



Appeal Decision

Site visit made on 12 January 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2021

Appeal Ref: APP/Y2003/W/20/3261878

Land at Ings Road, Kirton in Lindsey.

(Grid Ref Easting: 493011; Grid Ref Northing: 398903)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by The Strategic Land Group against the decision of North Lincolnshire Council.
 - The application Ref PA/2020/588, dated 27 March 2020, was refused by notice dated 28 August 2020.
 - The development proposed is outline planning application for residential development, open space and associated infrastructure (all matters reserved except for means of access).
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Decision

1. The appeal is allowed and planning permission is granted for outline planning application for residential development, open space and associated infrastructure (all matters reserved except for means of access) at Land at Ings Road, Kirton in Lindsey (Grid Ref Easting: 493011; Grid Ref Northing: 398903) in accordance with the terms of the application, Ref PA/2020/588, dated 27 March 2020, subject to the conditions set out in the Schedule at the end of this decision.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed, and the appellants use the original description in their statement of case. Accordingly, I have used the one given on the original application.
3. The application has been submitted in outline with all matters reserved for future consideration except access. I have dealt with the appeal on that basis, treating the proposed site layout as being indicative.
4. An agreement under Section 106 of the Town and Country Planning Act 1990 (S106) has been submitted in respect of securing affordable housing as well as open space and a local equipped area of play; and contributions to education, leisure, recreation and public transport. I will return to the S106 later in my decision.

Application for costs

5. An application for costs was made by The Strategic Land Group against North Lincolnshire Council. This application is the subject of a separate Decision.

Main Issues

6. The main issues are:
 - Whether the proposal would be a suitable location for residential development with regards to development plan policies; and
 - Highway safety.

Reasons

Whether Suitable Location

7. The development plan for the area, insofar as it is relevant to this appeal, comprises of the saved policies of the North Lincolnshire Local Plan 2003 (Local Plan), the North Lincolnshire Core Strategy 2011 (Core Strategy), and the Housing and Employment Land Allocations 2016 (HELA).
8. The Council's spatial strategy on delivering sustainable development is set out by policy CS2 of the Core Strategy, which establishes a sequential approach for development: firstly in Scunthorpe, followed by Market Towns and then rural settlements. This approach is also reflected in Policy CS8 which addresses the distribution of housing sites including prioritising development in Scunthorpe and Market Towns, with a focus on brownfield sites and sites within development boundaries. Policy CS8 identifies Kirton in Lindsey as one of the Market Towns.
9. Policy RD2 of the Local Plan and policy CS3 of the Core Strategy seek to ensure that development in the open countryside or outside the defined boundaries will be restricted, including to that which is essential to the functioning of the countryside, agriculture, forestry as well as a number of other specified forms of development. Policy CS3 of the Core Strategy states that development limits will be defined by a future policy document, and the development limits were subsequently defined in the HELA.
10. The appeal site is located outside of the defined development limit for Kirton in Lindsey. The proposal does not fall within the categories of development which could be considered essential to the functioning of the countryside. On that basis, the proposal would be contrary to the development plan in respect of the location of residential development outside of the defined development limits.
11. In its reason for refusal on this issue, the Council states that the proposed development is in an unsustainable location. However, Kirton in Lindsey is identified as a Market Town in the development plan and includes a range of services commensurate with that designation, including shops, community facilities and schools. Although the appeal site is located on the edge of the town, these services are not an unacceptable walking or cycling distance from the appeal site even allowing for the topography of the area. I consider that residents of the proposal would be able to conveniently access these services to meet many of their everyday needs. The town is also served by bus services to larger settlements which would reduce reliance on the private car, although I acknowledge that the number of bus services provided may have recently

decreased. The Council Officer's Report states that the town is a very sustainable settlement and is ranked 5th in the council's Sustainability Survey 2019. On that basis, I consider that Kirton in Lindsey is a sustainable location for this scale of residential development.

12. In its Statement of Case, the Council refers to the detrimental impact of the proposed built development extending into the countryside. The appeal site consists of fields which were in use for the grazing of horses at the time of my visit. The site has no formal landscape designation, although it is clearly part of the countryside on the edge of the town.
13. The appeal proposal wraps around a small residential estate adjacent to Ings Road, and there is a limited extent of built development to the south. The proposed frontage onto Ings Road would not be out of character with the adjacent estate and a suitable landscaping scheme, including hedges, could soften the road frontage. The site would be visible from footpaths to the west as well as along Ings Road, which I saw were popular with recreational walkers. However, in views from the west the proposal would be viewed against the built extent of the town and would be viewed as a logical extension to the built form of development.
14. Adjacent residents would see a significant change in their aspect, with open fields being replaced by housing. However, this could be mitigated to a degree through the use of appropriate separation distances, boundary treatment and open space.
15. Existing hedges on the boundary and within the site make a positive contribution to the landscape setting of the town. However, it would be possible to retain and reinforce much of the hedging on the boundary as part of the development of the site, and incorporate an extent of hedging and landscaping within the development to mitigate the effect on the countryside setting of the settlement.
16. On balance, there would be some harm from the introduction of built development into the countryside beyond the defined development limit. However, subject to the submission of an appropriate scheme at the reserved matters stage, I consider that the harm to the character and appearance of the area would be limited.
17. Notwithstanding my conclusions in respect of the sustainability of location, the appeal proposal would lead to limited harm to the character and appearance of the countryside setting of Kirton in Lindsey and would be located outside of the defined development limits. The proposal would conflict with the restrictions on development outside of the defined development limit set out in policy RD2 of the Local Plan and policies CS2, CS3, CS7 and CS 8 of the Core Strategy.

Highway Safety

18. Vehicular access to the site is provided from Ings Road. This is a no-through road leading from the town, which is bounded by residential development on much of its extent up to the appeal site, before it progresses into the countryside. Based on what I have seen and read, this road is lightly trafficked; although I observed a number of traffic movements to the adjacent residential development as well as sites beyond the settlement boundary, including farms

and a recreation area. This route was also popular with recreational walkers accessing the surrounding countryside.

19. For much of its length leading to the appeal site, Ings Road is of a width which the guidance in Manual for Streets indicates is suitable to enable 2 vehicles to pass, including a car and a HGV. The two extents of Ings Road which fall below this width are of a limited length, and it is proposed to address the passage of traffic by introducing a chicane on one extent and by the maintenance of an existing informal 'shuttle' arrangement on the other. Subject to an appropriate design of chicane, these arrangements would not prevent large farm vehicles or heavy goods vehicles passing along the highway. Due to the light levels of traffic along this road, any congestion which may result from vehicles waiting to pass through the chicane or the other extent of reduced highway width would be intermittent and for a short duration.
20. Pedestrian access along Ings Road is provided by a dedicated footpath along one side of the carriageway. Whilst extents of this footpath are of reduced width, the path is sufficient to safely accommodate pedestrians. On the basis of the increase in traffic and pedestrian movements associated with the development I do not consider that this footpath arrangement would be unsafe or inappropriate. Subject to improvements, the road would also be of a suitable width and arrangement to provide for safe access by cyclists and horse riders.
21. There were some cars parked on Ings Road at the time of my visit. However, it has not been demonstrated that on-street parking presents an unacceptable restriction on the flow of existing traffic or the increased vehicle movements resulting from the appeal proposal. Moreover, many, if not all, of the properties adjacent to Ings Road have off-street parking provision which would minimise the reliance on parking in the carriageway.
22. Traffic travelling to and from Ings Road would pass through roads within the town. Whilst some of these roads may be of a restricted width due to the tight knit historical character of the area, there is no substantive evidence to demonstrate that the highway network cannot cope with the increase in traffic which would result from the proposal. Whilst this matter was initially raised by the highways consultee, evidence provided by the appellants addressed these concerns and it does not form part of the Council's reason for refusal.
23. There is reduced visibility at the existing T-junction with Grove Street. However, the appellants submit that traffic speeds at this junction are low and this reflects my own observations. I saw that the junction provides appropriate visibility for the speed of traffic in this area, and on the basis of what I have seen and read the increase in traffic resulting from the proposal would not lead to an unacceptable impact on the safe operation of this junction.
24. A number of third parties contend that the neighbouring estate at Lanes End was restricted in size due to concerns in relation to the highway access. However, I have not been provided with the precise circumstances that led to that development being approved, and, in any event, I have determined this appeal on its own merits and on the evidence before me.
25. The appellants have provided extensive technical evidence at both the application and appeal stages which demonstrates that the level of traffic can be accommodated on Ings Road and that the proposal would not exacerbate any highway safety concerns. The Council's Highways consultee has not

objected to the proposal, subject to conditions. No substantive evidence has been provided to demonstrate that the appellants' evidence in respect of highways matters cannot be relied upon.

26. I therefore conclude that the development would not cause any unacceptable harm to highway safety. The proposal would therefore comply with policies T2 and H5 of the Local Plan with regards to the provision of adequate and appropriately designed access which would not create any traffic or road safety hazard. The proposal would also accord with the National Planning Policy Framework (the Framework) which seeks to ensure that development is served by a safe and suitable access.

Other Matters

27. The appeal site is in Flood Zone 1 and is therefore considered to be at low risk of flooding, although some increased risk has been identified in respect of surface water. This was apparent at the time of my site visit, where there was an area of standing water on the northern part of the site. However, the evidence indicates that that is likely to be the result of the topography of the site and the relationship with nearby watercourses. The provision of a drainage strategy and consideration of matters including site layout should ensure that surface water would be suitably managed. The Lead Local Flood Authority has not objected to the proposal subject to a number of conditions.
28. The development would affect existing wildlife habitats, including hedges within and on the edge of the site. However, this impact could be managed by conditions, including requiring mitigation measures and demonstration of a net gain in biodiversity.
29. Concerns have been expressed on the capacity of services in the area, such as doctor's surgeries and schools. However, this is of an anecdotal nature and there is no substantive evidence that existing services could not absorb the increase in demand. Specifically with regards to education provision, the appellants have provided detailed evidence showing that the nearest primary school has sufficient capacity.
30. The nature of the proposal and the arrangement of the site is such that the effect on the living conditions of nearby residents, such as privacy and loss of light, could be addressed at the reserved matters stage. Noise and disturbance during the construction period would be for a limited time and could be appropriately controlled through conditions.
31. Reference has been made to the emerging North Lincolnshire Local Plan, and the Council published its Preferred Options in February 2020. Kirton in Lindsey has also been designated as a Neighbourhood Area for the purposes of a neighbourhood plan, and although no draft plan has been published I have had regard to the comments made on the initial public consultation responses. However, little weight can be given to these emerging plans due to their stage of preparation.

Planning Obligations

32. The S106 would meet the test set out in paragraph 56 of the Framework and the Community Infrastructure Levy Regulations 2010 (CIL Regulations) in respect of securing affordable housing as well as open space and a local equipped area of play; and contributions to leisure, recreation and public

transport. I have proceeded to determine this appeal giving due consideration to those obligations of the S106.

33. The Council has also requested a contribution towards education provision, particularly in respect of primary school places. However, the appellants consider that this is not necessary as the nearest primary school has a number of surplus places, and would have sufficient capacity even allowing for committed developments in the area as well as the appeal proposal. The appellants have submitted detailed evidence¹ in support of their position. The Council has provided no substantive evidence to contest this. Therefore, on the basis of the evidence before me, it has not been demonstrated that a contribution to education provision is necessary to make the development acceptable in planning terms. This element of the S106 would therefore not meet the tests in paragraph 56 of the Framework and the CIL Regulations, and I have not afforded any weight to this in my consideration of the appeal. The S106 is worded so that this particular obligation can be struck out should I decide that it does not meet the relevant tests.

Planning Balance and Conclusion

34. The Council confirms that it cannot demonstrate a 5 year supply of deliverable housing sites, and that the supply stands at 4 years. Consequently, Footnote 7 of the Framework indicates the most important policies for determining the appeal are deemed to be out of date. In these circumstances, the tilted balance of Paragraph 11(d) of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
35. The adverse impacts of the development primarily relate to the conflict with the spatial strategy as set out in the development plan as well as the effect on character and appearance.
36. Policies CS2, CS3 and CS8 of the Core Strategy refer to defined development limits to direct the supply of housing. However, to meet the Council's housing land supply, it is highly likely that development will need to be permitted outside of the defined development limits. While the Framework indicates that the planning system should be genuinely plan-led, in the light of the Council's housing land supply position these restrictive and out of date policies should be given reduced weight.
37. Policy RD2 of the Local Plan sets out the forms of development which will be granted in the open countryside, and the proposal would conflict with this. Whilst I consider that this policy broadly reflects the Framework with regard to rural housing, in effect this policy also relies on development limits and should accordingly be given reduced weight in my consideration of this proposal.
38. I have previously concluded that the proposal is contrary to policy CS7 of the Core Strategy. However, this was within the context of the group of policies which set out the Council's approach to housing provision. Policy CS7 includes criteria including housing types and tenures as well as density. Whilst these would be addressed at the reserved matters stage, there is no evidence that development on the site could not meet these criteria. This policy also includes

¹ Education Impact Assessment, Alfredson York Associates Ltd, 2 October 2020.

- more strategic elements including the Council's approach to housing land supply and the prioritisation of previously developed land. However, due to the Council's housing land supply this policy is out of date and the strategic aspects carry little weight against the proposal. In its statement of case, the Council has not set out why it considers the proposal conflicts with policy CS7.
39. In conclusion with regards to spatial strategy, the development plan policies which are most important for determining this issue are out of date due to the Council's housing land supply position. Within that context, and due to the circumstances of the site, the conflict with the identified development plan policies carry only limited weight as part of the determination of this appeal.
40. There would also be some limited harm to the character and appearance of the area, and I am mindful that the Framework recognises that development proposals should recognise the intrinsic character and beauty of the countryside at paragraph 170b.
41. I have had regard to the Grayingham Road appeal decision referred to by the Council where substantial weight was given to the policies of the development plan. However, this appeal related to a proposal which was materially different to that in front of me, including in respect of the amount of housing and affordable housing. Consideration of this decision does not lead me to a different conclusion in respect of the policies of the development plan as they apply to this appeal and the weight I attach to them.
42. In terms of benefits, although the proposal is in outline, the appeal site is of a size which could provide a significant number of new homes in a sustainable location. Within the context of the Council's housing undersupply position and the policy of the Framework to support the Government's objective of significantly boosting the supply of homes, the provision of additional homes in the area is a matter to which I afford significant weight in favour of allowing the proposal.
43. A number of responses on the proposal have referred to other sites in the settlement that are under development or have planning permission and are not delivering housing units. However the appellants have provided a Delivery Statement which indicates an intention to develop the site. Within the context of a pressing need to deliver housing in the Council's area, progress on other sites does not represent conclusive evidence that the appeal site will not come forward for development.
44. The provision of 20% of affordable housing within the scheme would be a considerable contribution to an area where the evidence indicates that there is a substantial need. With regard to this need and the Framework's policy that the needs of groups with specific housing requirements are addressed, this should also carry significant weight in favour of the proposal.
45. Contributions to leisure, recreation and transport are neutral considerations as they relate to meeting the needs of the development in order to make it acceptable. Open space and play facilities within the site may be used by the wider community, although I consider that these would primarily be used by future residents of the appeal site and these therefore carry limited weight as a wider planning benefit.

46. While the proposal does not fully accord with the development plan for the area, it is necessary that I engage paragraph 11d of the Framework. I find that the identified limited adverse impacts of granting planning permission would not significantly and demonstrably outweigh the above identified benefits when assessed against the Framework taken as a whole. Consequently, I conclude that the appeal should be allowed.

Conditions

47. The Council and consultees have suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. As a result, I have amended some of the conditions for clarity, accuracy and conciseness.
48. I have attached conditions relating to the submission of reserved matters and the associated time limits. I have also included a condition specifying the approved plans in the interests of certainty.
49. Conditions regarding details of the access, parking, removal of redundant accesses, driveway materials, design of highways, control of works within service strips, highway improvements, management of construction traffic, as well as the timing of access and parking provision are required in the interests of highway safety. The provision of a Travel Plan and electric vehicle charging points are appropriate in the interests of promoting sustainable transport.
50. Conditions in respect of surface water drainage, run-off and the disposal of foul water are required in the interests of addressing flood risk and to ensure that the site is properly drained. A noise mitigation scheme is required in the interests of the living conditions of future residents of the proposal. Conditions controlling air quality as well as the timing of construction and site clearance operations are required in the interests of the living conditions of residents in the area. A condition in respect of contamination is required in the interests of public safety.
51. The provision of recreational open space and play provision are appropriate in the interests of promoting healthy and safe communities. A condition in respect of biodiversity assessment and management is appropriate with regards to conserving and enhancing the natural environment. Conditions in respect of the planting of hedgerows and the protection of trees, hedges and hedgerows are required in the interests of conserving and enhancing the natural environment, highway safety, as well as character and appearance. Conditions regarding a strategy for archaeological mitigation are required in the interests of conserving and enhancing the historic environment.
52. A condition in respect of finished floor levels is not required as this is more appropriately addressed through the reserved matters.

David Cross

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and 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 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan -1806-S1-01; ITM15306-GA-003 and ITM15306-GA-006.
- 5) No development shall take place until details of:
 - (i) the location and layout of the vehicular access; and
 - (ii) the number, location and layout of the vehicle parking space(s) within the site;have been submitted to and approved in writing by the local planning authority.
- 6) Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.
- 7) No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.
- 8) No works shall commence on the access until a plan showing the extent of the hedgerow to be removed to provide the access and required visibility on the site frontage has been submitted to and approved in writing by the local planning authority. Following this approval, once the access is completed on the site, the visibility shall be checked on site by the highway authority and if further hedgerow removal is required to achieve the correct visibility, then a further plan showing this additional hedgerow removal shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented on the site and retained.
- 9) No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.
- 10) No dwelling served by any shared private driveway on site shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

- 11) No development shall begin until details of:
 - (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
 - (ii) the number and location of vehicle parking space(s) on the site; have been submitted to and approved in writing by the local planning authority.
- 12) No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.
- 13) No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.
- 14) No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.
- 15) The penultimate dwelling on site shall not be occupied until the access roads have been completed.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.
- 17) A Travel Plan shall be submitted to and approved in writing by the local planning authority within six months of the proposed development being brought into use and all conditions and requirements of the Plan, once approved, shall be implemented and retained at all times.
- 18) The Travel Plan, once approved and in place, shall be subject to monitoring on an annual basis for a period of three years from the approval date. The monitoring report on the impact of the Travel Plan shall be submitted to the local planning authority on the first of January each year following the grant of planning permission. All amendments to the approved Travel Plan identified as a result of the monitoring process shall be implemented and retained.
- 19) No development shall take place until a construction phase traffic management plan showing details of:

- (i) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (ii) any abnormal load movements;
- (iii) contractor parking and welfare facilities;
- (iv) storage of materials; and
- (v) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway as may be required;

has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

- 20) No development shall take place until a timetable for the provision of the following has been submitted to and agreed in writing by the local planning authority:
- (i) Carriageway widening and footway in accordance with drawing ITM15306-GA-006.
 - (ii) Improvements to Ings Road shall be provided in accordance with drawing ITM15306-GA-003.

- 21) No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. This must be based upon the submitted Flood Risk Assessment & Drainage Strategy Report by Strategic Land Group, Ref: HYD499_INGS.ROAD_FRA&DMS, Dated: March 2020.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be fully considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

The drainage scheme shall be implemented in accordance with the approved submitted details required by this condition, shall be completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

- 22) No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

- 23) No development shall take place until a noise mitigation scheme has been submitted to and approved in writing by the local planning authority. As a minimum this noise mitigation scheme shall include details of:
- (i) details of noise mitigation measures;
 - (ii) predicted noise levels to be achieved at sensitive locations as a result of the noise mitigation scheme;
 - (iii) details of how the noise mitigation scheme will be maintained for the lifetime of the development;
 - (iv) the noise mitigation scheme shall be implemented before occupation of the development and shall be retained thereafter.

- 24) Construction and site clearance operations shall be limited to the following days and hours:

- 8am to 6pm Monday to Friday;
- 8am to 1pm on Saturdays.

No construction or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

- 25) The mitigation measures described in Table 4.4 and 4.5 of the submitted Air Quality Assessment, reference MCA2071, dated March 2020, shall be implemented in full for the duration of the proposed construction works.
- 26) A scheme for the provision of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control and contemporaneous electrical standards including:
- Electrical Requirements of BS7671:2008;
 - IET Code of Practice on Electrical Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7.

The approved scheme shall be installed in full prior to the occupation of any dwelling on the site, or in accordance with a timescale agreed in writing by the local planning authority, and retained in perpetuity thereafter.

- 27) Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

- 28) As well as on-site recreational open space, the reserved matters for layout shall show the position and equipment of the local equipped area for play (LEAP). The LEAP shall be retained thereafter.
- 29) No development shall take place until a biodiversity metric assessment and biodiversity management plan has been submitted to the local planning authority and approved in writing. The document shall include:
- (a) an assessment of biodiversity loss based on the habitat and hedgerow baseline from the 'Extended Phase 1 Habitat Survey of Land Off Ings Road, Kirton in Lindsey, Lincolnshire 2020';
 - (b) details of measures required to provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 2.0;
 - (c) details of sensitive working practices to avoid harm to bats, hedgehogs, badgers and nesting birds;
 - (d) details of bat boxes and bat bricks to be installed on at least 15% of houses;
 - (e) details of swift boxes and sparrow terraces to be installed on at least 15% of houses combined;
 - (f) details of nesting sites to be installed to support a variety of other species, including barn owl, house martin, house sparrow and tree sparrow;
 - (g) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
 - (h) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
 - (i) prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
 - (j) details of wetland habitat to be created and managed as part of sustainable drainage;
 - (k) appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
 - (l) procedures for monitoring and ongoing management of created habitats;

(m) measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;

(n) prescriptions for the provision of a wildlife gardening leaflet for each new resident;

(o) proposed timings for the above works in relation to completion of the dwellings.

Biodiversity units should be delivered on site, within the red and blue line boundaries shown on submitted Location Plan number 1806-SI-01.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 60th dwelling, or in accordance with a timescale agreed in writing by the local planning authority, a report shall be submitted to and agreed in writing by the local planning authority providing evidence of compliance with the biodiversity management plan.

- 30) The section of hedgerow required to be removed to allow for the construction of new access arrangements shall not be removed until full details of the additional native planting to these hedgerows have been submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be planted on the site within a timescale to be agreed in writing with the local planning authority.
- 31) Before development commences on site, details of the timeline and method statement for the protection fencing shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented on site. All hedges, hedgerows and trees on and immediately adjoining the site shown to be retained shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the local planning authority in accordance with relevant British Standards (BS5837:2012). Any parts of hedges or hedgerows, or trees, removed without the local planning authority's consent or which die, or become, in the opinion of the local planning authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, not later than the end of the first available planting season, with plants of such size and species, and in such positions, as may be agreed with the local planning authority.
- 32) No development shall take place until a scheme for the disposal of sewage and foul water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.
- 33) The details submitted in pursuance of the outline permission shall be accompanied or preceded by the submission to the local planning authority of an archaeological strategy for mitigation set out in a written scheme of investigation (WSI) that provides the following:
- (i) measures to ensure the preservation by record of archaeological features of identified importance

- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
 - (iii) post-fieldwork methodologies for assessment and analyses
 - (iv) report content and arrangements for dissemination, and publication proposals
 - (v) archive preparation and deposition with recognised repositories, including the ADS
 - (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the WSI
 - (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
 - (viii) a list of all staff involved in the implementation of the WSI, including sub-contractors and specialists, their responsibilities and qualifications.
 - (ix) The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.
- 34) The applicant shall notify the planning authority in writing of the intention to commence the archaeological site works at least seven days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.
- 35) A copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

End of Schedule