

Land to the West of Park Farm Thornbury – Draft Conditions

Reserved Matters

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") in any phase shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase begins and the development shall be carried out as approved.
2. Any application for the approval of the reserved matters for the first phase of the development shall be made to the local planning authority before the expiration of 12 months from the date of this permission. Any application for approval of the reserved matters for any remaining phases shall be made to the local planning authority before the expiration of three years from the date of the permission.
3. The development hereby permitted shall begin no later than 12 months from the date of approval of the first final of the reserved matters to be approved for that phase, and development of any subsequent phase shall begin no later than 12 months from the date of approval of the final reserved matters for that phase.
4. The submitted details shall be in accordance with the approved parameter plans (listed below):
 - Site Boundary Plan – Drawing Ref: 27982/9000 Rev H;
 - Land Use and Access Parameter Plan – Drawing Ref: 27982/9601 Rev G;
 - Scale Parameter Plan – Drawing Ref: 27982/9603 Rev I;
 - Green Infrastructure Parameter Plan – Drawing Ref: 27982/9604 Rev L;
 - Concept Site Access Layout – Drawing Ref: 39209/5501/SK15 Rev A; and
 - Sustainable Travel Link Plan – Drawing Ref: 39209/5501/SK25 Rev A
5. Any reserved matters application shall be in accordance with the Design Parameters and Design Strategies of the approved Design and Access Statement (Dated March 2021).
6. Alongside the Reserved Matters for each phasemust include details must be provided of the following:
 - a) layout, scale and appearance, including all building facing materials and finishes;
 - b) details of access arrangements including: the internal highway hierarchy; all carriageway, footway, cycleway and shared surface widths and surface material finishes for the highways, footpaths, cycle ways, private drives and all other hard surfaces;
 - c) car and cycle parking facilities
 - d) soft and hard landscaping of the site including details of screen walls, fences and other means of enclosure;
 - e) details of existing and proposed ground levels and proposed finished floor levels and building heights;
 - f) broadband connection infrastructure timetable for implementation
 - g) Details of a play strategy.

Commented [n1]: New condition using the Inspector suggested wording.

Commented [n2]: This uses the condition wording suggested by the inspector and inserts the proposed 12 month and three year periods.

Commented [n3]: New separate condition created.

Commented [n4]: New separate condition using the wording proposed by the inspector.

- h) Details of the pedestrian and cycle links through the site.
- i) A combined drainage, landscaping and street lighting plan
 - J) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);

~~k) Landscape Reserved Matters shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); retained and proposed landscape features, including trees and hedgerows and proposals for restoration where relevant.~~

~~k)) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.~~

Commented [RM5]: Eileen Paterson has extended Condition 6 and removed Condition 7 following discussion at inquiry.

~~7. No development shall take place on land to which the reserved matter relates until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of individual plot ownership where these include areas of public open space, areas of public amenity space and the arrangements for its implementation. Development shall be carried out in accordance with the approved details.~~

Commented [n6]: Condition not deemed necessary as maintenance covered in the S106.

Phasing

~~h)m) Prior to or along with the submission of the first reserved matters application, a phasing plan for the development shall be submitted to and approved in writing by the local planning authority.~~

Commented [n7]: Tracked change wording of the Inspector accepted. Only a minor addition made to the trigger in line with the discussion at the Inquiry.

The phasing plan shall identify the stages at which each element of the proposed development shall be commenced and made available for use. The elements shall include:

- a) the general locations of residential and non-residential uses including the local centre, allotments and primary school site.
- b) The allocation of floor space within the Retail / Community hub
- c) The general location of open spaces and green infrastructure, surface water drainage features.
- d) The approximate number of market and affordable homes and custom-build homes plots to be provided for each phase.
- e) Accesses for pedestrians, cyclists, buses and other vehicles.
- f) The phase(s) where public art may be located.
- g) Transport infrastructure for all modes of travel to connect each phase or reserved matters application to the existing highway network and the adjacent Park Farm site.
- h) Identification of locations for bus stop facilities within the site, within 400m of each occupied dwelling, in accordance with one of the two approved bus stop strategies:

Commented [n8]: This additional element of the condition can be removed if the later public art condition is deleted by the Inspector.

1. PBA Transport Assessment (Dated December 2019) Figure 5.1 B. Bus access via Alexandra Way bus link.
2. PBA Transport Assessment (Dated December 2019) Figure 5.2 B. Bus access via Butt Lane and Barley Fields.

Any subsequent amendment to the approved phasing plan shall be submitted to and approved by the local planning authority in the form of a revised phasing plan.

The development shall be carried out in accordance with the approved Phasing Plan, including any approved revisions.

Access and Transport

m)n) The primary street through the development shall have a minimum carriageway width of 6.5m and follow the general alignment of the primary street route identified on the approved Land Use and Access Parameter Plan (Drawing Ref: 27982/9601 Rev G).

n)o) No dwelling, community or commercial facility shall be occupied until car and cycle parking has been provided for that dwelling, community or commercial facility in accordance with details approved through the reserved matters.

o)p) Prior to the commencement of development on a phase, a scheme for the installation of Electric Vehicle charging infrastructure for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the specification of the ducting infrastructure and charging facilities and a plan showing the locations of the ducting infrastructure and charging facilities for residential and non-residential uses and appropriate public locations to be delivered within that phase. Development of that phase shall be carried out as approved before the residential and non-residential buildings are first occupied and the public locations are opened for use.

p)q) No more than 50 dwellings shall be occupied until a scheme of localised road widening on Oldbury Lane and Butt Lane has been completed generally in accordance with Stantec Drawings 39209/5501/SK24 Rev A and 39209/5501/SK23 Rev A.

q)r) No dwellings shall be occupied until the Sustainable Transport Link along Buttercup Road to include a bus gate and camera control/ CCTV has been completed generally in accordance with Stantec Drawing 3909/5501/SK25 Rev A.

r)s) No dwelling shall be occupied until the signalisation improvement scheme at the junction of Butt Lane, Gloucester Road and Morton Way has been completed generally in accordance with Stantec Drawing 39209/5501/SK08 Rev H.

Commented [n9]: These provisions have been retained as discussed at the Inquiry to provide flexibility for changed to be made to the phasing plan during the delivery period.

Commented [n10]: No changes proposed.

Commented [n11]: Minor tracked change of the Inspector accepted.

Commented [n12]: Tracked changes of the Inspector accepted.

Commented [n13]: Word 'generally' retained in this and subsequent conditions to provide flexibility for main changes during the technical approval process.

s)t) No more than 100 dwellings shall be occupied until the improvements on the A38 at the junction with the B4509 have been completed generally in accordance with Stantec Drawing 39209/5501/SK37 rev B.

t)u) No dwelling shall be occupied until at least one of the development accesses onto Oldbury Lane and the supporting highway works have been completed generally in accordance with Drawing 39209/5501/SK15 Rev A including street lighting from the site access to Butt Lane and provision for a reduction in the national speed limit to 40mph on Oldbury Lane.

u)v) The bus stops shall be provided with a raised boarding platform, shelter, seating, lighting and real time passenger information and installed in accordance with the agreed phasing strategy.

Commented [n14]: Tracked Changes accepted.

v)w) No more than 100 dwellings of the development hereby permitted shall be occupied until the improvement scheme identified for M5 Junction 14, as shown on Stantec drawing reference 39209/5501/SK31, has been completed and is open to traffic.

Commented [n15]: Tracked Changes accepted.

Drainage

w)x) No development other than ground clearance works shall be carried out until a Surface Water Drainage Strategy incorporating sustainable drainage principles for the whole of the development site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be in accordance with the 39209/4001 Flood Risk Assessment Revision G (prepared by Peter Brett Associates LLP dated 23 January 2020) and drawing 39209/4001/SK01 C. It shall include details of impermeable areas draining to surface water infrastructure, the size and location of the attenuation structures, the phasing of surface water drainage infrastructure including source control measures and a timetable for implementation. The development shall be carried out in accordance with the approved strategy and timetable

Commented [n16]: Tracked Changes accepted and minor additional proposed at the Inquiry incorporated.

~~No development shall take place on land draining to the Pickedmoor Brook until the detailed design of the Attenuation Basins shown on drawing indicated on 39209/4001/SK01 C Indicative Drainage Strategy and a timetable for their implementation has been submitted to and approved in writing by the local planning authority. This should include the results and a review of a groundwater investigation in the location of the proposed attenuation basins. The development shall be carried out in accordance with the approved details and timetable.~~

Commented [n17]: Agreed at the Inquiry that this condition should be deleted.

~~y) The Groundwater monitoring should be carried out for 6 months. It is preferred that the monitoring takes place from October to March. However the monitoring should include at least three winter months. It may be possible to reduce the monitoring period if there is sufficient rainfall in the first 3 months of monitoring, but this would require written agreement from the local planning authority. All works undertaken must be in accordance with the agreed design and timetable.~~

Ground Water Monitoring

~~No development other than ground clearance works shall commence until a scheme for the evaluation of groundwater monitoring has been submitted to and approved in writing by the local planning authority. The scheme of works shall include details of proposed borehole design, installation details and the time period for carrying out monitoring. The time period for carrying out the monitoring shall be for up to 6 months and monitoring of no less than 3 months shall be carried out during the winter months (October-March inclusive). The development shall thereafter be carried out in accordance with the approved details.~~

Commented [RM18]: The condition wording has been updated following discussions between the council and appellant on a without prejudice basis.

8. ~~No development shall take place on land to which reserved matters relate until the detailed drainage design, incorporating sustainable drainage principles, has been submitted to and approved by the local planning authority for the relevant plot, phase or parcel of land. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel first occupied.~~

The appellants do not consider the condition is necessary or passes the tests.

Commented [n19]: Agreed at the Inquiry that this and the subsequent two conditions should be deleted.

9. ~~The No development approved by this permission shall not be first occupied or brought into use until a scheme identifying the future ownership, operational and maintenance arrangements of the surface water drainage system and land drainage features has been over the lifetime of the scheme has been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the agreed details for the lifetime of the development.~~

10. ~~Prior to occupation of any building within a phase of development, as built drawings and surveys shall be submitted to the Local Planning Authority for written approval to show compliance with the design of an 'as built/volume check survey' of the SUDS drainage scheme.~~

Flooding

*z) ~~Finished ground floor levels across the development shall be set to 11.0m AOD. At the edge of Flood Zone 2 finished ground floor levels shall be set 600mm above ground level or 11.0 m AOD, whichever is highest as indicated in section 5 and Figure 3 of Appendix A in the Flood Risk Assessment, Peter Brett Associates, 23 January 2020 Rev G reference 39209/4001~~

Commented [n20]: Tracked Changes accepted.

11. ~~All residential and commercial development to be located within Flood Zone 1. Finished floor levels of the 'More Vulnerable' uses to be set 600mm above the 1 in 100 year plus 40% climate change flood level.~~

Commented [n21]: Deleted at the Inquiry as it duplicates the requirements of the preceding condition.

Energy

y)aa) ~~Prior to or along with the submission of the reserved matters application(s) for a particular phase an Energy Statement shall be submitted to and approved in writing by the local planning authority. This will provide details of how energy saving measures will be incorporated into the design and how carbon dioxide emissions will be reduced from the total residual energy consumption by at least 20% (based upon Part L of the Building Regulations at the date of the outline planning permission) through on-site renewable and/or low carbon energy~~

Commented [n22]: Condition wording proposed by the Inspector accepted along with the two additions agreed at the Inquiry.

generation. Development shall be carried out in accordance with the approved details.

Archaeology

z)bb) Prior to the commencement of development including any exempt infrastructure or remediation works, a written scheme of archaeological evaluation/investigation, based on the results of the geophysical survey produced by Sumo Survey dated March 2018 and Results of an Archaeological Trench Evaluation dated May 2018, shall be submitted to and approved in writing by the Local Planning Authority. The scheme will set out the need for, and extent of, any subsequent detailed mitigation, outreach and publication strategy including a timetable for the implementation and phasing of the mitigation strategy. Thereafter each phase of development shall be carried out in accordance with the approved scheme.

Commented [n23]: Changes to the condition agreed at the Inquiry.

Contamination

aa)cc) Prior to the commencement of development of a particular phase, the additional monitoring recommended in the Peter Brett Combined Phase 1 and Phase 2 report dated September 2018 shall be carried out. The findings shall be submitted in a report for the written approval of the local planning authority and shall include a conceptual model of the potential risks to human health; property/buildings; and ground waters.

Commented [n24]: Tracked Changes accepted.

Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken shall be described in detail and shall include the methodology that will be applied to verify the works have been satisfactorily completed.

The approved remediation scheme shall be carried out before the particular phase of development is occupied.

Prior to first occupation within any particular phase, a report shall be submitted to and approved in writing by the local planning authority to verify that all necessary remediation works required under condition X have been satisfactorily completed.

bb)dd) Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Commented [n25]: No changes proposed.

Noise / Environmental Protection

~~ee)ee)~~ Prior to the submission of the reserved matters application(s) for any phase that includes residential development within 60m of Oldbury Lane details shall be submitted to and approved in writing by the local planning authority to demonstrate that through mitigation, design and site layout, dwellings and their gardens will be protected from the impact of road traffic noise having regard to the relevant British Standard BS8233:2014 Guidance on sound insulation and noise reduction for buildings and the WHO Guidelines for community noise. The development shall be carried out in accordance with the approved details before the occupation of any dwelling to which those mitigation measures relate.

Commented [n26]: Tracked Changes accepted.

~~12. Details of noise levels (including the impact of noise) from plant and machinery associated with non-residential uses at the nearest existing or approved residential property and school shall be submitted to the Local Planning Authority for approval prior to occupation and use of such premises.~~

Commented [n27]: Draft condition wording replaced by the text proposed by the Inspector.

Any building plant, extraction systems or externally located equipment shall be acoustically insulated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of its use. The scheme shall ensure that the rated noise level at the boundary of the nearest extant or proposed noise sensitive property will not increase above the existing background noise level in accordance with the BS4142:2014 *Guidance on sound insulation and noise reduction for buildings* methodology.

Any mitigation measures proposed to attain this level shall be clearly identified. The scheme shall be implemented as approved prior to the commencement of use of the plant or equipment and shall be retained and maintained in accordance with the manufacturer's instructions for the duration of the use.

~~dd)ff)~~ Prior to occupation of the Retail and Community Hub full details of the proposed extraction and odour abatement system for any hot food outlets within that building shall be submitted to and approved in writing by the Local Planning Authority. The odour abatement system shall comply with the principles of best practice contained within the EMAQ report, Control of Odour and Noise from Kitchen Exhaust Systems (2022). The development shall be carried out in accordance with the approved details and installed and maintained in accordance with the manufacturer's instructions.

Commented [n28]: Tracked Changes accepted.

~~13. Prior to occupation of the Retail and Community Hub details on predicted noise levels from the extraction system (fan and air movement, through and leaving the ducting) should be submitted to and approved by the Local Planning Authority. Flues should be well insulated and sited to minimise the effects of vibration transmission and noise to any adjacent building. It may be necessary to install anti vibration mounts, flexible couplings, silencers etc. Full details should be provided to show how any potential noise nuisance will be prevented through the design. Any assessment should be carried out by a suitably competent engineer/consultant and be in accordance with BS4142 as amended.~~

Commented [n29]: Draft condition deleted as covered by a previous condition.

Construction Management

ee)gg) No development shall take place on any phase until a Construction Environmental Management Plan (CEMP), has been submitted to and agreed in writing by the Local Planning Authority. The CEMP shall provide for:

- Measures to prevent flood risk and drainage impacts, including to water quality, in accordance with best practice contained in the SuDS Manual and Construction of SuDS guidance.
- Processes for keeping local residents informed of works being carried out and dealing with complaints including contact details of the site manager.
- Hours of construction and deliveries to and removal of plant, equipment, machinery and waste from the site.
- Measures to control the migration of mud from the site by vehicles during construction.
- Measures to protect surrounding properties from construction noise and vibration in accordance with the standards in BS5228: *Code of practice for noise and vibration control on construction and open sites. Noise.*
- Measures for controlling dust and maintaining air quality on site, including details of street sweeping, street cleansing and wheel washing facilities.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Locations for the loading, unloading and storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of the development.
- Measures for the control and removal of spoil and wastes.
- Access arrangements for visitors, constructors and deliveries.
- Measures for the storage, landing, delivery and use of fuel oil, and how any spillage can be dealt with and contained.
- Arrangements for the parking of contractors, site operatives and visitors.
- A lorry routing schedule excluding Barley Fields and Buttercup Road.
- Evidence of membership of the Considerate Constructors Scheme and the induction programme for the workforce highlighting pollution prevention and awareness.
- ~~Pre-commencement photographic survey of Butt Lane and Oldbury Lane. Details to be agreed with a representative from the Local Highway Authority. Post completion survey of the same roads to identify any damage caused by Development construction traffic and extent of any necessary repairs to be agreed with the Local Highway Authority. Any repairs to be carried out in by the contractor in a time frame to be agreed with the Local Highway Authority.~~
- Details of security hoardings.
- ~~Tree protection measures in accordance with the Appendix A of the AIA dated January 2020.~~
- ~~A precautionary working method statement in order to protect any badger setts which are present.~~
- Neighbouring residential premises shall be advised of any unavoidable late night or early morning working which may cause disturbance. Any such

Commented [n30]: Tracked Changes accepted. See additional comments on specific items.

Commented [n31]: Agreed to be deleted at the Inquiry.

Commented [n32]: Included here and condition 37 deleted.

works shall be notified to the Environmental Services Department on (01454) 868001 prior to commencement.

Commented [n33]: Retained for the Inspector to consider. Appellants and LPA in favour of retaining to deal with emergency situations where out of hours working deemed necessary.

The approved CEMP shall be adhered to throughout the construction period.

Trees and Landscaping

14. ~~Landscape Reserved Matters shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); retained and proposed landscape features, including trees and hedgerows and proposals for restoration where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.~~

Commented [n34]: Deleted as not necessary.

15. ~~Reserved Matters submitted pursuant to Condition 1 above shall include an arboricultural method statement including details of any trees to be lopped, topped or felled, facilities for the RPAs of all retained trees (in accordance with the Tree Protection Plan (Rev D) at Appendix A of the AIA dated January 2020) and hedges fully protected with fencing as specified in fig 2 of BS5837:2012; likewise, all drainage and other service plans to ensure the routings of services outside the RPAs, or subterranean directional drilling (subject to the validity of this method of service installation being fully investigated prior to approval of the reserved matters in question given the known shallow depth to bedrock in this location). The development shall be implemented in strict accordance with the approved arboricultural method statement and measures to protect the retained trees and hedges shall be in place prior to the commencement of development of the phase and remain in place during the construction period for that phase.~~

Commented [n35]: Replaced by an addition reference to tree protection within the CEMP condition.

Ecology

ff)hh) An Ecological Construction Method Statement (ECMS) shall be submitted to and approved in writing by the local planning prior to the commencement of development, including groundworks and vegetation clearance. The ECMS shall detail how all retained semi-natural habitat will be safeguarded during the construction phase (including from pollution incidents) and detail a precautionary method of clearing vegetation to avoid harm to wildlife, including birds and hedgehogs. All works shall be carried out in accordance with the approved ECMS.

Commented [n36]: Tracked Changes accepted.

gg)ii) A pre-works badger survey shall be undertaken by a suitably qualified ecologist no more than 3 months prior to the commencement of works and/ or clearance of vegetation on a particular phase to establish use of that part of the site by badgers. If required, a license shall be obtained from Natural England and any

mitigation shall be carried out in accordance with the terms of the licence. A copy of the license shall be submitted to the local planning authority prior to commencement of development on the phase to which that license relates. ~~The Construction and Environmental Management Plan (pursuant to Condition 33), shall also include a precautionary working method statement in order protect any setts which are present and no Natural England license is required. The development shall be carried out in accordance with the approved details.~~

Commented [n37]: Requirement incorporated into the CEMP.

~~hh)jj)~~ Prior to development of a phase commencing, a Landscape and Ecological Management Plan (LEMP) for that phase shall be drawn up and agreed with the Council in writing. The Plan shall accord with the relevant principles set out in the agreed Design and Access Statement and Green Infrastructure Parameter Plan.

The LEMP shall include:

- a) Details of all existing important landscape and habitat features to be retained, and managed thereafter (including hedges, scrub, streams);
- b) Details of any new landscape and habitat features to be created and managed thereafter (including species-rich grassland (buffers), woodland/scrub and ponds);
- c) Habitat Creation: 13.75ha of Parkland (comprising wildflower meadow, SuDS basins and amenity grassland); 0.83ha plantation broadleaved woodland; 0.78km of new and translocated hedgerow; new scattered broadleaved trees, and 0.03ha (three) ponds;
- d) SuDs design to include wetland habitat of biodiversity value;
- e) A minimum of 10 hibernaculae created in suitable locations;
- f) A range of nest boxes, including a minimum of 100 boxes on buildings and 50 boxes on retained trees/woodland. The scheme shall include the type and location of all nest boxes and design features, to cover a variety of species including starling, house martin, swift and house sparrow;
- g) Additional bat roosting habitat, including a minimum of 100 boxes on buildings and 50 boxes on retained trees/woodland. The scheme shall include the type and location of all nest boxes and design features, to cover a variety of species including starling, house martin, swift and house sparrow;
- h) Inclusion of hedgehog pass in each boundary fence, and a gap under close board fencing;
- i) Project Site boundary management adjacent to the Park Mill Covert SNCI to include fencing and planting within the development site to prevent direct access;
- j) Ecological information provided in Homeowner Packs which will include information on key ecological features, and the proposed mitigation and enhancement measures;
- k) Where residential gardens abut hedgerows, fencing will be post and wire mesh only;
- l) Inclusion of inset kerb stones around gully pots within highway and drainage strategy;
- m) Detailed design of public-realm lighting to minimise adverse effects on bats, otters and badgers.

- n) A programme of monitoring of all works for a period of 5 years. The programme shall include details of how the aims and objectives of the LEMP will be achieved and maintained, including how any remedial measures will be agreed and implemented if they are required

All works are to be carried out in accordance with the approved LEMP.

A suggested alternative:

1. No development shall take place on a particular phase until a Landscape and Ecological Management Plan (LEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

- a) A description and evaluation of important landscape and habitat features to be retained, created and managed thereafter;
- b) Details of the aims and objectives of ongoing management, including ecological trends and constraints on the site that might influence management;
- c) A management work schedule, including an annual work plan capable of being rolled forward over a ten-year period. This shall demonstrate how the aims and objectives will be achieved, including details of ongoing monitoring and set out how remedial measures will be agreed and implemented if required;
- d) Details of the management body or organisation responsible for implementation of the LEMP, including details of how the legal and funding mechanism(s) will be secured to enable that body or organisation to deliver the long-term implementation of the plan.

The LEMP shall thereafter be implemented in accordance with the approved details.

ii)kk) Prior to the commencement of development of a particular phase, a Lighting Design Strategy for that phase shall be submitted to and approved in writing by the local planning authority. The Lighting Design Strategy shall address potential impact on biodiversity as described in the Ecological Chapter of the Environmental Statement and shall include:

- a) The identification of those areas of the site that are of particular importance to nocturnal animals, including bats. In particular this concerns breeding sites, resting places and important routes used to access key areas of territory and/or for foraging;
- b) Details of external lighting to be installed with appropriate lighting contour plans and technical specifications to show how nocturnal animals, including bats, would not be adversely affected.

All works are to be carried out in accordance with the approved lighting scheme.

Commented [n38]: Eileen to consider which elements of the detail it is necessary to retain within the condition wording. For the time being I have therefore retained the inspectors suggested alternative wording below.

Commented [EP39R38]: The Council wishes to retain the original wording for the LEMP condition

Commented [n40]: Tracked Changes accepted.

jj)ll) ~~No~~ development shall take place, including ground works and vegetation clearance, until a scheme for offsetting biodiversity impacts to achieve net gain based on the prevailing DEFRA guidance (at the date of the outline planning permission), has been submitted to and approved in writing by the local planning authority. Any subsequent changes to the approved details shall be submitted to and approved by the local planning authority, on the basis any changes shall still ensure a biodiversity net gain will be achieved across the development.

Commented [n41]: Tracked Changes accepted and addition wording included as agreed at the Inquiry.

The development shall be implemented and maintained in accordance with the approved details (including any subsequent approved changes).

Public Art

~~Prior to or along with the reserved matters applications for the first phase shown on the approved phasing plan (pursuant to Condition 8), a plan for a No dwelling shall be first occupied or use first commenced until a plan and implementation programme for a unique site specific integrated scheme of Public Art (including programme for installation) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the artwork/s shall be installed in accordance with the approved plan and implementation programme.~~

Revised Council Wording

Prior to the construction of the dwellings hereby approved, a public art plan for a unique site specific integrated scheme of Public Art (including timescales and triggers) to be implemented within the development site shall be submitted to the Local Planning Authority for approval in writing with detailed designs to be submitted and approved as part of the reserved matters. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note. Thereafter the artwork/s shall be installed in accordance with the details so agreed and retained as such.

Commented [EP42]: I have suggested alternative wording, which comes from the Cleve Park appeal decision.

Commented [RM43]: The condition wording has been updated on a without prejudice basis. The appellants do not consider the condition passes the tests.

Waste Management

kk)mm) ~~Prior~~ to or alongside the submission of the first reserved matters application ~~for each phase a detailed~~ site-wide waste management and recycling strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include measures to control the use, sorting, storage and collection of waste material and recycling from residential and commercial uses on site, including on site composting. The development shall be carried out in accordance with the approved details.

Commented [n44]: Changes to reflect the discussion at the Inquiry.

Uses

ll)nn) ~~The~~ Retail / Community Hub hereby approved shall only be used for activities within Class A1, A2, A3 and D2 Schedule of the Town and Country Planning

Commented [n45]: No changes.
We have checked the transitional arrangements for the changes to the Use Class Order and this requires the old use classes to be retained on applications submitted prior to 1 September 2020.

(Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification.