
Appeal Decision

Inquiry held on 17 - 20 October 2023

Site visit made on 24 October 2023

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2023

Appeal Ref: APP/E2205/W/23/3320146

Land at Pound Lane, Magpie Hall Road, Bond Lane and Ashford Road, Kingsnorth, Ashford

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Pentland Homes Ltd and Malcolm Jarvis Homes Ltd against Ashford Borough Council.
 - The application Ref. 15/00856/AS, is dated 26 August 2015.
 - The development proposed is up to 550 dwellings in a mix of size, type and tenure. Provision of local recycling facilities. Provision of areas of formal and informal open space. Installation of utilities, infrastructure to serve the development including flood attenuation, surface water attenuation, water supply, waste water facilities, gas supply, electricity supply (including sub-station, telecommunications infrastructure and renewable energy). Transport infrastructure including highway improvements in the vicinity of Ashford Road/Magpie Hall Road/Steeds Lane, Pound Lane and Bond Lane, plus an internal network of roads and junctions, footpaths and cycle routes. New planting and landscaping both within the proposed development and on its boundaries as well as ecological enhancement works. Associated groundworks.
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Decision

1. The appeal is allowed and planning permission is granted for up to 550 dwellings and associated works at Land at Pound Lane, Magpie Hall Road, Bond Lane and Ashford Road, Kingsnorth, Ashford in accordance with the terms of the application, Ref. 15/00856/AS, dated 26 August 2015, subject to the conditions contained in the attached Schedule.

Preliminary Matters

2. The application was submitted in outline with all matters (access, appearance, landscaping, layout and scale) reserved for subsequent consideration. This is the basis on which I have considered the appeal.
3. The application is accompanied by an Environmental Statement (ES) prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011¹ (EIA Regulations), including technical appendices and a non-technical summary. This was updated and supplemented during the course of the planning application and during the appeal. I am satisfied that the totality of the information provided is sufficient

¹ Applicable to the scheme under transitional arrangements

to meet the requirements of Schedule 4 of the EIA Regulations and this information has been taken into account in reaching a decision.

4. An executed unilateral undertaking securing planning obligations pursuant to S106 of the Town and Country Planning Act 1990 was received after the inquiry in accordance with an agreed timetable and has been taken into account.
5. Kingsnorth Parish Council (KPC) was granted Rule 6 status and took part as a main party to the appeal.
6. Kent County Council submitted evidence on the need for a primary education contribution and/or land after the appellant disputed the need. It subsequently appointed an advocate and attended the beginning of the inquiry to make its case. However, the parties subsequently reached agreement regarding the appropriate planning obligations, and it was not necessary to call witnesses on this topic.
7. The Council and appellants agree that the Council cannot currently demonstrate a deliverable five-year housing land supply and that the supply currently falls somewhere within the range of 3.5 – 4.45 years. It was further agreed that this range is sufficiently precise for the purposes of this appeal.
8. During the appeal, the Council confirmed that it would have granted planning permission had it been empowered to do so. It was also confirmed, having regard to the evidence available by the time of the inquiry, that the Council was satisfied that the development would achieve nutrient neutrality and would not, therefore, harm the integrity of the Stodmarsh Special Area of Conservation (SAC).
9. Natural England was consulted by the Council at application stage and again during the appeal. It raised no objection, noting that the decision maker, as competent authority, must be satisfied of no harm to the integrity of European protected sites before granting any planning permission.

Main Issues

10. In light of the above, the main issues are:

- a) The effect on local highways;
- b) The effect on ecology;
- c) Whether the development can achieve nutrient neutrality and avoid adverse effects on European protected sites;
- d) Whether the scheme can deliver CIL compliant planning obligations having regard to financial viability.

Reasons

Highways

11. The appeal proposal has been subject to a detailed Transport Assessment which was updated with recent traffic survey data during the course of the appeal and shown to be robust. Both National Highways and the Local Highway Authority have considered the information and neither raise any objection, nor does the Council as Local Planning Authority.

12. Although concerns were initially raised by KPC, these were overcome through discussions with the appellants during the course of the appeal and in light of the updated evidence. KPC expressed a preference that Bond Lane should remain open to through traffic and that the number of vehicular access points to the various sites should be reduced. However, no compelling technical or planning reasons were put forward to support this preference and I see no reason why the scheme is not acceptable in the form proposed by the appellant and agreed by the Local Highway Authority. The submitted vehicle tracking analysis demonstrates that properties on Bond Lane would remain accessible, even to large vehicles.
13. In light of the information available, it is clear that the development would be acceptable in highway terms. Having regard to the National Planning Policy Framework (the Framework), the development would not result in any unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe.

Ecology

14. The application is accompanied by a suite of ecological surveys and assessments, which were updated for the purposes of the appeal, noting the significant passage of time since the application was submitted and to ensure survey work was robust. Some protected species or suitable habitat were identified and the need for mitigation and/or a license from Natural England was recognised. A precautionary approach was taken where appropriate, including in respect of Dormice, to assume their presence for the purposes of detailed design, mitigation, and enhancement proposals. Subject to suitable mitigation being secured by condition, the development would not result in unacceptable adverse impacts. Overall, the scheme would achieve a biodiversity net gain.

European Protected Sites

15. The appeal site is located within the Stour River Catchment which feeds into Stodmarsh Lakes to the east of Canterbury. Stodmarsh Lakes are designated as a Special Protection Area (SPA), Ramsar site, Special Area of Conservation (SAC), and a Site of Special Scientific Interest (SSSI). Parts are also designated a National Nature Reserve (NNR).
16. Natural England has advised that there are excessive nitrogen and phosphorus levels in the Stodmarsh Lakes, and so the water within the Lakes is in an unfavourable condition. There is potential for further deterioration as a result of development in the locality, particularly that proposing overnight accommodation (including housing) within the Stour River catchment, and/or which would discharge to particular Wastewater Treatment Works (WwTW) within the catchment. That potential exists for the current appeal and so it is necessary to undertake an Appropriate Assessment under the Habitat Regulations and to ensure that the scheme can achieve nutrient neutrality before granting any planning permission.

Appropriate Assessment

17. The applicants submitted a preliminary nutrient impact assessment and mitigation technical note in February 2021. This was followed by a nutrient neutrality assessment and mitigation strategy in August 2022. This was

updated in October 2022. A further update was submitted in April 2023, alongside a nutrient neutrality technical note. Further information was provided in evidence to the appeal. The Council undertook its own Appropriate Assessment, which was updated during the appeal, to inform my considerations as competent authority for the purposes of the appeal. I have had regard to all of the available information, including the guidance published by Natural England and the Planning Advisory Service, which was brought to my attention.

18. The applicants' nutrient neutrality assessment and mitigation strategy (NNAMS) calculates the development's 'nutrient budget' based on the Natural England Generic Methodology (March 2022) using the Natural England Nutrient Neutral Calculator – a catchment specific calculator for the River Stour (v2). To mitigate the potential increase in nitrogen and phosphorus generated by the development, it is proposed to construct a Wastewater Treatment Works (WwTW) on the appeal site to treat wastewater prior to discharge to a tributary of the Whitewater Dyke. Sustainable drainage systems (SuDS) are also proposed across the four areas of the site to reduce surface water run-off and reduce the nutrient loading in surface water from the development. The proposed 'bio-retention' SuDS would include swales, open basins and ponds, with constructed reed beds. It is expected that the combination of these measures would ensure that the proposed development would be nutrient neutral. It was further clarified during the inquiry, that the detailed design of the scheme could theoretically go beyond what is required to achieve nutrient neutrality.
19. The WwTW would be designed, operated and maintained by Severn Trent Connect, an Ofwat-licensed water company. A licence would also be required from the Environment Agency in order to discharge to the Whitewater Dyke, allowing for the suitable regulation of such discharges.
20. KPC and local residents raised concern about the methodology used by the appellant in calculating the nutrient budget, specifically that the land use of the site during the past 10 years had been incorrectly defined, meaning that the leach rates used could not be relied upon. In response, the appellants provided additional historic aerial photography of the sites and the areas in dispute were narrow by the time of the inquiry.
21. Further reassurance was provided by statutory declarations signed by the farmers responsible for the land, confirming the agricultural land uses over the past 10 years. I attach this evidence significant weight despite the fact that the land uses specified did not tally entirely with those used by the appellant in calculating the nutrient budget for the site. It was explained in evidence that a more precautionary approach had been taken for the purposes of the assessment, meaning that land was classified as that resulting in the lowest potential nutrient budget where any uncertainty exists - for example, where 'cereals' or 'mixed' could have been appropriate, 'cereals' was used as this results in an overall lower nutrient budget. This is notwithstanding the recent and clear evidence given by statutory declaration.
22. There have been changes in agricultural practices and land uses over the past 10 years, but the classifications used appear to be the predominant long-term land use type and most appropriate in assessing the scheme. In the absence of development, I see no reason why similar agricultural practices would not continue.

23. Having regard to the available evidence, I am satisfied beyond reasonable scientific doubt that the development would not have a significant adverse effect on protected sites, subject to the proposed mitigation measures being secured. This view aligns with that of the Council, and it is notable that no objection has been raised by either Natural England or the Environment Agency. Adverse effects from the development on the integrity of the Stodmarsh Lakes designated sites would not occur either alone or in combination with other plans or projects.

Financial viability

24. Policy IMP1 of the of the Ashford Local Plan 2030 (Adopted 2019) (LP) requires that development is supported by relevant infrastructure, to be secured by planning obligations. However, it is clear that the Council will take a flexible approach where it is justified to do so for reasons of development viability. Policy IMP2 sets out the flexible approach to be adopted. Where there would be a departure from policy or deficit in infrastructure contribution, this will need to be justified by extensive viability evidence. Such evidence has been provided in this case and has been verified by the Council's qualified and independent advisors. There is agreement between the Council and the appellant that the scheme is unviable by some significant margin, the viability deficit having been estimated at around £20.3m if all obligations sought by the Council were required.
25. Despite this, the appellant proposes to deliver 10% affordable housing and a range of other financial contributions sought by the Council and agreed to be necessary to make the development acceptable. The 10% affordable housing contribution is below the 30% requirement contained in Policy HOU1 but would still make a contribution towards the acute need in the area.
26. Applying the flexible approach required by the development plan, the obligations offered by the appellant are clearly in excess of that justified by the agreed viability position and can be considered policy compliant. The development would remain, technically unviable by millions of pounds.
27. However, an important component of the flexible policy approach contained in Policy IMP2 is the potential for the Council to 'claw back' as much of any deficit as possible should market conditions improve significantly. For larger schemes that are likely to be phased over time, as is the case here, a method of re-evaluating the viability of the scheme should be secured, where the opportunity exists to do so.
28. Whilst I acknowledge that viability review mechanisms can have implications for future land trading by developers and can lead to some uncertainty or delay during construction, I am not persuaded that these issues are insurmountable in this case or that they would jeopardise efficient delivery of the scheme. The appellants' viability witness accepted that small changes to the assumptions input to a viability assessment can have big consequences for the outcome. Many of the inputs can change over time and the appellants clearly expect that this development will be phased over a long period, having sought an unusually long eight-year period for the submission of the last reserved matters scheme (albeit that the review would be required before this time on the parties' approach).

29. It seems to me that the Council has taken a helpful and pragmatic approach to agreeing a viability review mechanism in this case, that seeks to minimise the difficulties identified by the appellant, such as agreeing specified inputs to future assessment and incorporating a clear timetable for the review and any subsequent affordable housing delivery. The appellants' viability witness confirmed that he would accept the negotiated viability review mechanism, albeit that it was undesirable in his view. In my view, the review mechanism is necessary having regard to Policy IMP2 of the LP and the prospect of significant changes in circumstances over the life of the planning permission.
30. Notwithstanding the agreed position between the Council and the appellant in terms of viability, KPC raised concern that the methodology adopted was not compliant with Planning Practice Guidance, specifically the adopted Benchmark Land Value. The reason for the concern was not fully explained during the course of the inquiry, nor was it shown that other appeal decisions cited were comparable to the circumstances in this appeal. In this case, the value agreed between the Council and appellants was below that used for assessing viability at the plan making stage, an important consideration highlighted in the PPG, and again demonstrates a robust approach. The amount of development proposed reflects the LP allocation and significant costs, such as the required WwTW, could not have been anticipated at the time the application was made some years ago.

Other Matters

Heritage

31. As the development affects the setting of listed buildings, I have had special regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I have also had particular regard for the nearby Kingsnorth Conservation Area and identified non-designated heritage assets.
32. There are no designated heritage assets within the site, but the Environmental Statement (ES) identifies numerous heritage assets within 1.5km. The ES concludes that the designated assets of Kingsnorth Conservation Area, Houghton House, Mumford House, Bond Farmhouse, Pound Farmhouse, Pound Green and Taylor Farmhouse would experience harmful changes. However, all identified impacts would cause less than substantial harm to the asset.
33. I agree that the development would affect the setting of these assets and that it would be harmful, particularly to those assets that derive much of their special interest or significance from a rural countryside setting, such as the various farmhouses. Nevertheless, consistent with the Council's position, I accept that the harm in all cases would be less than substantial in the terms of the Framework. The substantial public benefits arising from the development, the delivery of housing in particular, would be sufficient to outweigh the identified harm in this case. As such, heritage impacts do not provide a clear reason for refusing permission.

Other issues

34. Concerns were raised by interested parties on a range of topics, including the relationship of the development with their property; the effect on living conditions; the design and appearance of the proposed buildings; links to other development; public rights of way; loss of trees; water resources; drainage and

flooding; impact of the WwTW, noise and light pollution; air quality and dust management; archaeology; sustainability; and service and infrastructure capacity. Many of these matters have been subject to detailed consideration in reports submitted as part of the planning application, which demonstrate that the scheme would not be unacceptable. In other cases, the matters raised will require consideration at the detailed design stage of the proposal as part of reserved matters submissions. The Council has not identified any fundamental issues in any of these regards that could not be dealt with satisfactorily at the detailed design stage or by conditions. Subject to the imposition of suitable conditions or planning obligations, I satisfied that a suitable scheme can be achieved and that no unacceptable harm would result.

Planning Obligations

35. The appellant submitted a Unilateral Undertaking (UU) pursuant to S106 of the Town and Country Planning Act 1990, securing planning obligations in the event that planning permission is granted.
36. Both the Council and the County Council provided CIL Compliance Statements setting out the justification for each obligation having regard to Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations).
37. A wide range of obligations are included, the majority of which were agreed between the parties by the end of the inquiry. However, dispute remained as to whether a viability review mechanism was justified and whether the full policy compliant level of self/custom build housing was necessary.
38. I have already determined above that the viability review is justified and necessary in this case, to ensure that any unexpected improvements in viability are identified and suitable contributions can be made towards increased affordable housing provision if possible. As such, this obligation is CIL compliant, and I have taken it into account in reaching my decision.
39. With regards to the self/custom build housing obligation at Schedule 3 of the UU, I consider that 5 serviced plots can be justified in this case and am striking out 'Option B' in accordance with the 'Strike Out Clause' contained in the UU. Whilst a greater number of plots is required by policy, the evidence before the inquiry, namely the Council's self/custom build register, only indicates a need for 5 plots at this time. In addition, another scheme in the area has been granted planning permission with a requirement to deliver plots that may add to the supply. Whilst future demand may change, the 28 plots sought by the Council are not strictly necessary at this time and should not be secured in favour of market housing (the number of which would be reduced as a consequence), for which there is a known and significant need.
40. Additionally, the Council had sought a quality monitoring fee and this is included within the UU in the event that it was found to be necessary. However, the Council accepted during the inquiry that this could not be justified as being necessary to make the development acceptable. As such, it is not CIL compliant, and I have not taken it into account.
41. The Council seeks a 'voluntary sector contribution' of £87/dwelling. Although agreed between the parties, the Council was unable to identify any specific policy requirement for this contribution, details of how it had been calculated or exactly what it would be spent on. As such, this obligation is not necessary or

reasonable. It does not accord with the requirements of the CIL Regulations, and I have not taken it into account.

42. Having regard to the information available, I am otherwise satisfied that the remaining obligations are necessary and meet the requirements of the CIL Regulations. I have taken them into account in reaching my decision.

Planning Balance

43. The appeal site encompasses two allocations in the LP and is expected to deliver housing in accordance with Policies S4 and S5. They are an important component of the LP strategy for housing delivery in the Borough, forming part of the South Ashford Garden Community. The appeal proposal is in accordance with these policies and the Council also accepts that the development is in accordance with the development plan, taken as a whole.
44. Whilst some harm would inevitably arise as a result of the scheme, including heritage harms, landscape and visual impacts, these are readily outweighed by the significant benefits that would arise. In particular, the development would deliver much needed market and affordable housing in an area where the need is great and where there are currently significant constraints on delivery.
45. Overall, the proposal is in accordance with the development plan, read as a whole, and planning permission should be granted. There are no material considerations in this case that indicate otherwise.

Conditions

46. The Council and the appellants agreed a range of conditions considered appropriate in the event that planning permission is granted. These were discussed during the inquiry and amended as necessary. I have attached the conditions largely as agreed between the parties but have altered them where necessary to improve their precision or otherwise ensure compliance with the relevant tests. The conditions imposed, along with the reasons for them, are contained in the attached Schedule.
47. At the end of the inquiry, dispute remained between the parties as to the appropriate time limit for submitting the last reserved matters application. Whilst I note that other schemes in the area have taken a long time to progress, the period of eight years sought by the appellant is excessive having regard to the current need for housing in the area, which should be addressed as soon as possible. The five-year period suggested by the Council would allow some flexibility, whilst minimising delays to delivery.
48. The Council accepted during the inquiry that the Building Regulations would require delivery of electric vehicle charging points and no specific policy requirement or justification was put forward for making delivery a requirement of any planning permission. As such, I have not imposed such a condition.

Conclusion

49. In light of the above, the appeal is allowed.

Michael Boniface

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mark Westmoreland Smith,
Counsel

He called:

Faye Tomlinson MRTPI	Team Leader (Strategic Applications)
Andrew Leahy BSc MloD FRICS	Director, Bespoke Property Consultants

FOR THE APPELLANT:

Zack Simons & Isabella Buono,
Counsel

They called:

Michael Parkinson BSc (Hons) CEng MICE MIHT MIRSO	Regional Director, Stantec UK Ltd
Guy Laister MSc Eng BSc Eng (Civil) CEng CEnv C.Wem MCIWEM	Director, Water Environment Ltd
Tim Bradford MSc BSc (Hons) MCIEEM CEnv	Technical Director, Wardell Armstrong LLP
Thomas Hegan BSc (Hons) MRICS	Partner, Turner Morum
John Collins MBA BA (Hons) MRTPI	Planning Director, DHA

FOR KINGSNORTH PARISH COUNCIL (RULE 6):

James Ransley, Chair of the Parish Council

FOR KENT COUNTY COUNCIL:

David Forsdick KC

INTERESTED PERSONS:

Sue McGeever	Local resident
Michael Ciccone	Local resident
Peter Finnis	Shadoxhurst Utilities and Drainage Team
John Clark	Local resident
Ray McGeever	Local resident
Sue Past	Local resident and footpath officer for the Ramblers

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 KCC developer contribution assessment for primary education dated 14/09/2023
- 2 Appellant's opening statement
- 3 Council's opening statement
- 4 KPC's opening statement
- 5 Opening comments by Kent County Council
- 6 James Ransley – Evidence in Chief
- 7 E-mail from Severn Trent regarding waste water
- 8 E-mail from Natural England dated 17/10/2023
- 9 Draft conditions
- 10 Council's Position Statement on Nutrient Neutrality
- 11 S106 Position Statement between the Council and appellant
- 12 Draft Unilateral Undertaking
- 13 Council's closing submissions
- 14 Final draft conditions
- 15 KPC's closing statement
- 16 Appellant's closing submissions

DOCUMENTS SUBMITTED AFTER THE INQUIRY

- 1 Completed Unilateral Undertaking

SCHEDULE OF CONDITIONS

- 1) Details of the access, 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.

REASON: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The first application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission, and the last application for approval of Reserved Matters must be made not later than the expiration of 5 years from the date of this permission. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval for each Reserved Matter for that approved phase.

REASON: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3) The development shall be carried out in accordance with the following plans and documents:

- Figure 3.2 Proposed Site Access Locations - 30292_5510_005
- Ashford Road Proposed Site Access Location - 30292_5510_021
- Proposed Site Access Arrangement At Magpie Hall Road/ Ashford Road/ Steeds Lane Cross Road - 30292_5510_004 REV F
- Pound Lane Proposed Site Access Location - 30292_5510_007 REV C
- Ashford Road Proposed Site Access Location - 30292_5510_008 REV C
- Ashford Road Proposed Site Access Location - 30292_5510_009 REV C
- Bond Lane Proposed Site Access Location - 30292_5510_010 REV C
- Steeds Lane Proposed Site Access Location - 30292_5510_011 REV B
- Site Location Plan - 19-002-001 A
- Parameter Plan: Building Heights - 14007(P)015_I
- Parameter Plan: Density - 14007(P)014_J
- Parameter Plan: Land Use - 14007(P)012_V
- Parameter Plan: Connectivity - 14007(P)011_O
- Flood Risk Assessment and Drainage Strategy prepared by Wardell Armstrong dated October 2022

- Nutrient Neutrality Assessment and Mitigation Strategy April 2023 (ref: 22072-NUT-RP-01.C04)
- Proof of Evidence by Guy Laister in respect of Nutrient Neutrality (ref: 22072-NUT-RP-02.C01)
- Rebuttal Proof of Evidence by Guy Laister in respect of Nutrient Neutrality (ref: 22072-NUT-RP-03.C01)

REASON: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

- 4) Prior to the submission of any application for approval of Reserved Matters pursuant to condition 1 a phasing plan identifying the phases of development and their sequence of implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan, or in accordance with any subsequent Phasing Plan agreed by the Local Planning Authority, with each phase being severable and separately implementable.

REASON: In the interests of the proper planning of the development and in accordance with policies S4 & S5 of the Ashford Local Plan 2030.

- 5) The plans and particulars pursuant to condition 1 shall include the following (where relevant):
- i) An Arboricultural Impact Assessment and Tree Protection Plan, including a schedule of arboricultural site monitoring for the duration of the development until completion;
 - ii) Details of existing and proposed levels and earth works for the site, including details of grading and mounding of land, showing the relationship with retained vegetation and surrounding landform;
 - iii) A Public Right of Way Management Scheme, to include details of the proposed alignment, enhancement and upgrading of existing and proposed new PROWs within the site, including details of upgrade works to enable access for cyclists and horse riders; details of PROW management before and during construction, if any temporary closures or diversions are required; and a timetable for delivery of the enhancements and improvements agreed;
 - iv) A Play Space Strategy for the site, providing details of the provision of all play space on the site, including details of incidental and doorstep play;
 - v) Layout plans and sections to demonstrate the provision of level thresholds to all principal entrances to all dwellings and/or level thresholds accessed by shallow ramps where level thresholds cannot be provided, linking the principal entrance of the dwelling/building to that which forms the public realm.

The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of preventing damage to trees and their roots; to preserve the visual amenity of the area and the amenity of neighbouring residents; to ensure the existing public right of way

network is not obstructed and to ensure adequate public right of way provision for pedestrians, cyclists and horse riders; to ensure sufficient play provision is provided and to ensure that all dwellings and public buildings are accessible and are able to accommodate varying mobility needs in accordance with policies SP1, SP6, S4, S5, TRA5, TRA6, TRA7, ENV1, ENV5 & COM2 of the Ashford Local Plan 2030.

- 6) The plans and particulars pursuant to condition 1 'layout' relating to Area 1 and Area 2 shall include details of the proposed roads/footpaths provided up to the development site boundary to provide vehicle/pedestrian/cycle connections from Ashford Road to the adjacent Court Lodge development (to be delivered under Local Plan Policy S3) and a timetable for implementation. The development shall thereafter be implemented in accordance with the approved details and timetable for implementation and retained and maintained as such thereafter.

REASON: To ensure the delivery of a sustainable development with appropriate vehicle, pedestrian and cycle links to the adjacent development site and beyond, in accordance with policies S4, S5, TRA5, TRA6 & TRA7 of the Ashford Local Plan 2030.

- 7) No development, including any preparation works prior to building operations, within any phase shall take place until a Construction and Transport Management Plan for that phase has been submitted to, and approved in writing by the Local Planning Authority. The Construction and Transport Management Plan shall include, but not be limited to the following:
- i) A site plan identifying location of site entrance and exit; areas on site for parking and turning for site personnel; areas on site for parking loading and unloading of plant and materials, and provision on-site for turning for delivery and construction vehicles including HGV's;
 - ii) Details of areas for the storage of plant and materials, including stock piles;
 - iii) Details of the form and location of any proposed temporary works compounds/welfare facilities;
 - iv) Details of facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances and details of measures to ensure that the local highway hinterland of the site is regularly monitored and cleared of any mud or similar substances, including location of water supplies;
 - v) A programme of works (including details of the timing of deliveries, measures for traffic management/signage);
 - vi) Details of any temporary fencing/hoardings to be provided;
 - vii) Details of the routing of construction and delivery vehicles to / from site.
 - viii) Details of hours of construction
 - ix) Dust Management Plan and Risk Assessment, including proposals for monitoring dust / particulates and procedures to be put in place for preventing or controlling unacceptable releases, including dust suppression methods to be used; a bonfire policy; confirmation if a mobile crusher will be used on site and if so, a copy of the permit

and intended dates of operation; details of liaison with other construction sites within 200m of the site boundary to ensure plans are co-ordinated and dust and particulate matter emissions are minimised.

The approved Construction and Transport Management Plan shall be adhered to throughout the duration of the construction period.

REASON: To prevent obstruction of the highway, to protect the residential amenity of the occupiers of neighbouring properties, to protect areas of nature conservation interest and prevent adverse impact on air quality in accordance with policies SP1, TRA5, TRA7, ENV1 and ENV12 of the Ashford Local Plan 2030.

- 8) Prior to first occupation of the 50th dwelling, the Pound Lane / Church Hill / Ashford Road signal junction and associated double yellow line parking restrictions as shown in drawing number 30292-5510-006 Revision D shall be implemented and opened to vehicular traffic. The signalisation scheme shall also include the closure of Pound Lane to vehicular traffic (to the west of Riverside Close) and re-routing of vehicular traffic through the Ashford Local Plan Site S5 to Ashford Road as shown in drawing number 30292_5510_007 Revision C.

REASON: In the interests of highway and pedestrian safety in accordance with policies SP1, S5, TRA5 and TRA6 of the Ashford Local Plan 2030.

- 9) Prior to the occupation of the first dwelling in Area 2 or by the commencement of construction of the 151st dwelling (whichever is sooner) the Magpie Hall Road / Ashford Road / Steeds Lane junction realignment and side road access to Area 2 as shown in drawing number 30292_5510_004 Revision F shall be implemented and opened to vehicular traffic.

REASON: In the interests of highway and pedestrian safety in accordance with policies SP1, S4, TRA5 and TRA6 of the Ashford Local Plan 2030.

- 10) Prior to commencement of construction of the Magpie Hall Road/Ashford Road/Steeds Lane junction realignment a landscaping scheme for the existing carriageway to be realigned and adjacent open space to the north (as identified on drawing number 30292_5510_004 Rev F) that incorporates a pedestrian and cycle route shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in the first available planting season following such approval.

REASON: In the interest of the visual amenity of the area and to enable pedestrian and cyclist access, in accordance with policies SP1, S4, TRA5 and TRA6 of the Ashford Local Plan 2030.

- 11) Prior to the commencement of development in Area 2 or by the commencement of construction of the 151st dwelling (whichever is sooner) the following shall be delivered:
- i) a new pair of bus stops, raised kerbs and shelters along Ashford Road between Areas 1 and 2, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

- ii) the existing bus stop and shelter on Ashford Road to the north of the Magpie Hall Road / Steeds Lane junction shall be moved in a northerly direction in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- iii) A new southbound bus stop, raised kerb and shelter shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with policies SP1 and TRA5 of the Ashford Local Plan 2030.

- 12) Prior to the occupation of any dwellings hereby permitted, the Ashford Road Site Area 1 Access Junction and associated visibility splays as shown on drawing number 30292_5510_008C Revision C shall be implemented and opened to vehicular traffic.

REASON: In the interests of highway and pedestrian safety in accordance with policies SP1, S5 and TRA5 of the Ashford Local Plan 2030.

- 13) Prior to the occupation of any dwelling hereby permitted in Area 2 or Area 3 the site access junctions with Ashford Road and associated visibility splays as shown in drawing number 30292_5510_009 Revision C shall be implemented and opened to vehicular traffic.

REASON: In the interests of highway and pedestrian safety in accordance with policies SP1, S4 and TRA5 of the Ashford Local Plan 2030.

- 14) Prior to the occupation of any dwelling hereby permitted in Area 3, served off Bond Lane, or any dwelling in Area 4, the site access junctions with Bond Lane and associated visibility splays as shown in drawing number 30292_5510_010 Revision C shall be implemented and open to vehicular traffic.

REASON: In the interests of highway and pedestrian safety in accordance with policies SP1, S4 and TRA5 of the Ashford Local Plan 2030.

- 15) Prior to the occupation of any dwelling hereby permitted in Area 3, served off Bond Lane, or any dwelling in Area 4, Bond Lane shall be widened in part and closed as a through route to vehicular traffic as shown in drawing number 30292_5510_010 Revision C.

REASON: In the interests of highway and pedestrian safety in accordance with policies SP1, S4 and TRA5 of the Ashford Local Plan 2030.

- 16) Prior to the occupation of any dwelling hereby permitted in Area 4 the site access junction with Steeds Lane and associated visibility splays as shown on drawing number 30292_5510_011 Revision B shall be implemented and opened to vehicular traffic.

REASON: In the interests of highway and pedestrian safety in accordance with policies SP1, S4 and TRA5 of the Ashford Local Plan 2030.

- 17) Prior to the first occupation of any dwelling hereby permitted, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the following:
- i) setting of objectives and targets;
 - ii) measures to promote and facilitate public transport use, walking and cycling;

- iii) measures to reduce car usage;
- iv) measures to reduce air pollution;
- v) promotion of practices/facilities that reduce the need for travel;
- vi) monitoring and review mechanisms;
- vii) Travel Plan co-ordinators and associated support;
- viii) Provision of travel information and marketing together with a timetable for the implementation of each element.

The agreed Travel Plan measures shall subsequently be implemented in accordance with the details approved and within three months of the first use or occupation of the development hereby permitted and thereafter maintained.

REASON: In order to promote sustainable travel and to realise a sustainable pattern of development in accordance with policies SP1 and TRA8 of the Ashford Local Plan 2030.

- 18) Prior to the first occupation of each dwelling hereby permitted, the following works shall be completed between that dwelling and the adoptable highway:
- i) Footways and/or footpaths, with the exception of the wearing course;
 - ii) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

REASON: In the interests of highway and pedestrian safety in accordance with policies SP1 and TRA5 of the Ashford Local Plan 2030.

- 19) The development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other hedges and shrubs to be retained by observing the following:
- i) All trees and hedges to be retained shall be protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction.
 - ii) No trenches for underground services shall be commenced within the Root Protection Areas of trees identified as being retained in the approved plans, or within 5m of hedgerows identified as being retained on the approved plans without prior written consent from the Local Planning Authority.
 - iii) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
 - iv) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - v) No roots over 25mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

- vi) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- vii) If any retained tree is cut down, uprooted or destroyed or dies another tree or trees shall be planted at the same place and the tree or trees shall be of such size and species to reflect the lost canopy cover the size and number of which is to be agreed with the Local Planning Authority and shall be planted at such time as may be specified in writing by the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and documents.

REASON: In the interests of preventing damage to tree roots and preserving the character and visual amenity of the area in accordance with policies SP1 and ENV5 of the Ashford Local Plan 2030.

- 20) Prior to commencement of development in any phase (including site clearance and below ground works) a Side Wide Ecological Mitigation Strategy informed by up-to-date ecological surveys of the site, including a walk over survey, shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include (but not be limited to) the following:
 - i) Habitat Creation Plan - including identification of how all phases will be responsible for habitat creation and the implementation of the Strategy;
 - ii) Habitat Enhancement Plan - for both the built area and open spaces;
 - iii) Habitat Creation Timetable - including details of what areas will be impacted at what stage of the development (including by the installation of utilities) and details of interim management. The timetable shall demonstrate that the mitigation habitat will be created in advance of the implementation of the mitigation;
 - iv) Ecological Management and Monitoring Plan.

The Strategy shall also demonstrate the following:

- a) How ground nesting bird mitigation will be implemented.
Mitigation must not be solely addressed by the specific phases where the birds were recorded;
- b) How the management of SuDS will ensure that the SuDS will remain functional but also maintain suitable habitat for protected species;
- c) How hedgehog highways will be included within all suitable fences to ensure that there is terrestrial connectivity throughout the whole site.

The development shall thereafter be carried out in accordance with the approved Strategy.

REASON: To ensure the protection of wildlife and supporting habitat and enhance the nature conservation value of the site and character of the area and to secure opportunities for the enhancement of the ecological value of the site in accordance with policies SP1, S4, S5 & ENV1 of the Ashford Local Plan 2030.

- 21) Prior to commencement of development in a phase (including site clearance and below ground works) a detailed Ecological Mitigation Strategy for that phase informed by up-to-date ecological surveys of the site, including a walk over survey, shall be submitted to and approved in writing by the Local Planning Authority. The Detailed Ecological Mitigation Strategy shall be in general conformity with the Site Wide Ecological Mitigation Strategy pursuant to Condition 20. The development shall thereafter be carried out in accordance with the approved Detailed Ecological Mitigation Strategy.

REASON: To ensure the protection of wildlife and supporting habitat and enhance the nature conservation value of the site and character of the area and to secure opportunities for the enhancement of the ecological value of the site in accordance with policies SP1, S4, S5 & ENV1 of the Ashford Local Plan 2030.

- 22) Prior to the commencement of above ground works in a phase, an external lighting strategy relating to all external lighting to be installed within that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:
- i) Layout plan with details of lighting fixtures (luminaire type; mounting height; beam orientation and luminaire profiles);
 - ii) Details of compliance with the Institute of Lighting Engineers guidance on preventing light pollution;
 - iii) Details of the sensitive lighting design to mitigate for impacts of light-spill.

The external lighting shall be installed in accordance with the approved details prior to first occupation of the relevant phase of the development and maintained and retained thereafter.

REASON: In order to achieve an appropriately lit and high quality public realm that balances the requirements for safety and security with nature conservation and reducing light pollution in accordance with policies SP1, S4, S5 & ENV1 of the Ashford Local Plan 2030.

- 23) Within six months of the commencement of development in each phase a Landscape and Ecological Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:
- i) Description and evaluation of features to be managed;
 - ii) Ecological trends and constraints on site that might influence management;
 - iii) Aims and objectives of management;
 - iv) Appropriate management options for achieving aims and objectives;
 - v) Prescriptions for management actions, together with a plan of management compartments;
 - vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
 - vii) Details of the body or organisation responsible for implementation of the plan;
 - viii) Ongoing monitoring and remedial measures.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP for each phase shall build on the previous versions for previous phases (rather than each phase having a separate management plan). At the completion of construction there shall only be one management plan for the whole site.

The development shall be managed in accordance with the approved details and maintained thereafter in accordance with the Plan.

REASON: To ensure the protection of wildlife and supporting habitat and enhance the nature conservation value of the site and character of the area and to secure opportunities for the enhancement of the ecological value of the site in accordance with policies SP1, S4, S5 & ENV1 of the Ashford Local Plan 2030.

- 24) Prior to the commencement of development (except archaeology, clearance or demolition works) in each phase a detailed sustainable surface water drainage scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority.

The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy prepared by Wardell Armstrong dated October 2022 and the Nutrient Neutrality Assessment and Mitigation Strategy April 2023 (ref: 22072-NUT-RP-01.C04) and Proof of Evidence by Guy Laister in respect of Nutrient Neutrality (ref: 22072-NUT-RP-02.C01) and Rebuttal Proof of Evidence by Guy Laister in respect of Nutrient Neutrality (ref: 22072-NUT-RP-03.C01) and shall demonstrate that: surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated within the proposed development layout without increase to flood risk on or off-site; and that the utilisation of infiltration is based upon site investigation.

The drainage scheme shall also demonstrate (with reference to published guidance):

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

The development shall be implemented in accordance with the approved details.

REASON: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure the development does not exacerbate the risk of on/off site flooding or

impact on water quality in accordance with policies SP1, S4, S5, ENV6, ENV8 & ENV9 of the Ashford Local Plan 2030.

- 25) Prior to first occupation of any dwelling in each phase an operation and maintenance manual for the sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority. The manual, at a minimum, shall include the following details:
- i) A description of the drainage system and its key components;
 - ii) A general arrangement plan with the location of drainage measures and critical features clearly marked;
 - iii) An approximate timetable for the implementation of the drainage system;
 - iv) Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities;
 - v) Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The system shall be provided in accordance with the agreed timetable and shall thereafter be operated and maintained in accordance with the approved operation and maintenance manual.

REASON: To ensure that all measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction) in accordance with policies SP1, S4, S5, ENV6, ENV8 & ENV9 of the Ashford Local Plan 2030.

- 26) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority.

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with policies SP1, S4, S5, ENV6 & ENV9 of the Ashford Local Plan 2030.

- 27) Prior to the commencement of development in each residential phase a detailed foul water sewerage disposal strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following:
- i) The arrangements and implementation plan for the connection of all dwellings to the on-site Wastewater Treatment Works (WwTW).
 - ii) The arrangements and implementation plan for any temporary tankering of foul water to be treated in a WwTW outside the Stodmarsh catchment area including:
 - a) The detailed design, size and siting of any onsite foul water storage facility to accommodate wastewater prior to the proposed onsite WWTW becoming operational;
 - b) Details of the monitoring, management and maintenance of any onsite foul water storage facility prior to the proposed onsite WWTW becoming operational.

Any temporary nutrient neutrality mitigation measures set out in the approved strategy shall cease with immediate effect once the

proposed onsite WwTW has been constructed and is operational in accordance with Condition 30.

The development shall be implemented in accordance with the approved details.

REASON: To ensure the development is served by satisfactory arrangements for the disposal of foul water and does not impact on the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh Lakes in accordance with policies SP1, S4, S5, ENV1 & ENV8 of the Ashford Local Plan 2030 and the Conservation of Habitats and Species Regulations 2017 (as amended).

- 28) Prior to the commencement of development (other than enabling works) details of the Wastewater Treatment Works (WwTW) together with a programme for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The WwTW shall thereafter be constructed and maintained in accordance with the agreed details and programme. No dwelling shall be occupied until that dwelling has been connected to the on-site sewer network in accordance with the approved foul water sewerage disposal strategy pursuant to condition 27.

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

- 29) Prior to the occupation of the first dwelling, details of a management, maintenance and monitoring plan for the onsite WwTW to treat the foul sewage originating from the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the onsite WwTW shall be managed, maintained and monitored in accordance with the approved plan for the lifetime of the development.

REASON: In the interest of preserving protected and qualifying features of European protected sites from foul water pollution associated with the occupation phase of development in accordance with policies SP1 and ENV1 of the Ashford Local Plan 2030.

- 30) Not to operate the WwTW otherwise than in accordance with the following levels set out in the Nutrient Neutrality Assessment and Mitigation Strategy (or such other levels as are approved in writing from time to time by the Council):

- maximum of 10 mg/l for total nitrogen.
- maximum of 0.25 mg/l for total phosphorous.

REASON: In the interest of preserving protected and qualifying features of European protected sites from foul water pollution associated with the occupation phase of development in accordance with policies SP1 and ENV1 of the Ashford Local Plan 2030.

- 31) Prior to first occupation of any dwelling in each phase (or in accordance with an implementation schedule agreed in writing with the Local Planning Authority) a Verification Report, pertaining to the surface water drainage system and foul water drainage system approved pursuant to conditions 24 & 27, prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority. The

Report shall demonstrate that the drainage systems constructed are consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; and information pertinent to the installation of those items identified on the critical drainage assets drawing.

REASON: To ensure the development, as constructed, is compliant with the details approved under Conditions 24 and 27 in order to ensure the development is served by satisfactory arrangements for the disposal of foul and surface water and does not exacerbate the risk of on/off site flooding or impact on the water quality in accordance with policies SP1, S4, S5, ENV6, ENV8 & ENV9 of the Ashford Local Plan 2030.

- 32) The plans and particulars pursuant to condition 1 for the waste water treatment works (WwTW) shall include the following:
- i) Detailed calculations and an assessment of Green House Gas emissions arising from the WwTW referenced against the baseline assumptions. Any additional measures required to mitigate an increase in emissions above those assessed and stated in the Environmental Statement Addendum 2022 shall be detailed in the report;
 - ii) Detailed hard and soft landscaping scheme for the WwTW site, including an implementation plan, demonstrating how the landscaping of the site will mitigate the visual and odour impacts of the WwTW;
 - iii) An updated odour assessment to assess the impacts of odour from the WwTW on existing and future residents and to identify any mitigation measures that may be required.

The development shall thereafter be carried out in accordance with the approved details. Any mitigation measures identified shall be implemented prior to first operation of the WwTW and retained and maintained thereafter.

REASON: In the interest of the visual amenity of the area and to protect the amenity of existing and future residents in accordance with policies SP1 & ENV12 of the Ashford Local Plan 2030.

- 33) Prior to first operation of the Waste Water Treatment Works (WwTW) a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be installed at the WwTW to protect internal sound levels at nearby residential properties and confirmation of the geographical extent of the measures relative to the distance from the WwTW shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include full details of the design of the noise enclosure required around air blowers on the site.

The approved noise and vibration control measures shall be installed prior to the first operation of the WwTW. The equipment shall thereafter be maintained and operated in compliance with the approved scheme whenever it is operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

REASON: To protect the amenity of occupiers of the dwellings from undue disturbance by noise and vibration in accordance with policy SP1 of the Ashford Local Plan 2030.

- 34) Prior to the installation of any lighting at the Waste Water Treatment Works site, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Scheme shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details.

REASON: To protect the amenity of nearby residents and the environment and wildlife from light pollution in accordance with policies SP1, ENV1 and ENV4 of the Ashford Local Plan 2030.

- 35) The rating level of noise emitted from proposed plant and equipment to be installed on the Waste Water Treatment Works site (determined using the guidance of BS4142: Method for rating industrial and commercial sound) shall not exceed the following:
- i) measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the night time period is 23:00-07:00 hours.
 - ii) measured ambient noise level LA90, T during the day time period. For the purpose of the assessment the day time period is 07:00-23:00 hours.

REASON: To protect the amenity of occupiers of the dwellings from undue disturbance by noise in accordance with policy SP1 of the Ashford Local Plan 2030.

- 36) Prior to the commencement of development within each phase (including site clearance, demolition and below ground works) the applicant, or their agents or successors in title, shall secure and implement a programme of building recording, including the recording of military heritage, on the site, in accordance with a written specification and timetable which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, a copy shall be deposited with Kent County Council Archaeology Unit.

REASON: To ensure that historic building features, such as pillboxes and agricultural structures, are properly examined and recorded and that due regard is had to the preservation in situ of important historic building features in accordance with policy ENV13 and ENV15 of the Ashford Local Plan 2030.

- 37) Prior to the commencement of development in each phase, including site clearance, demolition and below ground works, the applicant, or their agents or successors in title, shall secure the implementation of the following:
- i) archaeological field evaluation works in accordance with a specification and written timetable which shall be submitted to and approved in writing by the Local Planning Authority; and
 - ii) following on from the field evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in

accordance with a specification and timetable which shall be submitted to and approved in writing by the Local Planning Authority.

- iii) A programme of post excavation assessment and publication, details of which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure an appropriate assessment of the archaeological implications of the proposed development is undertaken and the subsequent mitigation of adverse impacts through preservation in situ or by record in accordance with policy ENV13 and ENV15 of the Ashford Local Plan 2030.

- 38) Prior to the commencement of development in each phase (including site clearance, demolition and below ground works) the applicant, or their agents or successors in title, shall secure the implementation of the following:

- i) Archaeological landscape survey and assessment in accordance with a specification and written timetable which shall be submitted to and approved in writing by the Local Planning Authority; and
- ii) following on from the archaeological landscape assessment, any safeguarding measures to ensure preservation in situ of important historic landscape features and/or further historic landscape recording in accordance with a specification and timetable which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure archaeological landscape features are identified and where possible retained within the development scheme in accordance with policy ENV13 and ENV15 of the Ashford Local Plan 2030.

- 39) Prior to commencement of development (including site clearance, demolition and below ground works) details of fencing to be erected around historic building features identified by the historic building recording pursuant to condition 36 and archaeological landscape features identified by the archaeological landscape survey and assessment pursuant to condition 38 shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details prior to commencement of development (including site clearance, demolition and below ground works) and shall remain in situ for the duration of construction of the development. No works shall take place within the area inside the fencing.

REASON: To ensure that important heritage assets are not adversely affected by construction works in accordance with policy ENV13 and ENV15 of the Ashford Local Plan 2030.

- 40) Prior to first occupation of the development the applicant, or their agents or successors in title, shall secure the implementation of a Heritage Conservation Management and Interpretation Strategy in accordance with a written specification and timetable for implementation which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that heritage of this site is suitably conserved and accessible to the residents and public for the future in accordance with policy ENV13 and ENV15 of the Ashford Local Plan 2030.

- 41) Prior to the commencement of development above foundation level, a scheme for protecting the dwellings, hereby approved, from road noise from Ashford Road, Magpie Hall Road and Steeds Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings are occupied, and thereafter shall be retained as effective protection.

REASON: To protect the amenity of occupiers of the dwellings from undue disturbance by noise in accordance with policy SP1 of the Ashford Local Plan 2030.

- 42) If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared. Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SP1, ENV1 and ENV8 of the Ashford Local Plan 2030.

- 43) The plans and particulars pursuant to condition 1 'layout', 'landscaping', 'scale' and 'appearance' shall include details of measures to be incorporated into the development to minimise the risk of crime, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) and Secured by Design (SBD). The measures shall be implemented in accordance with the approved details prior to the first occupation or use of the relevant phase.

REASON: In the interest of security and to promote public safety and reduce crime in accordance with policy SP1 and SP6 of the Ashford Local Plan 2030.

- 44) Prior to the commencement of development within each phase (excluding archaeology and enabling works), a services plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The services plan shall include the provision of underground ducts to enable telephone services, electricity services and communal television services to be connected to any premises within that phase without recourse to the erection of distribution poles and overhead lines. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995 or any other Order or any subsequent Order revoking or re-enacting that Order no distribution pole or overhead line within the application site shall be erected without the express consent of the Local Planning Authority. The development shall be implemented in accordance with the details so approved.

REASON: In the interests of visual amenity in accordance with policies SP1 and SP6 of the Ashford Local Plan 2030.

- 45) Prior to the occupation of each dwelling, that dwelling shall be constructed and fitted out to ensure that the potential consumption of wholesome water by persons occupying the dwelling will generally not exceed 110 litres per person per day.

REASON: To ensure the development is sustainable and in accordance with policies SP1 and ENV7 of the Ashford Local Plan 2030.

- 46) Prior to the occupation of each dwelling, that dwelling shall be provided with a system for rainwater harvesting with a connection to a rainwater downpipe. The rainwater harvesting system shall be maintained and retained thereafter.

REASON: To allow residents to store rainwater on site for re-use thereby reducing the demand for mains water on site in accordance with the Ashford borough Council Climate Change Guidance for Development Management March 2023.

- 47) Prior to the occupation of any dwelling in each phase, details including plans, shall be submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to that phase of the development, or in the case of new technology, details of such new technology demonstrating the comparable broadband speed. Thereafter, the infrastructure shall be laid out in accordance with the approved details and be available for use on the first occupation of each dwelling.

REASON: To ensure the development is provided with high quality broadband services in accordance with Policies SP1 and EMP6 of the Ashford Local Plan 2030.

END OF CONDITIONS