



Appeal Decision

Site visit made on 3 November 2022

by R J Jackson BA MPhil DMS MRTPI MCM

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/Z2260/W/21/3286245

**Land to the rear of 92 to 102 Monkton Street, Monkton, Ramsgate
CT12 4JQ**

- 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 Mr Jacob Taylor, Heyhill Land against the decision of Thanet District Council.
 - The application Ref OL/TH/21/0761, dated 13 May 2021, was refused by notice dated 21 October 2021.
 - The development proposed is residential development of up to 49 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 49 dwellings at Land to the rear of 92-102 Monkton Street, Monkton CT12 4JQ in accordance with the terms of the application, Ref OL/TH/21/0761, dated 13 May 2021, subject to the conditions in the Schedule to this decision.

Applications for costs

2. An application for costs was made by Mr Jacob Taylor, Heyhill Land against Thanet District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. This application is in outline with all matters apart from access for later consideration. As none of these matters represent a description of development, I have excluded them from the proposal as set out in the heading and in the formal decision. The application was accompanied by a number of 'parameters plans' that form part of the application, but also several illustrative drawings which do not.
4. An effectively identical proposal¹ was dismissed on appeal in December 2020². This appeal decision is not determinative upon me, particularly as material considerations have changed, but is a material consideration which I need to take into account.
5. In that appeal the Council had refused the application for two main issues, relating to the whether the proposal would be in an appropriate location and its effect on the landscape, and for the effect on best and most versatile agricultural land (BMV land). In this case the Council refused the application

¹ The differences relate to the off-site highway works in Monkton Street which have been amended to take account of the proposals on the adjoining land to the west.

² Inspectorate reference: APP/Z2260/W/20/3252380

solely for the first of these two reasons. However, local residents continue to object to the proposal in relation to the loss of BMV land and for other reasons. I will discuss them below.

6. The appeal application was accompanied by a Planning Obligation by agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 13 October 2021 dealing with affordable housing and various contributions towards the provision of infrastructure. I will also discuss this below.

Main Issues

7. The main issues are:

- whether the proposal would be in an appropriate location, with particular regard to the development plan's spatial strategy and the effect on the landscape;
- the effect on BMV land;
- whether the proposed development makes the necessary and appropriate provision and contributions for affordable housing and infrastructure; and
- whether there are any material considerations, including the housing land supply and housing delivery situations, which would indicate a determination other than in accordance with the terms of the development plan.

Reasons

Location

8. The appeal site lies on the south side of the village of Monkton accessed from Monkton Street. Behind the access and frontage, the site opens out on to a rectangular shaped area which slopes very gently down to the south. The main area is surrounded to the north by residential properties and their gardens, to the east and south is a caravan park, to the south is a playing field and to the west a builders' yard. The builders' yard has recently been subject to a resolution to allow the site to be redeveloped for residential purposes and for a shop.
9. For planning policy purposes, the appeal site lies outside the village of Monkton and thus is in the countryside.
10. Policy SP01 of the Thanet Local Plan (2020) (the Local Plan) indicates that the primary focus for new housing development is to be the urban areas. The policy does permit limited development in a number of villages including Monkton. Policy SP24 of the Local Plan deals with development in the countryside. This sets out a list of five types of development which will be permitted in the countryside, none of which is applicable to the appeal proposal. The policy goes on to indicate that development should be of a form, scale and size which is compatible with and respects the character of the local area and surrounding countryside, with any environmental impact avoided or appropriately mitigated. It is not in dispute that the proposal is contrary to both of these policies.

11. Policy SP26 of the Local Plan deals with Landscape Character Areas (LCAs). The policy indicates that the Council will identify and support opportunities to conserve and enhance Thanet's landscape character and local distinctiveness in development proposals. Particular reference is made to a sense of openness and 'big skies', particularly in the central part of the District; this includes the Monkton area. It is indicated that development should be directed away from the Stour Marshes LCA on the basis that this area is largely undeveloped and key in retaining the island character of Thanet. The policy concludes by indicating that development proposals that conflict with the principles set out in the plan will only be permitted where it can be demonstrated that they are essential for the economic or social well-being of the area. If this is the case, then landscape impacts should be minimised.
12. Despite the countryside location the appeal site is largely enclosed. There is built development to the north, and while the grant of planning permission does not guarantee development it is likely, meaning that the land to the west is likely to be re-developed more intensively than at present. The caravan parks to the east and for part of the south boundary also give an urban appearance. The only significant part of the boundary which is undeveloped is on the western part of the southern boundary beyond which is a playing field. The playing field, in my view, has a more urban character than rural. Even then, the boundary is made up with a row of trees giving a visual separation between the appeal site and the playing field and the land beyond to the south.
13. Having said that, there are views of the appeal site from the south and west including from public rights of way. However, none are short distance views meaning that the appeal site appears within the overall context and background of the village of Monkton.
14. The development of the appeal site in the way proposed would result in an urbanisation of the area, leading to harm to the character and appearance of the area. It would intrude into the wider Stour Marshes LCA providing new vertical features, albeit that the design would be subject to reserved matters approval. As set out above the application was accompanied by parameters plans, two of which set out land use and building heights. These show that built development would be set into the site at the south and in this area would be limited to two storeys in height. Any permission could be subject to a condition to ensure this.
15. Given the mostly enclosed nature of the site, while there would be some harm to the character and appearance of the area this would be very limited to the wider countryside. I will come back to discuss the implications of this later in this decision. However, notwithstanding this, the proposal would be contrary to Policies SP01, SP24 and SP26 of the Local Plan as set out above.

Agricultural land

16. Local residents have continued their objections on the basis of the loss of BMV land. As set out by the Inspector in the earlier decision the appeal site consists of 2.6 hectares of Grades 1 and 2 land which is BMV land. Policy E16 of the Local Plan indicates that permission will not be granted for significant development, which would include the appeal proposal, resulting in the irreversible loss of BMV land unless all of three criteria are met.

17. The second and third of these are that there are no otherwise suitable sites of poorer agricultural quality that can accommodate the development and the development will not result in the remainder of an agricultural holding becoming not viable. The first is that the benefits of the proposed development outweigh the harm from the loss of the BMV land.
18. The appeal site is a discrete, isolated piece of agricultural land, and its development would not directly lead to any further agricultural land being lost, and I have not been provided with any evidence to show that granting permission would set an undesirable precedent. Notwithstanding this, the proposal would be contrary to Policy E16 of the Local Plan since it would result in the loss of an area of BMV land. As the area is relatively small when compared to the amount of BMV land in the area, I give this harm limited weight.

Affordable housing and infrastructure

19. The Planning Obligation has a clause which requires me as decision maker to conclude whether each obligation would comply with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations). These are that the obligation is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. These tests are also set out in paragraph 57 of the National Planning Policy Framework (the Framework).
20. The Planning Obligation provides for the delivery of affordable housing in accordance with Policy SP23 of the Local Plan. It also would provide contributions towards education, healthcare, library facilities, recreation and mitigation for the effects of the development on habitats sites.
21. In the previous appeal the Inspector, based on the evidence then available, concluded that the contribution secured in an equivalent earlier Planning Obligation towards improvements to a nearby recreation ground was not necessary. He found, however, that all the other contributions met the relevant tests.
22. The Council has adopted a Planning Obligations and Developer Contributions Supplementary Planning Document (the SPD) which sets out a justification for seeking contributions towards infrastructure. I give the SPD moderate weight as it is now some years old, having been adopted in 2010, and does not necessarily show the current situation. Having said that Kent County Council has provided further up-to-date evidence in relation to contributions towards infrastructure for which it is responsible.
23. I am satisfied that the provision of affordable housing is necessary to meet the terms of the development plan. As the provision of affordable housing is a public benefit, I give this moderate weight.
24. The Council has explained that the contribution towards facilities at the Monkton Recreation Ground would be utilised towards a Multi Use Games Area in line with Policy G104 of the Local Plan. In light of the evidence in front of me I am satisfied that, with the exception of the contribution towards mitigation of the effects on the Thanet Coast and Sandwich Bay Special Protection Area (the SPA) and Ramsar site which I will discuss below, each and all of the matters

- secured in the Planning Obligation meet all three tests set out in Regulation 122 of the CIL Regulations) and will therefore be taken into account in the final balance.
25. The proposed development would result in an increase in population living in the vicinity which would increase the demands for infrastructure. The obligations are thus to meet the needs of the development and any contributions would be neutral in the final balance.
26. The site lies within the Zone of Influence of the SPA and Ramsar site. I am the competent authority for this proposal under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). This means that I would be unable to grant planning permission unless I can be certain the proposal, either on its own or in combination with other plans and projects, will not adversely affect the integrity of the SPA and Ramsar site.
27. The proposal would result in additional recreational pressure on the SPA from those living on the appeal site. The Planning Obligation makes provision for a contribution towards mitigation measures within the Strategic Access Management and Monitoring Strategy (SAMMS). I have consulted Natural England as the relevant nature conservation body of this proposal and taken its views into account.
28. In light of the provision within the Planning Obligation, I am satisfied to the relevant level of scientific certainty as an Appropriate Assessment that, with this mitigation secured, the proposed development, in combination with other plans or projects, will not adversely affect the integrity of the SPA and Ramsar site. With this contribution secured the proposal would comply with Policy SP29 of the Local Plan which deals with this matter. This contribution would comply with Regulation 122 of the CIL Regulations. This is a neutral matter in the final planning balance as the contribution is needed to mitigate the effects of the proposed development.

Other considerations relating to housing land supply and housing delivery

29. National planning policy is set out in the Framework. This is a material consideration in determining planning applications although it does not have the statutory status of the development plan.
30. Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. This explains that for decision-taking developments that accord with an up-to-date development plan should be approved, but where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies in the Framework to protect areas or assets of particular importance provides a clear reason for refusing the proposal, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
31. Footnote 7 of the Framework sets out those areas or assets which are of particular importance. Of the assets listed only habitats sites is affected. However, as set out above the mitigation necessary has been secured and thus this matter does not represent a clear reason for refusing permission.

32. Footnote 8 of the Framework indicates two situations for applications involving the provision of housing where the most important policies should be considered out-of-date. These are, either that the Council cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer), or the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement for the previous three years.
33. Pursuant to the Housing Delivery Test for 2021, which was published in January 2022, the Council has shown that it has met the 75% delivery requirement. However, it concedes that it is unable to demonstrate a five year supply of housing land, and can only demonstrate a 4.34 years supply, when utilising the appropriate buffer. This figure has not been challenged. In my view this is a significant shortfall.
34. The most important policies for the determination of this appeal are Policies SP01, SP24 and SP26 of the Local Plan. Policies SP01 and SP24 set out the overall development strategy and indicate whether development is acceptable in principle in the countryside. In light of the lack of a five year housing land supply these policies should be considered out-of-date.
35. Policy SP26 is more nuanced dealing with how development should take place rather than the principle of development. In my view were permission to be granted the parameters plans show that the landscape impacts would be minimised. While contrary to the overall aim, the proposal would meet the detailed requirements. However, for the same reasons as why Policies SP01 and SP24 are out-of-date, the principal aim of this policy should be considered to be out-of-date.
36. The most important policies being out-of-date, the Framework makes clear that 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. While I am not obligated to follow the policies in the Framework relating to the so called 'tilted balance' set out here, and the Parish Council urges me not to do so, no evidence as opposed to assertion has been given why I should not follow national policy. I will consider the implications of following national policy below.

Other Matters

37. Local residents have expressed their concerns about the effect of the proposal on highway safety. I noted at the site visit the narrowing of the highway between two buildings a short distance to the west side of the appeal access and can thus well understand these concerns. I also note that the proposal would allow for a footway between the site and the primary school and for bus stops to west of the appeal site, white lines and 'Give way' markers to be installed. This would result in the loss of some casual highway parking.
38. I note that the highway authority has not raised any objection, subject to conditions, based on this proposed alteration, and given the amount of traffic which would be generated by the proposal it has not been demonstrated to me that the proposal would result in an unacceptable impact on highway safety or a severe residual cumulative impact on the road network, which are the tests set out in paragraph 111 of the Framework if development is to be refused on highway grounds.

39. In order to ensure that any informal parking on the highway which would be lost is replaced, a condition making provision for 10 spaces is necessary. However, I disagree with the appellant that this is a benefit as it is required to make the development function properly and therefore this should be considered a neutral matter in the final balance.
40. Concerns have also been expressed about flooding from the proposed development. I note that Kent County Council as Local Lead Flood Authority, the Environment Agency, the River Stour (Kent) Internal Drainage Board and Southern Water have all raised no objections subject to conditions. In the absence of evidence to the contrary I am satisfied that appropriate arrangements can be made in this regard.

Planning Balance

41. The appeal proposal would be contrary to the development plan taken as a whole in that it would represent development outside the terms of the overall spatial strategy and in the countryside. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that the determination should follow the development plan unless other material considerations indicate otherwise.
42. The three most important policies for determining the application in the Local Plan, Policies SP01, SP24 and SP26 are out-of-date. Therefore, in line with paragraph 11 d) of the Framework permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits.
43. The proposal would deliver some 49 dwellings which are a significant benefit in social and economic terms particularly in light of the significant shortfall in housing land supply. In addition, the proposal would deliver affordable housing which I have identified as a moderate benefit. The contributions secured are needed to meet the needs of the development and are therefore neutral in the balance.
44. Set against this is the harm from the proposal in relation to the loss of countryside and BMV land. While the Framework in paragraph 174 does indicate decisions should recognise the intrinsic character and beauty of the countryside, the appeal site is, in effect, isolated by development on all sides and, as set out above, the harm would be very limited. While I appreciate the need for this country to ensure food security this also has to be balanced with other factors including the need for housing. I therefore conclude that neither individually or cumulative do these harms significantly and demonstrably outweigh the benefits of the proposal.
45. Consequently, while the proposal would be contrary to the development plan taken as a whole, there are material considerations that indicate a decision should be taken contrary to those provisions. Therefore, the appeal should be allowed and planning permission granted.

Conditions

46. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance (the PPG) and the Framework. The numbers given in brackets (X) refer to the condition being

imposed, with the order being prescribed by the time when the condition needs to be complied with.

47. In addition to the standard timescale conditions (1, 2, 3), I have imposed a condition specifying the relevant drawings as this provides certainty and to ensure that the effects of the development on the landscape are no greater than considered, this condition also requires the development to take place in accordance with the parameters plans submitted (4).
48. In order to ensure that the development meets the housing needs of the area a condition is necessary to ensure that at least 70% of the dwellings are of two or more bedrooms (5). Similarly, to meet development plan policies 10% of the development shall be constructed as accessible and adaptable dwellings (6).
49. In the interests of highway safety, the proposed off-site highway works need to be completed as a first operation (7). As set out above, it is necessary to provide for 10 replacement parking spaces within the site to replace the informal spaces which would be lost by the highway proposals (8).
50. As the site is in an area where there are water supply issues it is necessary to implement those parts of the Building Regulations that deal with the amount of water used (9). To ensure proper drainage of the site, details of foul and surface water disposal need to be submitted and approved prior to works commencing on site and then implemented (10, 11, 19).
51. To ensure that archaeology is properly considered I have imposed a condition requiring a written scheme of investigation with reporting as appropriate (12). To protect and enhance ecology and thus biodiversity in line with the provisions of the Framework I have imposed a condition ensuring the recommendations of the Preliminary Ecological Appraisal and the Ecological Appraisal Report and Reptile Survey are implemented (13).
52. In the interests of highway safety and to ensure the living conditions of the occupiers of neighbouring properties are protected during construction I have imposed a condition requiring a Construction Method Statement and Environment Management Plan to be imposed (14).
53. The proposal will result in air quality effects, principally from traffic associated with the construction and operation of the development. The Council has adopted a Thanet Air Quality Technical Planning Guidance document to mitigate with this meaning a scheme needs to be submitted, approved and implemented. I have re-drafted this condition to meet the tests for conditions (15).
54. Landscaping is a reserved matter. However, due to the need to ensure that any structural landscaping is properly maintained I have imposed a condition requiring the submission, approval and implementation of a Landscape Management Plan (16).
55. While it is not anticipated that the land is contaminated should contamination be found, appropriate measures need to be in place to ensure that any such land is remediated so as to be appropriate for its future use (17).
56. Because of the potential effect on bats and to avoid any adverse effects on these protected species, details of any external lighting needs to be submitted to and approved (18).

57. I have imposed a condition to ensure that any dwelling has a suitable connection to the public highway before it is first occupied to ensure the living conditions of those occupiers are protected (20).
58. Due to recent changes in the Building Regulations, it is not necessary to impose a condition relating to electric vehicle charging as this would now duplicate other legislation.
59. The Council recommended a number of conditions relating to the reserved matters. I therefore have not imposed them at this outline stage. Examples include Secured by Design and on-site highway and parking provision for individual dwellings.
60. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

61. For the reasons given above I conclude that the appeal should be allowed.

RJ Jackson

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: RL001 Rev E (21/10/2020); IT1860/TS/02 Rev K and the following Parameter Plans: PP001 Rev D - Land Use; PP02 Rev D - Movement and Access; and PP03 Rev D - Building heights
- 5) No less than 70% of the total number of dwellings constructed pursuant to this planning permission shall be dwellings of two or more bedrooms.
- 6) No development shall commence on site until a scheme to show that a minimum of 10% of the housing to be built would comply with Part M4(2) of the Building Regulations has been submitted to and approved in writing by the local planning authority. The approved details shall thereafter be fully implemented.
- 7) No development shall take place until completion of the highway alterations shown on drawing number IT1860/TS/02 Rev K has been carried out and are fully operational. Thereafter the visibility splays shown on the submitted plan shall be provided with no obstructions over 1m above carriageway level within the splays, which shall thereafter be maintained.
- 8) No development shall commence on site until details of the provision of 10 car parking spaces for public use within the site have been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to the occupation of any dwelling and shall thereafter be permanently kept available for public parking without restriction.
- 9) No development shall commence on site until a scheme to show that the development hereby permitted shall meet the required technical standard for water efficiency of 110 litres/ person/ day has been submitted and approved in writing by the local planning authority. The approved scheme shall be fully implemented before each dwelling to which the scheme applies is first occupied.
- 10) No development shall take place until details of the means of foul water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with such details as are agreed before any dwelling is occupied and thereafter maintained.
- 11) No development shall commence until a detailed sustainable water drainage scheme (SuDS) for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment by Intermodal Transportation (March 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and

intensities up to and including the climate changed adjusted critical 100 year storm) can be accommodated and disposed without increase to flood risk on or off site.

The drainage scheme shall also demonstrate:

- (i) that silt and pollutants resulting from the site can be adequately managed to ensure there is no pollution risk to receiving waters; and
- (ii) operational, maintenance and access requirements for each drainage feature or SuDS component are considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

Where infiltration is to be used to manage the surface water from the development hereby permitted, it shall only take place within those parts of the site where information has been submitted to and agreed in writing by the local planning authority to demonstrate that there would be no resultant unacceptable risk to controlled waters and/ or ground stability.

The drainage scheme shall be implemented in accordance with the approved details.

- 12) No development shall take place on the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details.

Following approval of the written scheme of investigation the results of any subsequent field work and assessment report required shall be submitted to and approved in writing by the local planning authority.

- 13) No development shall take place until details of a scheme to enhance biodiversity has been submitted to and approved in writing by the local planning authority. This shall include the measures within Section 5.2 of the Preliminary Ecological Appraisal as submitted, including the installation of bat and bird nesting boxes, and as set out in the Ecological Appraisal Report and Reptile Survey (Skilled Ecology July 2019) in respect of all other ecological mitigation measures and/ or works. The approved details shall be provided prior to the first occupation of each dwelling hereby permitted and thereafter permanently retained.
- 14) No development shall take place until a Construction Method Statement and Environment Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall provide details of:
- (i) the parking of vehicles for site operatives and visitors;
 - (ii) construction vehicle loading/ unloading and turning;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) wheel washing facilities and their use;
 - (v) measures to control the emission of dust and dirt during construction including a scheme for recycling/ disposing of waste resulting from construction works; and
 - (vi) details of operation, construction times, enclosures for noise emitting equipment, a dust and waste management policy and construction site noise management plan including siting of stationary noisy or vibrating plant equipment.

- 15) No development shall take place on site until a scheme, including timetable, to ensure that the proposed development does not adversely affect air quality in the vicinity has been submitted and approved in writing by the local planning authority. The approved scheme shall thereafter be fully implemented and retained so as to allow its purposes to be achieved.
- 16) Prior to the occupation of any part of the development hereby approved a Landscape Management Plan shall be submitted to and approved in writing by the local planning authority for all landscaped areas which shall include long term design objectives, details of who would have ongoing management responsibilities for the area and how those arrangements would be secured in perpetuity and annual maintenance schedules for all landscaped areas. The approved Landscape Management Plan shall be implemented and adhered to as approved. The public open spaces shall be permanently retained and maintained thereafter in accordance with the approved Landscape Management Plan and used for and made available for public amenity purposes only.
- 17) If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed in writing with the local planning authority. The approved works shall be implemented within a timetable agreed by the local planning authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation of any dwelling affected by said contamination and following completion of approved measures, a verification report shall be submitted to the local planning authority for approval.
- 18) Prior to the first installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the type of lights, the orientation/ angle of the luminaires, the spacing and height of the lighting columns, the extent/ levels of illumination over the site and on adjacent land and the measures to contain light within the site and demonstrating the areas to be lit would not disturb bat activity. The development shall be implemented in accordance with the approved scheme and thereafter maintained as agreed.
- 19) No building within the development hereby permitted shall be occupied until a verification report pertaining to the surface water drainage system has been submitted to and approved by the local planning authority which demonstrates the operation of the drainage system such that flood risk is appropriately managed. The verification report shall contain information and evidence, including photographs, of:
 - (i) earthworks;
 - (ii) details and locations of inlets, outlets and control structures;
 - (iii) extent of planting;
 - (iv) details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners;
 - (v) full 'as built' drawings; and
 - (vi) topographical survey of 'as constructed' features.
- 20) Prior to the first occupation of any of the units hereby approved the following works between a dwelling and the adopted highway shall be completed in

accordance with details submitted to and approved in writing by the local planning authority:

- (i) footways and/ or footpaths, with the exception of the wearing course;
- (ii) carriageway, with the exception of the wearing course but including a turning facility;
- (iii) highway drainage;
- (iv) visibility splays;
- (v) street lighting;
- (vi) street nameplates; and
- (vii) highway structures.

END OF SCHEDULE