy (IR195 and 224).
14. The Inspector sees no conflict in principle with RSS Policy Three Cities SRS 2, for reasons given at IR231. Here the Inspector suggests that this policy anticipates that development within the Green Belt will be required following a review of the most sustainable locations for growth. However, what this policy actually stipulates is a review of the most sustainable locations for growth within the Nottingham Core Housing Market Area, stating that this may include considering locations within the Green Belt. Consequently, despite the direction of the RSS in terms of increased housing requirements, the Secretary of State does see a degree of conflict with Policy Three Cities SRS 2 pending completion of the review required by this policy.

15. Overall, the Secretary of State considers that the proposal complies with the development plan except in so far as it relates to development in the Green Belt.

#### Housing land availability

16. The Secretary of State agrees with the Inspector's assessment of housing land supply at IR209, including the calculation of only a 0.45 year housing land supply within and adjoining the Nottingham Principal Urban Area (PUA) if the PUA/ non-PUA split in the housing provision requirements in Policy 13 of the Proposed Changes version of RSS is applied. The Secretary of State has compared the housing requirements in the Proposed Changes version of RSS that were considered at the Inquiry with the requirements in Policies 13a and Three Cities SRS 3 in the published RSS. Like the Inspector, he considers that while some of the figures or percentages may be slightly reduced from those considered at the inquiry, they make no material difference to the conclusion that there is an urgent need for the release of land for housing in Rushcliffe (IR259). PPS3 requires that, where local planning authorities cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in the PPS. The Secretary of State agrees that particularly germane extracts from PPS3 are those at IR207 and he considers that the proposal accords with PPS3.

#### Prematurity in relation to the emerging Core Strategy

17. The Secretary of State agrees with the Inspector's reasoning on the matters considered at IR210 - 220 and concludes that to allow the appeal now would not be premature in relation to the emerging Core Strategy for Rushcliffe.

#### Affordable housing

18. The Secretary of State agrees with the Inspector's reasoning on affordable housing in IR221-223 and concludes that the provision of 30% affordable housing is acceptable.

#### Nature conservation

19. The Secretary of State agrees with the Inspector's reasoning and conclusions on nature conservation at IR232 – 238, and with his conclusion at IR239 that there is no conflict with (now finalised) RSS policies 26, 28, 29 and 30. The Secretary of State is content that the proposed mitigation measures will be adequate to deal with the impacts of the development on the identified features of nature conservation value.

#### Landscape

20. The Secretary of State agrees with the Inspector's reasoning on landscape matters, as set out in IR240-241, and with his conclusions that the quality of the existing landscape is not a major factor in terms of the Green Belt even though Sharpill Wood is itself visually important, and that the proposals would achieve all that might reasonably be expected of them in terms of landscape retention and enhancement (IR242).

### Agricultural land

21. The Secretary of State agrees with the Inspector's reasoning and conclusions on best and most versatile agricultural land at IR243 and 244. Consequently the Secretary of State does not consider that this factor weighs against the appeal proposal.

### Highways

22. The Secretary of State agrees with the Inspector's reasoning on transport matters at IR245-246 and with his conclusion that, subject to conditions and the section 106 agreement, the highways and public transport proposals are acceptable (IR247).

### Air Quality

23. The Secretary of State agrees with the Inspector's reasoning on air quality matters and with his conclusion that the objections on the grounds of air quality are not borne out by any evidence (IR248).

### Drainage and flooding

24. The Secretary of State agrees with the Inspector's reasoning on drainage and flooding issues at IR249 – 250. As regards the proposed balancing ponds, he agrees that, given appropriate conditions, there is no reason why these should pose a risk for the lower-lying residential properties from either leakage or over-topping (IR250).

### Office and retail development

25. The Secretary of State has had regard to the fact that the appeal proposal as amended (IR3) includes some retail and office space, and that the site is not a town centre location in PPS6 terms. These components of the proposal were not contended at the Inquiry and the Secretary of State takes the view that they are not large elements in relation to the proposal as a whole. He considers that they are appropriate subsidiary uses in what is intended to be a mixed and sustainable urban extension, and so finds no significant conflict with national policies.

### Whether very special circumstances exist to justify the release of Green Belt

26. PPG2 sets a general presumption against inappropriate development within Green Belts and the Secretary of State attaches substantial weight to the harm that the proposal would cause to the Green Belt by way of inappropriateness. Such development should not be approved, except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
27. The development proposed is inappropriate development in the Green Belt. It is by definition harmful to the Green Belt. However, the Secretary of State

considers that there would be limited further harm caused by the development having regard to the purposes of including land in Green Belts and having regard to the matters at IR204 – 206. The Secretary of State has had regard to the Inspector's comments at IR195 and to his rehearsal of issues at IR224 – 231 and IR254 - 259. The Secretary of State considers that the urgent need for the release of land for housing in Rushcliffe, including affordable housing, is a very significant factor weighing heavily in favour of this appeal. However, in this case he does not consider that this alone is sufficient to clearly outweigh the harm resulting from the inappropriateness and further limited harm to the openness of the Green Belt so as to constitute the very special circumstances needed to justify inappropriate development in the Green Belt. The Secretary of State has gone on to consider the other considerations in this case in determining whether very special circumstances exist to justify allowing this appeal.

28. Paragraph 4.2.31 in the published RSS notes that the Green Belt Review which informed the preparation of the draft RSS suggested that areas south of Nottingham were more suitable for development than other broad locations around the conurbation and that the level of development proposed in Rushcliffe is likely to require at least one urban extension to be identified south of the PUA. The Secretary of State also notes that a site with very similar boundaries to the appeal site was judged in a technical report commissioned by the local authorities (the 2008 Tribal Urban Studio report) to be one of six sites in the Green Belt around the Nottingham PUA that would be suitable for a sustainable urban extension (IR206 and 224). Moreover, he notes that this study was endorsed by the Inspector (IR243) and that, though Rushcliffe Borough Council consider the appeal proposal to be premature, it did not suggest at the Inquiry that either of the two principal alternative sites in Rushcliffe for a large scale urban extension are inherently a better location for large scale development (IR28). Having regard to all these considerations, the Secretary of State attaches some weight to the conclusions of the Tribal Urban Studio report in support of the appeal.
29. The Secretary of State agrees with the Inspector's conclusion that, if no significant amount of land is made available in Rushcliffe before a Core Strategy is adopted, then the annual average housing requirement for the remainder of the RSS Plan period will be very high indeed, and potentially unachievable (IR226). The Secretary of State also attaches some weight to this consideration in support of the appeal.
30. The Secretary of State has considered the effect that the proposed development of the appeal site would have on the Green Belt boundary. He has taken into account national policy in PPG2 that Green Belt boundaries should be clearly defined, using readily recognisable features such as roads, streams, belts of trees or woodland edges where possible. The Secretary of State considers that the A52 forms a readily recognisable and defensible long term boundary to the south of the site and, given the RSS content noted above regarding expansion of the Nottingham PAU to the south, he attaches some weight to this consideration in support of the appeal.
31. The Secretary of State notes that the proposal includes a 35 hectare new country park (IR27). He considers that this would be a significant public benefit for both

new residents and those in existing housing just north of the appeal site, and he attaches some weight to this consideration in support of the appeal.

32. In his balancing of Green Belt considerations, the Secretary of State considers that the substantial weight he attaches to the harm caused by reason of the appeal's inappropriateness is clearly outweighed by the combination of the urgent need for the release of land for housing and the other considerations in support of the appeal that are referred to in paragraphs 28 to 31 of this letter, so as to constitute the very special circumstances necessary to justify inappropriate development in the Green Belt.

#### Conditions

33. The Secretary of State has considered the proposed conditions and the Inspector's comments at IR191, IR252 and Annex C, together with national policy as set out in circular 11/95. The Secretary of State considers that the proposed conditions are reasonable and necessary and meet the tests of Circular 11/95.

#### Obligation

34. The Secretary of State has considered the section 106 Agreement and the Inspector's comments at IR192 and IR253, as well as national policy as set out in Circular 05/2005. The Secretary of State considers that the Agreement would deliver the intended benefits and that it meets the tests set out in Circular 05/2005.

#### **Overall Conclusions**

35. The Secretary of State considers that the proposal would accord with most development plan policies and does not consider that to allow the appeal would be premature in relation to the emerging Core Strategy for Rushcliffe.
36. However, the proposal conflicts with the development plan to the extent that it is inappropriate development in the Green Belt, and the Secretary of State attaches substantial weight to the harm by way of inappropriateness. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this appeal, the Secretary of State considers that the very special circumstances required by PPG2 do exist and justify permission. He concludes that the harm to the Green Belt by way of inappropriateness is clearly outweighed by the combination of the urgent need for the release of land for housing and other important considerations in support of the appeal. These include the findings of the 2008 Tribal Urban studio Report and the potentially unachievable level of housing provision that RSS requires in Rushcliffe if no significant amount of land is made available in the Borough before its Core Strategy is adopted. Other considerations are the potential of the A52 to form a defensible new Green Belt boundary to the south of the appeal site and the benefits from the proposed new country park. He concludes that all these considerations, together, constitute the very special circumstances necessary to justify the inappropriate development in the Green Belt.

## **Formal Decision**

37. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission for: residential-led mixed-use development comprising up to 1,200 dwellings, a 1.5 form entry primary school, a business innovation centre of up to 2,000 sqm, a further education establishment, up to 2,556 sqm of Class B1 offices, a local centre with up to 2,000 sqm of retail units plus a community building and health centre, formal sports facilities and a community park of 35ha, together with associated roads, drainage, service and green infrastructure, with primary vehicular access from Melton Road and a bus-only link to Musters Road, at land east and west of Melton Road, Edwalton, Nottinghamshire, NG12, as described at page 1 of the IR and (except in regard to replacement of hotel as originally proposed with offices) application number 08/00664/OUT, dated 4 April 2008, subject to the conditions attached at Annex A.
38. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
39. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
40. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

## **Right to challenge the decision**

41. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
42. A copy of this letter has been sent to Rushcliffe Borough Council and all parties who appeared at the inquiry.

Yours sincerely

**Julian Pitt**

Authorised by Secretary of State to sign in that behalf

## Annex A

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") of each phase of the development (as approved under condition 4 below) shall be submitted to and approved in writing by the local planning authority before any development in that phase begins. The development shall be carried out as approved.

2. Application for approval of the reserved matters shall be made to the local planning authority not later than ten years from the date of this permission.

3. The development hereby permitted shall begin not later than two years from the date of this permission.

4. Development shall not begin until a phasing programme for the whole of the development and for the highways works referred to in condition 9 below has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing programme.

5. Development shall not begin until both a Master Plan and a Design Code for the whole of the site have been submitted to and approved in writing by the local planning authority. Both shall substantially accord with the Design and Access Statement submitted with the planning application, as updated in November 2008. Any amendment to either shall also be submitted to and approved in writing by the local planning authority. The Design Code will address the following:

- architectural and sustainable construction principles;
- character areas;
- Lifetime Homes standards;
- street types and street materials;
- development block types and principles;
- car parking principles;
- cycling provision;
- pedestrian and cycle links to adjoining land;
- public transport routes;
- boundary treatments;
- school safety zone;
- buffer strips between residential development and the A52 and A606 roads;
- non-residential refuse storage;
- building types and uses;
- building heights;
- building materials;
- sustainable drainage system;
- public open spaces;
- implementation; and

- mechanisms for periodic review and necessary revision.

Applications for approval of reserved matters shall be in accordance with the Master Plan and Design Code as approved.

6. The residential development hereby permitted shall be at an average density of not less than 30 dwellings per hectare calculated across the whole of the site area to be developed for that purpose.

7. Residential development within any phase shall not begin until there has been submitted to and approved in writing by the local planning authority an interim certificate by an accredited assessor for the Code for Sustainable Homes confirming that the initial designs for the dwellings within that phase achieve either Code Level 3 or the then required Code Level, whichever is the higher. Development shall be carried out in accordance with the certificated designs.

8. No phase of the development shall begin until there has been submitted to and approved in writing by the local planning authority a scheme for generating no less than 10% of the predicted energy requirement of the whole development from on-site renewable sources. Development shall be carried out in accordance with the approved details.

9. The following works shall be completed in accordance with details first submitted to and approved in writing by the local planning authority and in accordance with the phasing programme approved pursuant to condition 4 above:

- a grade-separated junction on the A606 Melton Road (the site access), as shown indicatively in Figure 6 of the Transport Assessment dated April 2008;
- alterations to the A52/A60 Nottingham Knight roundabout, generally in accordance with the details shown in Figure 9, rev. D, of the Transport Assessment dated April 2008, as amended by rev. E4.
- alterations to the A52/A606 Wheatcroft roundabout, generally in accordance with the details shown in Figure 8, rev. B, of the Transport Assessment dated April 2008.
- alterations to the A52/Tollerton Lane junction, generally in accordance with the details shown in Figure 13 of the Transport Assessment dated April 2008.
- alterations to the A52/A6011 junction, generally in accordance with the details shown in Figure 10 of the Transport Assessment dated April 2008.
- a public transport access from Musters Road, including a means of restricting access to buses and emergency vehicles only, generally in accordance with the details shown in Figure 7 of the Transport Assessment dated April 2008.
- alterations to the A606/Melton Gardens junction, generally in accordance with the details shown in Figure 11 of the Transport Assessment dated April 2008 but also with additional widening on the western side of the junction to enable minimum lane widths of 3.0m where appropriate and pedestrian crossing facilities.
- the provision of pedestrian on-crossing detection at the A606/Boundary Road junction.

- closure of the existing Landmere Lane from its junction with the A606 Melton Road and removal of the junction.
- emergency access between the A52 and the Melton Road triangle (the area of the site east of the A606 Melton Road).

10. No development of any phase shall begin until reserved matters submissions on landscaping have been submitted to and approved in writing by the local planning authority. The submissions shall include full details of both hard and soft landscape works for that phase and a programme for their implementation. Hard landscaping details shall include proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, surfacing materials, minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs and lighting) and proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines). Soft landscaping details shall include proposed contours, planting plans (including woodland planting in the community park), written specifications (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, including species, numbers and densities. The works shall be carried out as approved.

11. No work shall be carried out and no plant, equipment or materials brought on to that part of the site until there have been submitted to and approved in writing by the local planning authority:

- a plan showing the location of, and numbering, each existing hedge and tree on the site, plus trees on adjoining land whose crowns overhang the site, and identifying all trees and hedges which are to be retained;
- details of the species, trunk diameter, height and general health and stability of each tree to be retained;
- details of any proposed lopping or topping of any tree to be retained;
- details of any proposed alterations in ground levels and of any excavations proposed within the crown spread of any tree to be retained;
- details of the position and specification of fencing or other measures for the protection before and during the course of development of any tree or hedge to be retained.

12. Development shall not begin on any phase until the existing trees and hedges in that part of the site which are to be retained have been protected in accordance with the details approved pursuant to condition 11 above. Protection shall be retained for the whole of the construction period of that phase. No materials, machinery or vehicles shall be stored, no buildings erected and no excavation works undertaken within the protected areas. No changes to ground levels shall be made within the protected areas without the prior written agreement of the local planning authority.

13. Development shall not begin in any phase until a schedule of landscape maintenance for a minimum period of five years in respect of that phase has been submitted to and approved in writing by the local planning authority. The schedule

shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

14. Development shall not begin in any phase until proposed ground floor levels of all buildings in that phase, in relation to the ground levels or contours proposed in the landscaping scheme pursuant to condition 10 above, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

15. Development shall not begin until the principles of a sustainable drainage system (SuDS) for the whole of the development have been submitted to and approved in writing by the local planning authority. No development in any phase shall begin until the details of the disposal of surface water and foul sewage in respect of that phase, including details of that part of the SuDS, have been submitted to and approved in writing by the local planning authority. Details shall include specific arrangements for surface water drainage from parking areas and where regular heavy goods vehicle movements may be expected. No building shall be occupied or use begun until the drainage scheme in respect of that phase of the development has been completed in accordance with the approved details.

16. The reserved matters submissions on layout shall include details of access roads, car and cycle parking facilities and associated manoeuvring areas in accordance with the Design Code approved pursuant to condition 5 above. No building shall be occupied until the access roads, car and cycle parking and associated manoeuvring areas in respect of that building have been completed in accordance with the approved details and all parking areas shall thereafter be retained for that purpose.

17. No development, including any demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the means of access for demolition and construction traffic;
- parking provision for site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

18. Development on any phase, including groundworks, shall not begin until updated mitigation strategies for that phase in relation to badgers, bats and/or great crested newts, as appropriate, have been submitted to and approved in writing by the local

planning authority. Development shall be carried out in accordance with the approved mitigation details. Further updates shall be submitted to and approved in writing by the local planning authority if works do not begin within one year of the initial approval pursuant to this condition.

19. Development shall not begin until an ecological management plan for the creation and enhancement of biodiversity has been submitted to and approved in writing by the local planning authority. The plan, which shall be consistent with the Green Infrastructure Biodiversity Management Plan (Inquiry Document A19), shall provide and programme for:

- the creation of the community park and associated habitats before any development takes place;
- new planting on the western fringe of Sharphill Wood;
- the retention/enhancement of hedgerows to the west of Sharphill Wood (Spinney Hill);
- long-term design objectives, management schedules and maintenance responsibilities for the community park, all other communal landscaped areas and open spaces and the on-site balancing ponds.

The plan shall be implemented as approved.

20. Details of a waste recycling facility shall be submitted alongside reserved matters submissions for the local centre and community building. The facility shall be available for use in accordance with the approved details before the community building or any part of the local centre is first brought into use.

21. Development shall not be carried out on any part of the site comprising previously developed land until a scheme to deal with contamination of the land has been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of any contamination and the measures to be taken to avoid risk to the public or buildings or the environment when the land is developed. Development shall not begin until the measures approved in the scheme have been implemented.

22. Development in any phase of land adjoining the A52 or A606 roads shall not begin until full details of noise attenuation measures in respect of dwellings adjacent to those roads have been submitted to and approved in writing by the local planning authority. No dwelling to which those measures apply shall be occupied before their completion in accordance with the approved details.

23. No security lighting or floodlighting shall be installed until full details have been submitted to and approved in writing by the local planning authority. All such installations shall be designed and located to avoid nuisance to the occupiers of nearby dwellings.

24. There shall be no deliveries to or collections from any non-residential building outside the hours of 07:00-19:00 Mondays-Saturdays or at any time on Sundays or Bank or Public Holidays.

25. Development shall not begin on any non-residential building until details of arrangements for refuse storage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

26. Development shall not begin on any non-residential building until details of any externally-mounted plant or equipment or any internal equipment which vents externally, including any extraction ventilation system for a cooking area, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

27. Any facilities for the storage of oils, fuels or chemicals shall be constructed in accordance with details which have first been submitted to and approved in writing by the local planning authority.