



Appeal Decision

Hearing (Virtual) Held on 13 May 2021

Site Visit made on 17 May 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2021

Appeal Ref: APP/E3715/W/20/3265601

Wolston Allotments, Stretton Road, Wolston CV8 3FR

- 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 Rosconn Strategic Land against the decision of Rugby Borough Council.
 - The application Ref R19/1411, dated 25 October 2019, was refused by notice dated 4 November 2020.
 - The development proposed is the development of up to 48 dwellings with associated public open space, landscaping and infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the development of up to 48 dwellings with associated public open space, landscaping and infrastructure at Wolston Allotments, Stretton Road, Wolston CV8 3FR in accordance with the terms of the application, Ref R19/1411, dated 25 October 2019, subject to the conditions set out in the schedule at the end of this decision.

Applications for costs

2. An application for costs was made by Rosconn Strategic Land against Rugby Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application is submitted in outline form with approval being sought in relation to the matter of access. The matters of appearance, layout, scale and landscaping are reserved for later consideration. Therefore, I have assessed the appeal based upon the plans that have been submitted, where they refer to the matters for which approval was sought.
4. The Council advised at the hearing that the site is registered as an asset of community value. It was also advised that the Wolston Neighbourhood Plan has not yet reached consultation stage. This emerging plan does not therefore carry weight in the determination of the appeal.

Main Issues

5. The main issues are:
 - i) The loss of public open space and whether or not the proposal would accord with Policy HS4 of the Rugby Borough Council Local Plan 2019

- ii) The provision of additional housing in Wolston and whether or not this would accord with Policies DS3 and GP2 of the Rugby Borough Council Local Plan 2019

Reasons

Public open space

6. Part C of Policy HS4 of the Rugby Borough Council Local Plan 2019 (LP) sets out criteria which, if met, will permit building upon areas of public open space. It is only necessary to meet with one of the three criteria in order to ensure accordance with the policy.
7. The reason for refusal focuses solely upon the second criterion which requires the replacement of lost provision by an equivalent or better provision in terms of both quantity and quality in a suitable location. Whilst the appeal application and the separate application (R20/0172) which has already been approved in relation to works to the southern part of the allotment site demonstrate that a better qualitative provision would be achieved, by virtue of the fact that there would be a lesser amount of allotment land resulting, there would not be an equivalent or better quantitative provision. The proposal therefore fails to meet with this criterion.
8. However, the first criterion makes reference to the release of public open space being permissible if an assessment has been undertaken which has clearly shown the open space to be surplus to requirements. In this respect, the Open Space, Playing Pitch and Sport Facilities Study 2015 (OSPFS) is before me as an numerical assessment of the allotment provision in Wolston, and the Statement of Common Ground between Rosconn Strategic Land and Wolston Parish Council/Wolston and Brandon Allotment and Garden Association (jointly) (SoCG) as an assessment of the 'on the ground' position currently and in recent times.
9. The OSPFS is referenced in the accompanying text of Policy HS4. Whilst almost six years have passed since its publication, I have not been made aware of any material change in circumstances in Wolston, such as the loss of other allotment land or new house building which may have materially affected the findings and conclusion of the OSPFS that there is a surplus of allotment land in Wolston that amounts to +2.63 hectares. Furthermore, a surplus would remain if the appeal development was to take place. The OSPFS therefore carries substantial weight in the determination as to what the current provision of allotments is in Wolston.
10. The SoCG states that the allotment rent book shows that in October 2019 the total area of land under cultivation on the current allotment site was approximately 23,274m² (48.5% of the site). By March 2021 that had reduced to 21,058m² (43% of the site). The number of members has remained reasonably stable between the same period, with 68 members at its lowest and 72 at its highest, with many members occupying multiple plots. This too represents compelling evidence of the current surplus provision of allotment space in Wolston.
11. Taken together, the evidence before me demonstrates that there is a numerical surplus of allotment land in Wolston and this is supplemented by evidence 'on

the ground'. The first criteria of Policy HS4C is therefore satisfied, and the proposal accords with this policy of the development plan.

Housing

12. The reason for refusal refers only to Policy DS3 of the LP. This is a positively worded housing allocation policy which allows for the development of around 15 new dwellings at Linden Tree Bungalow. It is the only LP housing allocation in Wolston. The policy contains no reference to other sites in Wolston and makes no reference to further housing in the settlement, in terms of whether such housing is permissible or not. It can, therefore, only be read as a policy that would permit around 15 new dwellings on the identified site, if such a proposal were to come forward.
13. Subsequently, Policy GP2 of the LP has been stated as being a policy that should also restrict development in Wolston. This too is misguided as the policy states clearly that development will be permitted within the existing boundaries of all Main Rural Settlements and on allocated sites. Paragraph 3.11 of the policy wording provides further clarification that Main Rural Settlements will have no threshold on the size of sites that come forward within their settlement boundaries. Therefore, there is no basis to conclude that Policy GP2 should prevent a development either of the size proposed or in the location proposed.
14. Furthermore, whilst reference has been made to the number of units that would be provided by the appeal proposal, in that it could be over three times the 15 units that are referred to in Policy DS3, no harm to the settlement has been identified as a result of this proposal. Therefore, aside from the fact that the development plan policies which have been referred to do not serve to prevent this new housing development, in the absence of harm being identified there are no other planning reasons for resisting the proposed development.
15. In conclusion, for the reasons I have outlined there is no basis in the policies of the development plan which relate to the provision of new housing for refusing the proposed development, nor material considerations which suggest that a decision should be taken at variance with these policies.

Other Matters

16. A Detailed Investigation into the Housing Needs of Wolston 2017 (DIHN) identified a need for 19 affordable homes for those with a local connection. This requirement covered the period of 5 years subsequent to the publication of the report, with a further 11 affordable homes believed to be required in the 5-10 year period. The proposed development would provide the 30% affordable housing provision set out by Policy H2 of the LP and would contribute to meeting the identified need. This carries substantial weight in favour of the proposed development.
17. Concern has been raised with regard to the potential impact upon biodiversity, public services and infrastructure, land contamination, noise during construction, utility supplies, flood risk and drainage. However, based upon the responses from the relevant consultees and upon the information available to me, there is no evidence that harm would arise with respect to these matters. Furthermore, I am satisfied that, where necessary, any additional measures required could be adequately secured by planning conditions or through a planning obligation.

18. The proposal would inevitably have an impact on the character and appearance of the area, by virtue of the fact that the allotment site is currently devoid of any significant built structures. However, it would assimilate well into the area, given that there is housing development which fronts onto and along the opposite sides of both Warwick Road and Stretton Road. Furthermore, the masterplan submitted shows that the impact could be softened by areas of open space and landscaping, and the retained allotments would provide a visual buffer between the proposal and the open agricultural land to the south.
19. Vehicular access to the proposed housing development would be taken from one access point on Warwick Road. The existing access point onto Stretton Road would be utilised for access to the remaining allotments. The Highway Authority has raised no concerns that the proposal would have an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe. Based on the information that is before me and my own observations, I have no reason to take a different position on this matter.
20. Matters relating to the appearance of the development, the form it would take, and detailed landscaping would be established through the submission of reserved matters applications.

Conditions

21. Conditions relating to the submission of reserved matters and to the plans which are approved at outline stage are necessary to provide certainty. It was agreed between the parties at the hearing that a condition should also be imposed which will tie the reserved matters submission to the principles established on the proposed masterplan and the POS provision plan. As there is a general agreement that this is likely to result in an acceptable form of development, and as I have no reason to take a contrary view, it is reasonable to impose such a condition.
22. Measures to maximise water efficiency are required in accordance with Policy SDC4 of the LP. Conditions relating to bin stores, hard surfacing materials, external facing materials and arboricultural/soft landscaping matters are necessary to ensure that the proposal has an appropriate visual appearance. A number of conditions suggested by the Highway Authority are needed to ensure that the works are acceptable with respect to highway matters. A construction management plan is needed to ensure that the impacts of the construction period are minimised.
23. Conditions relating to drainage and land contamination are required to ensure that these matters are adequately addressed. As the proposed development lies within an area of significant archaeological potential, a condition relating to archaeological matters shall be imposed. A Landscape and Ecological Management Plan relating to the public open space is needed to provide certainty as to how such areas will be managed in the long term.
24. Policy HS5 of the LP sets out a requirement relating to air quality for developments of 10 or more dwellings. During the course of the planning application, the Council's Environmental Health Officer advised that the threshold for a stage 2 air quality assessment with regard to the IAQM Land-Use Planning and Development Control: Planning For Air Quality, dated January 2017 was not exceeded. However, a condition requiring compliance with Policy HS5 has also been suggested by the Council. In the context of the information

that is before me, I am not persuaded that such a condition would be necessary, or that it would be precise in what would be required in order to comply with it. Therefore, it would not meet with the tests set out in Paragraph 55 of The National Planning Policy Framework, and I do not impose it.

Planning Obligation

25. The parties have completed a Section 106 Agreement which includes a number of obligations to come into effect if planning permission is granted. The Council has provided a Compliance Statement considering the obligations against the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. The obligations relate to the following matters.
26. Affordable Housing: Policy H2 of the LP seeks a target affordable housing provision of 30%. The Agreement provides for 14 such units which meets the requirements of the policy. This obligation therefore passes the statutory tests.
27. Allotment Provision: This would secure the provision of the reconfigured allotments on the remaining part of the existing allotment site, which is related to the development proposals that have been put forward. It therefore passes the statutory tests.
28. Open Space Contribution: a sum of £50,000 has been agreed to improve and enhance the Dyers Lane Recreational Ground, a park located approximately 300 metres from the appeal site. Whilst some open space provision would be located on the appeal site, this would not be of a size that would meet the needs of the development and appendix 4 of the LP identifies a deficit in children's play provision in Wolston. Therefore, an off-site contribution is necessary and meets the statutory tests.
29. Local Needs Marketing: The DIHN sets out that new dwellings are required to meet the needs of existing Wolston residents. This obligation would allow for any such residents who are interested in purchasing a house a period of time before general sale began. It would achieve the objectives of providing housing for local people, which is a need that has been identified, and in that respect meets with the statutory tests.
30. NHS Contribution: Extensive representations were made on behalf of the NHS both in written form and at the hearing. In summary, the current NHS funding model means that there is no mechanism to anticipate the provision of new housing coming forward, which results in a funding gap during the first year of occupation. This funding gap is not recovered in future years. The contribution sought by the NHS is £86,293, which is to cover an identified shortfall that would arise. On that basis, I am satisfied that the statutory tests are met.
31. Road Safety and Travel Pack Contributions: These provide £60 per dwelling to support road safety initiatives within the community and towards the provision of sustainable travel packs. This contribution is reasonable with respect to the proposed development and meets with the statutory tests.
32. Libraries: The sum of £886 would be secured towards improving, enhancing and extending the facilities or services at libraries which would serve the occupants of the proposed dwellings. I am satisfied that this contribution meets with the statutory tests.

33. Biodiversity Offsetting: The Biodiversity Impact Assessment that was submitted with the planning application identifies that there would be a net biodiversity loss as a result of the proposed development. To address this, either a scheme to ensure that the development shall not result in a biodiversity loss or a fixed sum contribution which shall not exceed £65,725 to be used to achieve the same outcome is required by the agreement. This meets with the statutory tests.
34. Education Contribution: A sum, calculated in accordance with the formula set out in the planning obligation, will be provided towards the provision or improvement of facilities for secondary education. This is to address a shortfall that has been identified by the County Council which would be further affected by the proposed development. This contribution therefore meets the statutory tests.
35. Monitoring Contribution: The Planning Practice Guidance states that monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring. The sum of £700 which will cover the monitoring of both Rugby Borough Council and Warwickshire County Council is proportionate and reasonable.
36. Community Benefit Contribution: The agreement contains provision for the creation of a trust by Wolston Parish Council and the Heart of England Community Foundation and a contribution of £100,000 to support its objectives. However, no evidence has been advanced as to how this would meet the tests set out in Regulation 122, and the appellant put forward their view at the hearing that it should be struck out of the planning obligation, as is allowed for by clause 10.8. In the absence of anything to suggest that it would be compliant with the Regulations, I give the Community Benefit Contribution obligation no weight in determining the appeal.

Planning Balance and Conclusion

37. I acknowledge that the allotment site is listed as an asset of community value and that a number of interested parties have expressed their will that it be retained as a whole entity.
38. However, in the circumstances of the case there is clear policy support in the development plan for both the loss of the public open space that would result and for development of the type proposed within the confines of the settlement of Wolston. The required allotment provision would also remain in Wolston. Furthermore, affordable housing would be provided which would contribute to addressing an identified local need, and this carries substantial weight in favour of the proposed development.
39. Therefore, the proposal accords with the development plan, taken as a whole, and I find that there are no material considerations to indicate that a decision should be taken at variance with it. Accordingly, I conclude that the appeal should be allowed.

Graham Wraight

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Thea Osmund-Smith - No.5 Chambers

Mark Rose – Define

Nick Carr – Rosconn Group

Jonny Gill – Rosconn Group

FOR THE LOCAL PLANNING AUTHORITY:

Jo Orton – Principal Planning Officer

Sarah Chapman – Legal Services Team Leader & Deputy Monitoring Officer

INTERESTED PARTIES:

Cllr Shan Dobinson – Wolston Parish Council

Julia Bearne – Secretary, Wolston and Brandon Allotment and Gardens Association

Sandra Horne – The Wilkes Partnership

Annabel Graham Paul – Francis Taylor Building

Laurie Wright – Local Resident

Jessica Ramsay – Local Resident

Debbie Pritchard – Local Resident

DOCUMENTS

Supplementary Statement of Case

Statement of Common Ground between Rosconn Strategic Land and Wolston Parish Council/Wolston and Brandon Allotment and Garden Association (jointly).

5-year housing land supply update

Rugby Borough Council CIL Compliance Statement

Conditions

- 1) The development hereby permitted must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 2) Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3) Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:
 - a – Layout,
 - b – Scale,
 - c – Appearance, and
 - d – Landscaping
- 4) The development shall be carried out in accordance with the plans and documents detailed below:
 - Site Location Plan, 3380-01A
 - Site Access Visibility Splay, DWG-04
- 5) The reserved matters as required by Condition 3 shall be in general conformity with the principles established on the Proposed Masterplan, 3380-02G and the POS Provision Plan, DEF357_001.
- 6) The dwellings hereby approved shall incorporate measures to limit water use to no more than 110 litres per person per day within the home in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations 2010 (as amended).
- 7) Full details of the siting, design and materials of the proposed bin stores shall be submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided, in accordance with the approved details, before the first occupation of the dwelling(s) to which they relate.
- 8) No above ground development shall commence before samples of the block provisions to be used in the surfacing of the estate roads, private drives, individual access drives and turning and manoeuvring areas within the site have been submitted to and approved by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
- 9) The access to the site for vehicles shall not be used unless a bell mouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. Minor alterations to the

approved vehicular access layout may be required during the technical approval process.

- 10) The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 47 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
- 11) The development shall not be occupied until the public highways C207 Warwick Road and D2139 Stretton Road have been improved so as to provide for footway connections from each of the proposed pedestrian accesses to the site to the existing footways north of Warwick Road or east of Stretton Road, incorporating dropped kerbs and tactile paving where it is required for pedestrians to cross the public highway carriageway, in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 12) The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb and verge have been reinstated in accordance with the standard specification of the Highway Authority.
- 13) The accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.
- 14) No development shall commence, including any site clearance and construction work (but excluding demolition of buildings), until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details relating to:
 - a) Measures to reduce mud deposition, debris and obstacles offsite and on the highway from vehicles leaving the site during the construction phases;
 - b) Heavy goods vehicle routing plan;
 - c) Timing of heavy goods vehicle movements during the construction phases;
 - d) Loading and unloading of plant and materials;
 - e) Hours of work and deliveries;
 - f) Storage of plant and materials used in constructing the development;
 - g) The parking of vehicles of site operatives and visitors;
 - h) Cut and fill level and re-profiling works;
 - i) Pre-commencement checks for badgers, reptiles, amphibians, bats, nesting birds and hedgehogs;

- j) Appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site including details of supervision by an Ecological Clerk of Works (ECoW);
- k) Details of measures to protect habitats, including the prevention of pollution;
- l) A strategy to manage and maintain any construction materials from entering or silting up the watercourse at the existing outfalls, to ensure that no silt or chemicals can leave the phase being constructed and to ensure any detrimental impact to the watercourse shall be repaired;
- m) Control of noise and vibration emissions from construction activities including ground works and the provision of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase; and
- n) Control of dust, including arrangements to monitor dust emissions from the development site during the construction phase.

Development shall be carried out in compliance with the approved Construction Management Plan unless otherwise agreed in writing with the Local Planning Authority.

- 15) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- a) Provide an assessment of flood risk from all sources of flooding including fluvial, pluvial and groundwater flooding
 - b) Include infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS) or sufficient evidence to demonstrate that infiltration is not viable
 - c) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual
 - d) Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods
 - e) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return

- periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods
- f) Where discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration
- g) Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- 16) No occupation and subsequent use of the development shall take place until a detailed surface water system maintenance plan is implemented, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The maintenance plan shall give details on how surface water systems shall be maintained and managed for the lifetime of the development and the name of the party responsible, including contact name and details.
- 17) No works or development shall take place until a final arboricultural method statement/tree protection plan for the protection of the retained trees (section 5.5 & 6.1, BS5837:2012) has been submitted to and approved in writing by the Local Planning Authority. This scheme must include details and positioning of tree protection fencing for all retained trees and hedges, ground protection measures, root pruning/access facilitation pruning specification, project phasing and an auditable monitoring schedule.
- 18) No above ground development shall take place until a specification of all proposed tree planting has been approved in writing by the Local Planning Authority. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition, all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. If within a period of 5 years from the date of planting of any tree/hedge/shrub that tree, or any tree/hedge/shrub planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/hedge/shrub of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.
- 19) The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan relating to the public open space has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of planting and maintenance of all new planting. Details of species used and sourcing of plants shall be included. The plan shall also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

20) No development shall commence unless and until:

- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
- b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.
- d) The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

21) No above ground development shall commence unless and until full details of the colour, finish and texture of all new materials to be used on all external surfaces, together with samples of the facing bricks and roof tiles have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

22) Development other than that required to be carried out as part of an approved scheme of remediation must not commence until points a) to d) 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 condition (d) has been complied with in relation to that contamination.

a) An investigation and risk assessment 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 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.

b) 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, 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.

c) 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 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.

d) 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 a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of b), 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 c).

-----END OF CONDITIONS-----