



## Appeal Decision

Inquiry held from 30 April to 3 May and from 8 to 10 May 2024

Site visits made on 29 April and 10 May 2024

**by David Cliff BA Hons MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05/07/2024**

---

### **Appeal Ref: APP/V1260/W/23/3334527**

#### **Land south of Gillett Road, Talbot Village, Poole, Dorset, BH3 7AH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for part outline and part full planning permission.
  - The appeal is made by Talbot Village Trust and Nuffield Health against Bournemouth, Christchurch and Poole Council.
  - The application Ref is APP/22/01455/F.
  - The development proposed is described in the application form as: 'Hybrid application: Full - Construction of a new 11,606 sq metre Nuffield Health Hospital with provision of access, servicing and car parking, cycle and pedestrian provision and landscaping. Outline - Provision of 13,394 sq metre of employment, healthcare and university-related floorspace, including ancillary uses and a Growing Hub. Change of use: Of 12 hectares of grazing land to create a Heathland Support Area for the lifetime of the Innovation Quarter.'
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for the construction of a 11,606 square metre hospital with provision of access, servicing and car parking, cycle and pedestrian provision and landscaping (full permission), provision of 13,394 square metres of employment, healthcare and university related floorspace, including ancillary uses and a growing hub (outline permission), and the change of use of 12 hectares of grazing land to create a Heathland Support Area for the lifetime of the Innovation Quarter at land south of Gillett Road, Talbot Village, Poole, Dorset, BH3 7AH in accordance with the terms of the application Ref APP/22/01455/F and subject to the conditions set out in the attached schedule.

### **Application for costs**

2. An application for costs has been made by the appellants against Bournemouth, Christchurch and Poole Council. This application is the subject of a separate decision.

### **Preliminary Matters**

3. The application is a hybrid application comprising different elements. Full planning permission is sought for the hospital part of the scheme (with associated access) and the change of use of grazing land to create a Heathland Support Area (HSA). Outline planning permission is sought for the additional employment, healthcare and university-related floorspace, ancillary uses and growing hub with matters of access (where not required for the hospital),

appearance, landscaping, layout and scale being reserved matters for future consideration. Where elements of the outline part of the application are shown on the submitted plans (for example the Illustrative Masterplan and Landscape Masterplan) I have treated them as being for illustrative purposes only.

4. The description of development on the planning application form includes reference to '99,606 sq metre' Nuffield Health hospital. It has subsequently been agreed that this should read '11,606 square metres' and this is reflected in the wording used in my decision above. For the avoidance of doubt, the application was publicised and considered by the Council on this basis and it is reflected in the relevant application drawings. I have also removed reference to 'Nuffield Health' in this description given that the permission for the hospital would not be solely for the benefit of Nuffield Health.
5. The appeal was accompanied by an Environmental Statement as required by Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment (EIA)) Regulations 2017. The Planning Inspectorate subsequently wrote to the appellants on 8 January 2024 requesting further information pursuant to Regulation 25 of the Regulation to comply with Schedule 4 of the Regulations. The information requested included a description of and parameters used for the operational phase, assessment of effects resulting from construction and maintenance of the HSA, an intra-project effects assessment and a revised cumulative effects assessment. The appellants subsequently provided the information as requested and consultation upon it was carried out. It has been confirmed that no responses have been received to this consultation. In making my decision, I have taken full account of the submitted EIA (including the further information) and all other environmental information, including all comments and representations made by statutory consultees and members of the public.

### **Main Issues**

6. The appeal is made against the failure of the Council to give notice of its decision within the prescribed period. In its statement of case the Council has set out what its reasons for refusal would have been. These relate to (i) the effects on Talbot Heath and therefore the integrity of the associated protected habitats and green infrastructure, (ii) what the Council considers to be an overprovision of parking for the proposed hospital, (iii) the extent to which the hospital would support the role and function of the universities in the context of Policy PP21(2) of the Poole Local Plan 2018 ('the Local Plan') and (iv) the absence of a completed planning obligation.
7. A final version of a s106 agreement dated 23 May 2024, made under section 106 of the Town and Country Planning Act 1990 and signed by both the appellants and the Council, was submitted following the Inquiry further to discussion of its draft provisions at the Inquiry. Therefore, whilst the absence of a completed s106 agreement needed to secure both the infrastructure and mitigation measures necessary to meet the needs of the development formed one of its previous objections to the application, this does not need to be a main issue. I go on to consider the provisions of the s106 agreement later in the decision.
8. Whilst the effect on the setting and significance of designated heritage assets does not form part of the Council's objections, I have included it as a main

issue given my statutory duties in this regard and as there remains some disagreement between the parties on the extent of such effects.

9. The main issues are therefore:

- a) the effect of the proposed development upon (i) Talbot Heath and consequently the integrity of the Dorset Heathland Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar, Bourne Valley Site of Special Scientific Interest (SSSI) and Talbot Slopes Cutting Site of Nature Conservation Interest (SNCI) and (ii) green infrastructure;
- b) whether the proposed car parking provision for the hospital is satisfactory having particular regard to sustainable transport objectives;
- c) whether the proposed hospital would accord with Policy PP21(2) of the Local Plan, with particular regard to whether it would help support the role and function of the universities; and
- d) the effect on the setting and significance of designated heritage assets comprising (i) the Fern Barrow Scheduled Monument and (ii) the Talbot Village Conservation Area and the listed buildings within it.

## **Reasons**

### *Background*

10. It is common ground between the main parties that Local Plan Policy PP21(2)(b) supports the principle of the introduction of an innovation quarter (TV2) on land at and around Highmoor Farm, comprising up to 25,000 sqm gross floor space to help support the role and function of the universities and comprising a mix of B1 uses, health care facilities and other university-related uses. Part 2(3) of Policy PP21 also supports the delivery of a heathland support area (HSA) of around 12 hectares.
11. The supporting text to the Policy PP21<sup>1</sup> makes clear that the overall vision for the proposed growth of Talbot Village (which also includes other development not part of this application) requires the provision of the heathland support area to deflect recreational pressure from the heath. It goes on to say that even with the delivery of the HSA, individual proposals across the allocation may need further Habitats Regulations Assessment to confirm their acceptability before planning permission can be granted.

### ***Ecology and green infrastructure***

12. The site is located to the north and in proximity of Talbot Heath which forms part of the SPA, SAC, Ramsar, along with SSSI and SNCI.
13. The Dorset Heathlands comprise an extensive complex of heathland sites, centred around the Poole Harbour estuary and in proximity of the conurbation of Bournemouth and Poole. Despite past losses of the heathland (an estimated 75% during the 20th century) which have left the remaining heaths in a highly fragmented state, the heaths show a high degree of ecological cohesion. They contain large areas of dry heath, wet heath and acid valley mire and are amongst the best of their type in the UK. The heathlands area contains

---

<sup>1</sup> Paragraph 7.40

outstanding fauna in a European context and is important for specialist breeding birds of lowland heath, as well as for some wintering raptors.

14. The primary focus of the relevant development plan policies and the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (DHSPD) in seeking to protect the heaths is on the implications of residential development. Policy PP32 of the Local Plan that seeks to protect the integrity of Dorset Heathland (amongst other sites) sets out measures, including a buffer zone, for residential development though does not do so for commercial developments.
15. Nevertheless, that is not to say that other forms of development, including the appeals proposals, cannot have potential to lead to adverse effects. Indeed, the supporting text to Policy PP32 recognises that there may be other land uses, which if in close proximity to the protected heathlands, can lead to increased recreational or access related disturbance. Furthermore, Policy PP21 says that (1) all development at Talbot Village must contribute towards mitigation measures for Talbot Heath and (2)(e) requires the HSA to be provided and open to the public before the delivery of the innovation quarter (TV2). I go on to consider likely significant effects in this case below.
16. Natural England (NE) provided consultation responses during the initial application determination period. After the appeal was made, following the submission of the Proofs of Evidence and the submission of the further information pursuant to the EIA Regulations, I sought a further consultation response (on a without prejudice basis) from NE under Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').
17. NE's response<sup>2</sup> includes its confirmation that the measures proposed, including those in the draft planning obligation, are sufficient to avoid adverse impacts on the protected sites and their qualifying features and that it agrees with the conclusions reached by the appellant in its shadow habitats regulation assessment. NE also states that the HSA would provide an alternative less sensitive location which would, in diverting use of the heathland, result in an overall reduction in disturbance to SPA birds from dogs and people as well as reducing impact overall. I have given great weight to NE's response, but also need to take account of the submissions made by the Council and others with a different view on the impacts of the development.

*Likely significant effects*

18. Regulation 63 of the Habitats Regulations requires the decision maker, as the competent authority, to consider whether the proposed development would have likely significant effects on any European protected sites.
19. The qualifying features of the Dorset Heathlands SPA comprise the Dartford Warbler, European Nightjar, Woodlark, Hen Harrier and Merlin. The conservation objectives for the SPA are to ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining and restoring:
  - The extent and distribution of the habitats of the qualifying features;
  - The structure and function of the habitats of the qualifying features;
  - The supporting processes on which the habitats of the qualifying features

---

<sup>2</sup> Reference 463803, 26 April 2024

- rely;
  - The population of each of the qualifying features; and
  - The distribution of the qualifying features within the site.
20. The Dorset Heathlands SAC primary qualifying features comprise the following habitats: Northern Atlantic wet heaths with *Erica tetralix*, European dry heaths and Depressions on peat substrates of the Rhynchosporion. The Southern damselfly species are also a primary reason for the selection of the site. Other qualifying habitats features of the SAC comprise Molinia meadows on calcareous, peaty or clayey-silt-laden soils, calcareous fens with *Cladium mariscus* and species of *Caricion davallianae*, alkaline fens and old acidophilous oak woods with *Quercus robur* on sandy plains. The great crested newt species is another non-primary qualifying species.
21. The conservation objectives for the SAC are to ensure that the integrity of the site is maintained or restored as appropriate and that the site contributes to achieving the favourable conservation status of its qualifying features by maintaining or restoring:
- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
  - The structure and function (including typical species) of qualifying natural habitats;
  - The structure and function of the habitats of qualifying species;
  - The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
  - The populations of qualifying species; and
  - The distribution of qualifying species within the site.
22. The Dorset Heathlands Ramsar site contains particularly good examples of Northern Atlantic wet heaths with cross-leaved heath and acid mire with Rhynchosporion. It supports one nationally rare and 13 nationally scarce plant species, at least 28 nationally rare wetland invertebrate species. It has a high species richness and high ecological diversity of wetland habitat types and transitions, lying in one of the most biologically rich wetland area of lowland Britain, being continuous with three other Ramsar sites at Poole Harbour, Avon Valley and the New Forest.
23. The Bourne Valley SSSI interest features are listed as breeding Dartford warbler, nightjar and stonechat, sand lizard, smooth snake and many plant and invertebrate features.
24. In terms of likely significant effects, it is possible that construction workers, occupiers of and visitors to the proposed development may use the adjacent protected heathland for recreation. For example, employees of the hospital and innovation quarter floorspace might visit the heath during their lunchbreak or after work. This could potentially impact on breeding nightjar and cause vegetation damage and nutrification from dogs within the protected sites. It is also possible that increased light levels related to the development could alter patterns of nightjar foraging within the SPA, with a reduction in foraging opportunities potentially impacting on the breeding success of this species.
25. Noise and visual disturbance, along with dust, associated with construction activities may also disturb breeding birds including the nightjar. There may also be impacts on the qualifying features within the protected sites from changes in

air quality from vehicles accessing the appeal site during construction and from increases in road traffic on the local road network.

26. Therefore, applying the precautionary principle, there are several potential pathways that could result in likely significant effects on the interest features of the Dorset Heath SPA, SAC and Ramsar. Correspondingly, without considering any mitigation measures, the proposed development is likely to have a significant effect both alone and in combination with other projects on these protected sites. I therefore need to carry out an appropriate assessment under Regulation 63(1) of the Habitats Regulations.
27. The application site is not within the catchment area that could lead to potential effects in relation to nitrates pollution upon the Poole Harbour SPA. Taking account of the separation from the Poole Harbour SPA, there is also no evidence that the proposed development, not involving residential or tourist accommodation, would lead to any increased recreational pressure upon the Poole Harbour SPA. No likely significant effects on its integrity would therefore arise from the proposals.

#### Appropriate assessment

28. The relevant qualifying features for the protected sites are set out above. The potential recreational impacts on protected heathlands include fire, trampling, disturbance of nesting birds and enrichment, the latter three are particularly, though not entirely, linked with dog walking.
29. Research carried out by English Nature (now NE) in 2005<sup>3</sup> noted a strong negative correlation between nightjar density and measures of urban development, with urban development being defined as 'area of housing and numbers of housing' with no reference to other forms of urban development. Further English Nature research in 2006<sup>4</sup>, which identified housing as a key link to impacts, showed that a high proportion of visitors to the heathlands were mainly there to walk dogs. Whilst, applying the precautionary principle, likely significant effects without mitigation may arise, there is no specific evidence before the inquiry to identify any specific link between commercial development and effects on the integrity of protected heathlands.
30. Although both components of the proposed development might potentially lead to some construction workers, employees and visitors deciding to visit the protected heathland for recreation, the likelihood of them bringing a dog is in my view low, unlike new residential development, which would be highly likely to introduce new dog walkers to the area. Any increased fire risk would also be likely to be negligible from employees and visitors, as agreed by Dr Gleed Owen for the Council. The opportunity for employees of the proposed development to visit the heath would also be most likely to be curtailed due to there being limited time available during breaks from work.
31. Appendix B of the DHSPD refers to other forms of development not specifically mentioned in the DHSPD that may cause additional harm, noting that those will be considered on a case-by-case basis. The associated table sets out that mitigation is not required for hospitals provided there is no publicly available parking (as secured in this instance) and does not include other

---

<sup>3</sup> English Nature Research Report Number 623 - A literature review of urban effects on lowland heaths and their wildlife

<sup>4</sup> English Nature Research Report Number 683 - Visitor Access patterns on the Dorset heathlands

- commercial/business development. Whilst this predates the Local Plan, it remains as an adopted SPD of significant relevance to the appeal proposals.
32. I am satisfied that the levels of recreational disturbance arising from the proposed development are most likely to be substantially less than from residential development though, as set out above, such impacts cannot be ruled out altogether leading to a requirement for mitigation if potential significant effects on integrity are to be removed.
  33. With regards to baseline information, the available survey information provides a range of information including bird monitoring and visitor/recreation survey data in relation to the heathland. In my view, it is not essential for the appellant to have carried out its own species and conditions survey of the heathland in addition to its survey of the application site. I give more weight to the appellants position on this matter that it is most important to be able to measure changes in recreational patterns in order to understand the impacts of the development, given that the condition of the habitats could change as a result of other factors (e.g. weather conditions) that are not intended to be offset by the HSA.
  34. Local Plan Policy PP21 requires the HSA to be provided before the delivery of the innovation quarter, ancillary uses and new housing (not forming part of this scheme) proposed as part of the overall Talbot Village development. The supporting text to Policy PP21 explains that to ensure that the proposed growth does not cause harm to Talbot Heath, the vision requires the provision of a heathland support area to deflect recreational pressures from the heath. The Talbot Village SPD 2015 (TVSPD) explains that the heathland support areas are intended to provide a resource for existing visitors and dog walkers as an alternative to the heath.
  35. The Talbot HSA Management Plan (September 2023) accompanying the current proposals states that the main purpose of the HSA is to mitigate potential harm from the proposed innovation quarter by intercepting those in the workforce looking for informal recreation and that it also offers the additional benefit of diverting and diluting existing recreational activity on Talbot Heath by providing a large new area of open access space. The HSA has been designed to be clearly different from a SANG (Suitable Alternative Natural Green Space) as it is not intended to attract new visitors, rather it seeks to provide functional support to the protected site including to absorb and spread public access from the protected heathland and thereby reduce the effects upon it. It does, not for example, including facilities such as cafes or car parking.
  36. There is some ambiguity between these aims set out in the TVSPD and HSA Management Plan. The evidence of Ms Alker for the appellant was also a little puzzling in this respect, where she states that the purpose of the HSA is to encourage existing users of the heathland areas to use the HSA and that access by occupiers of the innovation quarter has been deterred through the design and alignment of the site boundaries and limiting access points. The appellants did, however, go on to confirm at the Inquiry that the role of the HSA is to both dilute existing recreational activities away from the protected heath and to provide alternative recreational space for users of the proposed development.

37. The Council refers to the use of the 'Lush methodology' in the Magna Road appeal<sup>5</sup>. However, such methodology appears to relate to commuting to work patterns, whereas in the current appeal the primary focus is on whether employees of the proposed development would visit the heath for recreation, rather than whether they would transverse it as part of their daily commute.
38. Whilst the baseline information provides details of existing patterns of visitor use of the heath, the appellant has not sought to specifically predict the numbers of users who might be expected to visit the heath, the numbers or existing residents who might visit the HSA for recreation instead of the heath or as the Council points out, the predicted number of persons from existing development such as the University who might use Talbot Way to visit the heath. I share the view of the appellant, that it is unlikely that many users of the innovation quarter will be present on the heath for significant periods of time or with sufficient frequency to add to the cause of degradation.
39. Taking account of the inclusion of new circular paths, dog waste bins and benches, I have no doubt that the HSA would be attractive to existing recreational users, including dog walkers, particularly the considerable number of existing residents who live near to and with convenient access to the HSA. In doing so, I am of the view that the HSA would certainly be well used by dog walkers who would have otherwise used the paths within the protected heathland. This would be particularly so given that the HSA is designed so that people can let their dogs off the lead safely, in contrast to the constraints of the protected heathland.
40. Even were some users of the innovation quarter be drawn to the protected heathland, it is most unlikely that they would be present on the heath for significant periods of time and/or with such frequency to materially outweigh the number of existing users who would be absorbed by the HSA from the protected heathland. This is particularly so as the innovation quarter and hospital users are unlikely to walk dogs, would be likely to have limited break time, and considering that the proposed development would contain its own attractive landscape amenity areas which would provide its own opportunities to sit down and stroll in the fresh air.
41. In terms of potential access to the heath via the Talbot Way, walkers heading south to the end of Talbot Way would firstly have the option of using a stile, and then the gate leading onto footpath 33 and into the HSA fields 4 and 5. For any person who then goes onto the heath, they would be faced with unsurfaced, sometimes muddy footpaths, as opposed to the hoggin paths of the HSA. There is a strong likelihood therefore that any walkers (whether employees/visitors) from the proposed hospital or innovation quarter, would utilise the HSA should they wish to experience a longer walk beyond the development.
42. In relation to users of the universities and residents to the north potentially gaining access to the heath from Talbot Way, those travelling to the town centre via this route would be very unlikely to want to access the heath, particularly as given the distance involve many would be travelling by bicycle and bicycles are not permitted on the heath. There is potential that some users might seek recreational use of the heath, but the numbers doing so are likely

---

<sup>5</sup> APP/Q1255/A/13/2204098

to be limited considering the alternative accessibility to the proposed HSA outlined above.

43. Although the development would result in the loss of habitat that might be used by foraging nightjar outside of the boundaries of the protected area, the secured HSA proposals would improve foraging potential and offset any reduction in foraging habitat on site to prevent any significant effects in this respect. The evidence that nightjar will forage over a wide variety of habitats is relevant in this respect, given the accessibility of other foraging areas within the wider landscape. NE confirms<sup>6</sup> that the HSA would function to provide complementary habitats so that the protected heathland features would be enhanced and made more robust, for example through better and secured food sources.
44. Schedule 1 of the s106 agreement provides for the implementation and management of the HSA. This includes that neither the hospital phase nor the innovation quarter Phases may be occupied until the HSA is substantially completed and open to the public in accordance with the HSA Management Plan. It also provides for the establishment of a management company that would be responsible for the management, monitoring and maintenance of the HSA in accordance with the Management Plan, along with an HSA liaison group to provide local residents and stakeholders with an opportunity to engage with the management company. I consider the time period in the s106 for the operation of the HSA (the earlier of 90 years or the conclusion of the lifetime of the development) is reasonable in the context of the anticipated lifespan of the proposed development.
45. Taking account of the above considerations, I am satisfied that the provision and future management of the HSA, would result in a significant reduction upon the integrity of heathland in pressures from recreational use by existing residents, including in respect of dog walking. I am also satisfied that this reduction would be significantly greater than the limited number of new recreational users of the heath that may arise as a result of the development proposals. The ecological enhancements to the HSA would also be of benefit to the condition of the heathland, leading to an overall favourable improvement to its protected habitats. My findings in respect of the use of the HSA are consistent with those of NE who state that it will act to provide an alternative less sensitive location which would in diverting use of the heathland result in an overall reduction in disturbance to the SPA birds from dogs and people as well as reducing other impacts overall.
46. Construction management measures, including permitted construction hours, would appropriately prevent construction during peak breeding activity for nightjars between dusk and dawn during the summer months. A Construction Environmental Management Plan will be required for approval via a condition including dust suppression measures to be implemented during construction, thereby ensuring there would no significant risk of effects on the interest features of the European protected sites.
47. Although additional lighting associated with the development may potentially impact on foraging nightjar, this is able to be suitably controlled through the approval of the final lighting details, including avoiding light spill and use of appropriately coloured LED lighting.

---

<sup>6</sup> Response dated 26 April 2024

48. With regards to fire, the risk of arson would not significantly increase from users of the proposed development taking account of the evidence that indicates that arson is most commonly caused by young local residents. I also consider the risk from smokers and cigarettes to be very low given the evidence that wildfire ignitions by cigarettes are uncommon and the likely limited use of the protected heathland by innovation quarter users. The risk compared to the current situation would also be lower given the secured measures to reduce fire risk by the new/improved access points for fire services.
49. Regarding any potential effects from water and drainage, the physical separation between the proposed development site and the European protected areas, along with securing the approval of surface water drainage details, would ensure that there is no risk of significant adverse effects in this regard.
50. The proposed monitoring measures are an integral part of the mitigation proposals within the Talbot Heathland Support Area Management Plan (September 2023). It explains that the threshold for intervention would be linked to the mechanism of adverse impact to ensure a robust response to differing routes and magnitudes of impact that would occur and recognises that condition may also be affected by other factors not resulting directly from the proposed development. Whilst specific potential mitigation measures that may need to be triggered following monitoring are not set out, it includes the creation of a Liaison Group which would review findings of annual monitoring and make recommendations for enhanced or amended mitigation, depending on any issue that may arise. The Landscape and Ecology Management Plan elaborates upon this and provides for a defined feedback loop between potential impacts and potential amendments to the mitigation. I consider it reasonable for any further mitigation measures to be decided once there is a clear indication of any issue that may need resolution. This does not alter my view as set out earlier regarding the clear benefits that would arise from the HSA as proposed.
51. For the avoidance of doubt, I have not given any weight to the possibility of the closing or diversion of rights of way to or on the heath given that these would be subject to a separate statutory process and so cannot be relied upon.
52. The main parties agree that there is no in combination effect from traffic that would cause adverse impacts upon the protected sites through deposition of nitrogen dioxide, ammonia and sulphur dioxide as any net impact has been appropriately mitigated for under the Dorset Heathlands Interim Air Quality Management Strategy 2020-2025 (IAQMS). The Council, along with Dorset Council have committed to delivering mitigation by setting aside and committing Community Infrastructure Levy funding and by employing an air quality coordinator to deliver mitigation projects using that funding.
53. The submitted air quality modelling demonstrates reductions in deposition rates or concentration of pollutants from the 2018 baseline at all monitoring points under both the do-minimum and do-something (with the development) scenarios.
54. The IAQMS has assumed that planned growth, including the Innovation Quarter can be mitigated and the Council has assigned £536,000 of CIL contributions for this mitigation. An air quality coordinator was appointed by Dorset Council in 2023, with responsibility for delivering a programme of mitigation measures.

For the purposes of this appeal, the IAQMS, including the implementation plan and monitoring measures within it, provide for an appropriate level of certainty to ensure that the mitigation measures will be implemented. I am satisfied the measures within the IAQMS would ensure that no there is no in combination effect from traffic that would cause adverse impacts upon the protected sites through deposition of nitrogen dioxide, ammonia and sulphur dioxide.

55. From the information provided, I consider that there are no other proposed developments of significance that would lead to the likelihood of any further issues arising from cumulative effects beyond those already considered.

*Habitats Regulations Assessment Conclusion*

56. Applying the precautionary principle, without mitigation the proposed development would result in likely significant effects upon the integrity of the protected heathland.
57. I am satisfied that the relevant mitigation measures, including the HSA, necessary to prevent any significant adverse effects on the protected sites, are appropriately and reasonably secured, including through the conditions and s106 agreement.
58. Taking account of the relevant mitigation measures that would be secured through the grant of planning permission, I am satisfied that as an Appropriate Assessment there would be no adverse effect on the integrity of the protected sites, both along and in-combination with other plans and projects.

*Other biodiversity matters*

59. Biodiversity enhancement measures are proposed to the HSA, the reduction in grazing would contribute to improvements to its ecological condition and there are no works proposed that would be likely to result in significant effects upon its ecological interest including fauna and flora. Whilst the recreational use of the land would increase, primarily through the use of the proposed footpaths, the habitat creation and enhancement measures proposed would increase the biodiversity value of land within the HSA through species enhancement and structural diversity. I consider that this would result in enhanced biodiversity value for the HSA.
60. The HSA proposals indicate a footpath route between Fields 3 and 4 which crosses the existing Bourne Valley SSSI. This is an existing footpath link and no additional adverse effects of significance on the SSSI would be likely to arise from its continued use, even with the expected increase in users that would result from the establishment of the HSA.
61. The proposed mitigation and management measures, to be secured by condition, would reasonably safeguard and mitigate against effects upon existing biodiversity within the application site area, including for reptiles, bats and badgers. Such measures include compliance with good practice during construction, structural planting, restriction of access to ecological priority areas, maintenance and enhancement of bat foraging and commuting habitat, bird nesting habitat and site for reptiles.
62. The s106 agreement includes reasonable measures for the management, monitoring and ongoing maintenance of the SNCI with the initial improvement works needing to be substantially completed prior to occupation of the hospital

or innovation quarter. These measures are necessary to mitigate against any recreational pressure upon the SNCI.

63. I am satisfied that the proposed development is capable of comfortably achieving at least 10% biodiversity net gain, primarily through native tree and hedgerow planting and habitat creation, with the final details being subject to condition. The details provided satisfactorily demonstrate a 16% increase in habitats units and 100% increase in hedgerow units.
64. Taking account of my conclusions that no significant harm would be likely to result upon the integrity of the European protection sites and that biodiversity enhancements would result to the HSA area, I am satisfied that the proposed development would lead to an enhanced ecological network along the Bourne Valley.

#### *Green infrastructure*

65. The Council has confirmed that its objection regarding the effect on green infrastructure is related to its concerns, considered above, regarding the effects on the European protected sites. I am satisfied, taking all matters into consideration, that the proposed development would protect and strengthen the overall green infrastructure network in the vicinity of the site.

#### *Overall conclusion on habitats and related matters*

66. I am satisfied that the proposed development, either alone or in combination with other plans or projects, would not adversely affect the integrity of Talbot Heath and consequently the integrity of the Dorset Heathland Special Protection Area, Special Area of Conservation, Ramsar, Bourne Valley Site of Special Scientific Interest and Site of Nature Conservation Interest. It would also accord with Policy PP21(1)(a), PP24(2)(b), PP32 and PP33 of the Local Plan that seek to protect Poole's nationally, European and internationally important sites as well as protecting and strengthening green infrastructure. In addition, it would accord with paragraph 188 of the National Planning Policy Framework (December 2023) ('the Framework') regarding appropriate assessment and the presumption in favour of sustainable development.

#### ***Hospital car parking provision***

67. Policy PP35 of the Local Plan includes the requirement that proposals for new development maximise the use of sustainable forms of transport and accord with the Parking and Highway Layout in New Development SPD (PHLSPD. Policy PP21 (3) states that development at Talbot Village will help to deliver significant improvement of transport and movement in the area, including by (c) providing a level of car parking designed to encourage access to the campus by walking, cycling and public transport.
68. On plain reading of the PHLSPD (including paragraphs 1.2.3 and 1.2.4), the purpose of the optimum parking standards within it is to encourage smart travel choices and reduce dependency on the private car. The Executive Summary of the PHLSPD also makes clear that availability of car parking can have an impact on how people travel. Paragraph 114 (a) of the NPPF seeks to ensure that appropriate opportunities to promote sustainable transport modes can be – or have been taken up, given the type of development and its location.

69. Having considered its evidence, including Mr Baker's oral submissions, the Council's case is clear as set out in its closing submissions that whilst it does not raise objection in terms of impacts on highways/traffic grounds (i.e. upon highway safety or local highway conditions), it does continue to raise an objection in terms of the implications of what it considers to be an overprovision of hospital parking upon the achievement of sustainable transport objectives.
70. As agreed by the main parties, the site is located in a particularly sustainable location given the current and future availability and reach of public transport along with opportunities for cycling and pedestrian access. The issue between the main parties relates specifically to the parking provision for the proposed hospital.
71. The optimal parking level under the PHLSPD for the proposed hospital is 131 spaces whereas the proposal includes 195 spaces, 97 of which would be for hospital staff and 98 would be for patients/visitors. Whilst the SPD allows for variation from the parking standards, this needs to be fully justified. The appellants primary 'first principle' approach does not in my view adequately align with the need to promote sustainable methods of transport. Whilst I agree that a hospital use requires a level of parking to adequately meet patient accessibility needs, it is reasonable to expect that some patients can realistically travel by public transport and employees more so. Indeed, this is reflected in paragraph 5.2.1 of the Interim Travel Plan which includes reference to a low level of car usage as some patients may not be able to travel via other modes. Even though these Travel Plan targets are indicative at this stage, the appellants car mode share of 93% for patients is notably above these expectations.
72. The comparison with existing private hospitals<sup>7</sup> indicates the proposed car parking ratio to be similar to the average for other sites. However, given the need to encourage sustainable transport as an alternative to the private car, and taking account of the sustainable location of the appeal site, I consider it reasonable to expect that the proposed car parking ratio should be less than the average. Indeed, the Oxford example which is noted as being, in an albeit yet more, sustainable and urban location has a substantially lower parking ratio. Furthermore, the use of now somewhat dated 2011 Method of Travel to Work Census Data appears to undermine the current thrust of policy to promote the use of more sustainable travel choices.
73. I acknowledge that the proposal includes a package of sustainable travel measures along with a Travel Plan which would help to both provide and promote sustainable means of travel. However, taking account of the policy context, it remains necessary to provide a level of parking restraint to provide a suitable incentive for users of the hospital to use the sustainable alternatives to the private car. Both aspects are complementary.
74. The appellants Parking Accumulation Graph indicates where there might be some restraint based on both the First Principles Vehicle Trip Generation and TRICS Vehicle Trip Generation. The Transport Assessment notes<sup>8</sup> that it is envisaged that the parking accumulation would be less than demonstrated by

---

<sup>7</sup> Section 6 of Appendix F (Nuffield Health Hospital Technical Note – Proposed Trip Generation and Car Parking Provision) of the Transport Assessment

<sup>8</sup> Paragraph 5.3.7

the first principles methodology as it is a robust assessment, albeit that the forecast maximum parking occupancy figure of 203 is only marginally above the 195 spaces proposed, not well over as the appellant suggests. It is also based on what appears to be high modal share in the context of seeking some restraint to encourage sustainable transport use. The use of the 85% threshold figure for when parking stress occurs would mean that there would be likely to be a significant number of spaces available even during the busier daytime periods. Taking account of the expected frequent number of vehicle movements, this, in my view, would not be likely to provide such a substantial level restraint to encourage patients or employees to consider other means of travel instead.

75. At night-time, when alternative methods of transport might naturally be less appealing for some users, there would be a sufficient number of spaces available.
76. I acknowledge that it may be possible for an under provision of car parking to lead to highway issues around the site if drivers are unable to park in the car park. However, the s106 agreement makes provision for contributions towards Controlled Parking Zone measures in the surrounding area. Parking management measures are also proposed for parking within the site. Whilst noting the previous comments of the Highway Authority, with such measures in place, and taking account of the sustainable location of the site where parking constraint could lead to an increased use of sustainable means, I do not consider that any significant off site highway issues would arise from a reasonable reduction in onsite parking.
77. I agree that the provision of a parking management plan and travel plan as secured would be beneficial in controlling and influencing on-site parking. However, the number of spaces to be provided within the development would be a key component that influences the take up of sustainable transport measures by both hospital users and employees.
78. I therefore find that the proposed parking provision to be inappropriately high for the proposed hospital and that the provision above the optimum parking standards has not been robustly justified. The overprovision of parking would not provide a suitable level of restraint to encourage users to use alternative means of transport to the private car. It would be contrary to Local Plan Policies PP21(3)(c) and PP35, and the PHLSPD that include the aims of encouraging sustainable means of transport along with paragraph 114(a) of the Framework. I attached moderate weight to the harm arising, acknowledging the proposal does provide for a range of sustainable transport measures, albeit that a more restrained approach to the hospital parking would be likely to encourage greater use of such alternatives to the private car.

### ***Support for role and function of the universities***

79. Local Plan Policy PP21(2) states that growth at Talbot Village will be carefully developed to deliver ... (b) an innovation quarter (TV2) on land at and around Highmoor Farm, comprising up to 25,000 sqm gross floor space to help support the role and function of the universities and comprising a mix of B1 uses, health care facilities and other university-related uses.
80. Paragraph 7.39 of the supporting text to this policy explains that development within the Highmoor Farm area should reflect the specialist courses provided by

the universities, to support innovation and provide employment and research opportunities to retain highly skilled graduates within the local economy. It goes on to outline what the final mix of uses should include, which includes health care facilities (a private hospital or care home for instance).

81. It is therefore clear to me that Policy PP21(2) includes a health care facility as being an appropriate use on the site. There is no further policy hurdle or caveat within the policy, its supporting text or within the Talbot Village SPD 2015 that requires, for example any further evidence to prove a link or for a particular link to be secured through a condition or s106 agreement.
82. Professor Middleton's evidence for the appellants included reference to the potential of partnership with Bournemouth University and that the University aims to become a teacher and trainer for medical robotics in the UK and internally attracting health professionals and students to study in increasing numbers. He also referred to the success of the existing Orthopaedic Research Institute at the University of which he is Head. Whilst there is no guarantee over such future links, the existing relationships and co-location is likely to ensure close working, partnership and liaison between Bournemouth University and the proposed hospital. Even without any guaranteed linkages, the support from the Chief Operating Officer of Bournemouth University includes a persuasive description of the strong partnership with Nuffield Health which, he says, would be enhanced though the expansion and co-location of Nuffield Hospital.
83. There is also no indication in Policy PP21(2) that the development of the innovation quarter itself should physically be part of the 'major growth of the universities', as referred to in the opening line of the policy. Part 2(b) is clear that development should help support the role and function of the universities which the proposed hospital would do. The physical growth of the universities has also been provided for under part 2(a) of the policy.
84. The Council refer to comments in the Local Plan Inspector's Report, and text in the THSPD, indicating that the development in the innovation quarter should be related to the Universities. In this respect, the Inspector noted that the modifications made to the Local Plan at that time 'appropriately' provide for other university-related uses, health care facilities, new housing and ancillary uses. This makes it clear that health care facilities are appropriate. Furthermore, in relation to the Inspector's comment of it not being 'just another' business park, this element seems to me to be related to the other business/employment uses that are part of the TV2 allocation, and to which the Council have not raised objection.
85. I consider there is no need for further information to be provided to satisfactorily demonstrate the support that is required under Policy PP21 (2)(b). The proposal provides appropriate uses as envisaged by the policy allocation and I am satisfied that the co-location of the hospital with the university, bearing in mind the links and relationships that are likely to flow between the two, would ensure that the hospital would support the role and function of the Universities.
86. I also consider that neither of the Council's two additional suggested conditions are necessary in this regard, that seek to require further details for approval of links between the proposed built development and the university. One of these conditions relates to the business floor space which is not referred to in the

Council's reason for refusal or its evidence. The other relating to the hospital is not necessary given my findings set out above. To impose such an additional layer of restrictions and requirements upon the proposed hospital and the innovation quarter would create an unnecessary burden of work that is not required to meet the policy.

87. I therefore find that the proposed hospital would help support the role and function of the universities and therefore would properly accord with Policy PP21(2)(b) of the Local Plan.

***Designated heritage assets***

88. Sections 66(1) and 72(1) respectively of the Planning (Listed Building and Conservation Areas) Act 1990 require that I have special regard to the desirability of preserving the setting of a listed building and that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
89. Paragraph 205 of the Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

Talbot Village group of listed buildings and Talbot Village Conservation Area

90. Talbot Village Conservation Area is located to the north of the site separated by the existing university campus and roads. This conservation area contains 25 Grade II listed buildings which share historic interest as individual elements of the Talbot Village model village built by the Talbot sisters (completed in 1870) and part of a designed architectural aesthetic as well as their spatial and historic relationship with each other which constitutes their immediate setting. The listed buildings comprise: St Mark's Church, two churchyard crosses, Talbot Village School, the Alms-houses, White Farmhouse, storehouse/barn at White Farm and 18 cottages.
91. Whilst the visual relationship between the site and the listed buildings no longer exists, it still forms part of the historic setting of these designated heritage assets given the connections between the open farmland and the village, with Highmoor Farm being one of the six established farms to provide work for the inhabitants of Talbot Village and the land being recently used for agriculture. This makes a limited contribution to the significance of listed buildings in Talbot Village. The principal elements of significance are the architectural and historic interest of the listed buildings themselves and the appreciation of the model village in its immediate setting, that would not be affected by the proposed development.
92. The proposed development of the site and the removal of Highmoor Farm would lead to a change in the historic connection between the site and the listed buildings in Talbot Village. Whilst this is most clearly understood through documentary evidence, the proposal would lead to less than substantial harm to the significance of the listed buildings within it. Taking account of the lack of any remaining visual relationship, I consider that the harm in each case would be less than substantial and at the lowest end of the scale.
93. The historic significance of the Talbot Village Conservation Area derives from its development as a visionary model village as set out above. The architectural

and historic interest of the buildings, set within a green, wooded setting are key contributors to its character and appearance. Its wider setting contributes to its significance. As referred to above, the university campus and adjacent roads have severed visual links to the appeal site. Like the listed buildings, however, the site contributes to its historic setting and significance given the links with Highmoor Farm, albeit to a limited degree. The proposed development would therefore lead to a modest effect upon its setting. This harm to significance from development in its setting would be less than substantial and also at the lowest end of the scale.

94. Whilst the harm to the significance of the conservation area and listed buildings would be less than substantial, it is of considerable importance and weight.

#### Fern Barrow Scheduled Monument

95. The Fern Barrow Scheduled Monument, a type of Bronze Age funerary monument, is thought to have been the largest barrow within the Talbot Heath barrow cemetery, only one of two still to survive. Due to the growth of vegetation in and around the monument, it is not currently visible although this may change through future management if appropriate. The visual setting of the scheduled monument is already affected by the radio mast compound located in proximity to it. Whilst local residents say that this may be removed at some point there is no definitive evidence in this regard.
96. Currently the area of open heathland and adjacent farmland provides an open setting surrounding Fern Barrow and contributes to its significance in terms of how our ancestors may have chosen this prominent location for a burial site. Although the area of the application site has been subject to management it is still substantially open and forms part of Fern Barrow's setting.
97. Whilst the built development of the proposal would be substantially separated from the monument by the HSA, it would to an albeit limited degree, negatively affect the open setting of the monument and harm its significance. I acknowledge that the presence of existing development including housing and the nearby university campus already encroaches on its setting. Taking all these matters into account, I consider the harm to its significance would be less than substantial, and at the lower end of the scale of less than substantial as agreed by both Historic England and the Council.

#### Meyrick Park and Talbot Woods Conservation Area and listed buildings

98. The Meyrick Park and Talbot Woods Conservation Area is located to the east of the application site and is separated by residential development beyond the boundary of the site. Its significance is primarily related to the evidence of the phases of residential development of the area for the prosperous middle classes in the emerging new town of Bournemouth, with properties dating from Victorian, Edwardian, pre-war and post-war periods. Neither of the main parties considers any harm to result upon its significance from the proposed development. Given the physical and spatial separation of the proposed development from the conservation area, and lack of notable historic links, I consider the appeal site does not make any meaningful contribution to its setting or significance. Furthermore, for similar reasons, the appeal site makes no contribution to the visual or historic setting of any of the listed buildings and their significance would be preserved in each case.

### Conclusions regarding designated heritage assets

99. I have therefore found that less than substantial harm would result upon the setting and significance of the Fern Barrow Scheduled Monument, Talbot Village Conservation Area and the listed buildings within it. Where I have found there to be less than substantial harm as outlined above, Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. I go on to consider this in the planning balance, later in this decision.

### **Other Matters**

#### *Development plan and alternatives*

100. The draft Bournemouth, Christchurch and Poole Local Plan has recently been subject to consultation and is yet to be examined. Consequently, I agree with the main parties that it carries only little weight in my consideration of the appeal proposals. Whilst the equivalent allocation in the draft Local Plan proposes a lesser quantum of development, the existing Local Plan remains to be the statutory development plan for the area and there is no evidence before me that leads me to consider that the existing Local Plan, or relevant policies within it, are out of date for the purposes of this appeal.
101. The Environmental Statement includes a consideration of alternative sites and comes to a reasonable conclusion that there are no other sites that would meet the development criteria for the proposals. Whilst Bournemouth Airport has been cited as a potential alternative location for employment floorspace, that site would serve the east of the Council's administrative area and the distance from the university would significantly limit the opportunity for direct employment links. It is also highly relevant that the proposed development would reflect the development allocation in the Local Plan.
102. Taking account of the development plan allocation and considering that land to be lost to the development does not quality as the best and most versatile agricultural land, such matters relating to the loss of the existing farm and associated agricultural land do not weigh against the proposed development.

#### *Neighbouring living conditions*

103. Noise effects upon neighbouring residents during construction would be temporary and would be capable of being satisfactorily minimised through compliance with a Demolition and Construction Environmental Management Plan as secured through the conditions. During operation, potential noise from building services plant is capable of being satisfactorily controlled through detailed design and attenuation measures, the approval of which would also be secured by a condition.
104. The Environmental Statement identified noise effects during operation from an increase in traffic for several properties adjacent to Purchase Road and Fern Barrow which would be used as vehicular access to the innovation quarter (not the hospital) floorspace. The Council has not objected to any noise effects and found no conflict with the development plan in this respect. Although the Council has suggested a condition for a further traffic noise assessment including any relevant mitigation measures to be considered at reserved matters stage, an assessment of noise has already been provided and it is not obvious what further direct mitigation could be practicably and reasonably

implemented. Indeed, this is a matter that in principle can be adequately considered at this stage based on the maximum floorspace proposed for the innovation quarter.

105. Access for service and delivery vehicles would be solely via the separate proposed access via Cutler Close thereby limiting any harm from the use of Purchase Road. Whilst the noise levels experienced for the properties adjacent to Purchase Road and Fern Barrow would increase due to the increased vehicular activity, this would be most likely to occur during typical day time working hours with significantly reduced effects at during evenings, at nighttime and at weekends. Taking account of these considerations, I consider that the noise effects upon residential properties from the use of Purchase Road by employees or visitors would not lead to effects of such significance to weigh unacceptably against the proposed development.

106. The proposed hospital car park would have sufficient landscaped separation from properties in Dulcie Road to prevent any unacceptable noise impacts from vehicle manoeuvring within them. Similarly, the indicative layout for the car parking of the innovation quarter satisfactorily demonstrates that a car park for this area is capable of being separated from neighbouring residential properties to prevent any unacceptable levels of noise and disturbance.

107. Taking account of its height and form, with the setback second floor accommodation, the proposed separation distance of the hospital to the neighbouring properties on Dulsie Road and proposed landscaping adjacent to the boundary, would ensure that it would not appear as being unacceptably overbearing or visually intrusive for the occupiers of these properties. Taking account of the maximum height parameters, I am also satisfied that there is capable of being sufficient separation distance from the proposed innovation quarter buildings to the existing residential properties on Purchase Road to prevent any unacceptable visual impacts on the outlook from these properties.

#### *Character and appearance*

108. The detailed layout, massing and design of the hospital, including the proposed landscaped areas, would ensure that it is appropriate to the overall character and appearance of the surrounding area as envisaged by the Talbot Village SPD. Whilst detailed matters for the innovation quarter part of the proposal are for further approval, I am satisfied that the design parameters along with the illustrative material provided, demonstrate that it would be capable of being satisfactorily accommodated within the overall character and appearance of the surrounding area.

#### *Traffic, transport and accessibility*

109. My attention has been drawn by several parties to issues with traffic congestion, particularly on Wallisdown Road. The Council has recently implemented its own highway measures, including at the Boundary Roundabout along with investment in sustainable transport measures to generally enable modal shift to more sustainable means of travel. Notwithstanding my concerns set out earlier in this decision with regard to the level of parking for the proposed hospital, there is no substantive evidence to suggest that the changes in traffic flows as a result of the proposed development would be of such magnitude to lead to any significant highway/pedestrian safety or capacity issues. The supporting information on traffic flow data, including the paramics

model and model share predictions appear to be suitably robust for the purposes of predicting traffic impacts for this appeal, noting that the Highway Authority raised no objection in this regard.

110. The proposed accessibility measures would generally improve pedestrian and cycle accessibility within the surrounding area. I am satisfied that sufficient space exists for the proposed enhanced accessway onto Alyth Road.

*Archaeology*

111. Taking account the survey information provided, potential direct effects upon archaeology within the site are capable of being appropriately mitigated and managed through a condition providing for the approval of a scheme of archaeological investigation and recording. Any other non-designated archaeological sites outside of the application site boundary would not be at risk of being affected by the proposed development.

*Drainage*

112. The surface water drainage details provided with the application reasonably demonstrate that a drainage system can be designed to prevent any significant risk of off-site run-off or surface water flooding issues, including on footpaths adjacent to the site, taking account of a climate change rainfall allowance. The approval of final surface water drainage design and its management would be secured by condition. Wessex Water, as the relevant statutory consultee, are satisfied that appropriate foul drainage can be provided in association with existing foul drainage infrastructure for the detailed hospital element of the proposals, with any appropriate upgrades capable of being provided as necessary in connection with the final details of the innovation quarter.

*Air quality and climate change*

113. I am satisfied, from the evidence before me, that there is no significant risk of emissions exceeding the current UK Air Quality Strategy objective values, including as a result from an increase in traffic along Wallisdown Road.
114. Other than the hospital parking issue considered above that carries moderate weight against the development, taking account of the relevant proposed sustainability measures, including renewable energy use as secured by condition, I am satisfied that, overall, the proposed development would not lead to any significant climate change effect.

*Planning obligations*

115. A signed and dated s106 agreement has been completed between the applicants and the Council. A Community Infrastructure Compliance Statement has also been provided by the Council. There are no outstanding matters of disagreement on any elements of the s106, notwithstanding the Council's overall position in relation to European protected sites.
116. Schedule 1 of the s106 agreement provides for the implementation and management of the HSA. This includes that neither the Hospital Phase nor the Innovation Quarter phase may be occupied until the HSA is substantially completed and open to the public in accordance with the HSA Management Plan. It also provides for the establishment of a management company that would be responsible for the management, monitoring and maintenance of the

HSA in accordance with the Management Plan, along with an HSA liaison group to provide local residents and stakeholders with an opportunity to engage with the management company. Such measures are necessary to safeguard the integrity of the protected habitats sites, including European protected sites, as considered earlier in my decision. A contribution of £31,333 in the form of a deposit to the Council to be used in the event of default by the management company appears to have been reasonably calculated.

117. Schedule 2 provides measures for the management, monitoring and ongoing maintenance of the Talbot Slopes Cutting Site SNCI with the initial improvement works needing to be substantially completed prior to occupation of the hospital or innovation quarter. These measures are necessary to mitigate against any recreational pressure upon the SNCI.
118. The community growing hub measures in Schedule 3 are necessary to ensure that the proposed Community Growing Hub is properly implemented and managed in the interests of community wellbeing and amenity.
119. The highways and transport measures in Schedule 4, including a car park management plan, pedestrian and cycle routes, bus stops, sustainable travel initiatives, Traffic Regulation Orders and highway works are necessary to promote sustainable means of transport and to safeguard highway safety and local highway conditions. The relevant contributions in Schedule 3 are reasonably related to the development.
120. From the evidence before me, I am satisfied that the obligations within the s106 agreement are necessary to make the development acceptable, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Therefore, they would accord with the three tests set out in paragraph 57 of the NPPF and Regulation 122 of the Community Infrastructure Regulations 2010. I have taken the planning obligations into account in arriving at my decision.

#### *Scheme benefits*

121. The proposed development would provide for the delivery of the largest strategic employment allocation in the Local Plan. The main parties agree that the construction phase of the proposed development would result in over £100 million being invested in the area, with a GVA (gross value added) of £73m. During operation, it would also create an estimated 1370 net jobs within the Dorset Local Enterprise Partnership area, of which 1080 would be provided directly in the innovation quarter, generating an additional £48 million in annual earnings and £97 million in GVA per annum. The jobs created would be likely to include well paid, skilled jobs helping to retain local young people and graduates in the region. The entire scheme would also help support the role and function of the universities. The economic benefits carry very substantial positive weight.
122. The proposed hospital would support an estimated 35,000 patient episodes per year, a considerable increase over the existing Nuffield Hospital. It would also be likely to provide support for the three existing NHS hospitals located in Bournemouth, Christchurch and Poole. The provision of Talbot Way would provide an attractive tree lined route for pedestrians and cyclists linking communities north and south of the site. The Growth Hub would provide a community focus for food production and provide opportunity for research and

innovation in urban growing. Notwithstanding my concerns regarding hospital parking provision, the full package of sustainable infrastructure would improve connections for Talbot Village as a whole with the rest of Bournemouth. These social benefits carry significant positive weight.

123. Environmental benefits would result from the proposed HSA that would help to reduce overall recreational footfall on Talbot Heath as well as provide better access for fire services to reduce the impact of accidental or deliberate fires. The proposals would also deliver ecological benefits including a minimum biodiversity net gain of 10% through native tree and hedgerow planting and habitat creation. Overall, these environmental benefits also carry significant positive weight.

### **Planning Balance**

124. I have found that less than substantial harm would result upon the setting and significance of the Fern Barrow Scheduled Monument, the Talbot Village Conservation Area and the listed buildings within it. Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The economic, social and environmental benefits I have set out above are public benefits that together carry very substantial weight. In this case, in spite of the considerable importance and weight given to the harm to each of the designated heritage assets and the great weight given to their conservation, I consider that the harm to them, when considered both individually and cumulatively, would be outweighed by the public benefits of the proposal. I am satisfied that there would be clear and convincing justification for the harm that would result to the significance of the designated heritage assets. The proposal therefore accords with the heritage provisions of the NPPF. It would be contrary to the heritage protection aims of Local Plan Policy PP30, though this conflict carries reduced weight as the policy does not include the public balancing test including with the NPPF. I turn to consider the wider planning balance below.

125. The implications of the overprovision of parking for the proposed hospital carries moderate negative weight against the development. Less than substantial harm would result upon the significance of designated heritage assets as set out above to which I have given considerable and important weight, notwithstanding that this harm would be outweighed and clearly justified by the public benefits of the scheme.

126. Against the harm, the proposed development would result in the benefits set out above, including the economic benefits carrying very substantial positive weight, the social benefits carrying significant positive weight and the overall environmental benefits also carrying significant positive weight. The proposal would deliver the largest employment allocation within the development plan (TV1) along with heathland support area (TV3). Overall, the adverse effects would be outweighed by these benefits.

### **Conditions**

127. Further to discussions during the round table session at the Inquiry, the Council and appellant provided a largely agreed updated list of suggested conditions following the Inquiry, including agreed pre-commencement conditions. I have considered these bearing in mind the tests in paragraph 56 of the Framework. Other than as described below, I have made amendments to

the wording of several of the suggested conditions for precision and clarity, but without changing the substance of any condition. In certain cases, I have reduced the level of specific detail required, for precision as this can be appropriately resolved by the parties. Several of the conditions are pre-commencement conditions for which there is clear justification, as the early approval of the respective matters and implementation of particular actions are necessary prior to commencement of a respective phase in order to prevent the possibility of adverse environmental, amenity or highway related effects that might otherwise occur.

128. I have generally split the conditions into five sections. Firstly, the general time limit and approved plan conditions, secondly, the conditions that relate to the HSA, thirdly, the conditions that generally related to both the hospital and innovation quarter elements of the permission, fourthly, the conditions that relate only to the hospital and, fifthly, the conditions that relate to the innovation quarter part of the permission. I have amalgamated several conditions which apply to both the hospital and innovation quarter phases of the development, noting that details are able to be submitted and approved separately for each.
129. Condition 1 sets out the components for each phase of the development and provides some relevant definitions. Condition 2 sets out the reserved matters requiring approval for the outline elements (innovation quarter and growing hub) along with the timescales for relevant submissions and the commencement of development. Given the form of the development and the need for the HSA to be provided first (as secured in the s106 agreement), longer than standard outline time limits are appropriate as set out in this condition, though I do not consider there is justification for an extended 12 year period as sought by the appellant for the submission of all elements of the reserved matters given the uncertainty that may arise. Indeed, whilst the applicant seeks a longer period, for certainty (including for the local community) and to ensure the efficient implementation of the scheme to enable the benefits to arise in a timely manner, I have reduced the timescale for all reserved matters to be submitted to six years, with the first application for reserved matters needing to be submitted within three years. This would still provide ample scope for the HSA to be firstly implemented and provide ample time for the preparation of the application for innovation quarter reserved matters.
130. The timescales for the commencement of the detailed elements of the permission are provided in condition 3. Condition 4 is required to provide certainty of what has been approved for the detailed part of the permission. I have restricted this list to the relevant approved plans/drawings and not included other supporting documents in this list, including those that are separately referred to in other conditions.
131. Provision for a monitoring strategy (condition 5), landscape and biodiversity management plan (condition 6), heathland access measures (condition 7), boundary treatments (condition 8) and a fire prevention management plan (condition 9) are necessary in relation to the HSA to safeguard biodiversity interests including the integrity of Talbot Heath and associated habitats, including through the provision of the HSA. Conditions 6 and 8 are also necessary to safeguard the character and appearance of the area. The Council's suggested condition for details to be approved of improvements of public

footpath 33 is not necessary as I consider that such matters, where appropriate and necessary, could be dealt with through the detailed HSA Management Plan required for approval under the s106 agreement.

132. Condition 10 is necessary to safeguard and provide mitigation for archaeological interests. Conditions 11 and 12 are necessary to avoid any risks to human health and the environment from any existing contamination within the site. I have re-worded the requirements in these conditions from those suggestion for precision and clarity. A Construction Environmental Management Plan (condition 13) is necessary to safeguard residential living conditions, the local highway network, biodiversity and habitats during construction. As I have drafted this condition to include demolition and construction working hours and the timings of vegetation clearance there is no need for separate conditions in these respects.
133. Condition 14 makes provision for highway improvements and bus/coach provision in the interest of highway safety and sustainable transport provision. A Travel Plan required by condition 15 is also necessary to promote sustainable travel. Condition 16 is necessary to provide for the use of sustainable and renewable forms of energy. This needs to apply at this stage to both the hospital and innovation quarter parts of the development to ensure enforceability.
134. Moving to the conditions relating to the proposed hospital, condition 17 is exceptionally necessary to ensure an appropriate use is retained for the hospital part of the site in accordance with Local Plan Policy PP21. Condition 18 is needed to promote the sustainable use of energy. Condition 19 is necessary to safeguard residential living conditions and biodiversity from noise and pollution.
135. Conditions 20, 21, and 22 are necessary to ensure the protection of existing trees and provide for new landscaping in the interests of good design, biodiversity and the visual amenities of the area. A separate condition requiring details of proposed services in relation to the proposed landscaping is not required as I have incorporated provision for this within condition 22 (landscaping details). I have also included details of benches, bins and wayfinding signs in condition 22 to again avoid the need for a separate condition. Conditions 23 (external materials) and 24 (bin stores and collection areas) are necessary in the interests of the character and appearance of the area. The further suggested condition for a commercial waste management plan is not necessary given that this would partly duplicate the requirements of section 34 of the Environmental Protection Act 1990 and it is unlikely that the management of refuse collection would lead to adverse local highway or other amenity effects. Condition 25 (external lighting) is necessary to safeguard ecological interests and the visual amenities of the area. Condition 26 is required to safeguard the living conditions of neighbouring residential properties from noise and disturbance.
136. Conditions 27 and 28 are necessary to provide appropriate vehicular manoeuvring and parking within the site (notwithstanding my concerns on parking restraint) and to promote opportunities for cycling to and from the site. Condition 29 is necessary to promote the sustainable use of and accessibility of the site for electric vehicles. Condition 30 is necessary to provide appropriate surface water drainage to safeguard against localised flooding issues. A

separate condition requiring all ground surfaces to be porous or require direct run-off to a permeable area is not necessary as such provision is separately provided for by conditions 22 and 30.

137. Condition 31 is required to provide biodiversity net gain. Condition 32 regarding finished floor levels for the proposed hospital is necessary to provide a satisfactory appearance of the development and safeguard the visual amenities of the area.
138. Turning to the outline part of the scheme, condition 33 is required to provide certainty and ensure that the parameter plans are adhered to through the submission of detailed matters, in the interests of good design and the visual amenity of the area.
139. Condition 34 is exceptionally necessary to ensure that the use of the innovation quarter reflects the policy allocation and to safeguard residential amenity. The lighting details required by condition 35 are necessary to safeguard biodiversity and the visual amenities of the area. Condition 36 is required to provide for appropriate soil quality within the community growing hub. Condition 37 is a simplified condition from that suggested to ensure that relevant details of a project arboriculturist are provided with the landscaping details pursuant to condition 2, in the interests of the visual amenity of the area. The implementation of this would be secured through the reserved matters condition.
140. Condition 38 is required to promote recycling and to appropriately manage refuse collection for the innovation quarter. Condition 39 is necessary to safeguard the living conditions of nearby residential properties, safeguard air quality and to protect biodiversity. Condition 40 is necessary to provide for biodiversity enhancement for the innovation quarter part of the development. Condition 41, setting out particular access details to be submitted as part of the reserved matters will safeguard highway safety and local highway conditions as well as promoting sustainable travel by bicycle. As above, the implementation of such details would be secured by condition 2. Condition 42 is also necessary in the interests of highway safety and to provide for appropriate pedestrian and bicycle access provision. Finally, condition 43 is necessary to secure appropriate surface water drainage provision for the innovation quarter.
141. A separate condition relating to noise from predicted traffic flows for the innovation quarter is not necessary as traffic noise effects have already been considered through the outline details and it is not clear that any direct mitigation could be practically and reasonably implemented in this respect.

## **Conclusion**

142. Despite the conflict, due to the overprovision of parking and the effects on the significance of heritage assets, the proposal would accord with the development plan when considered as a whole. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

*David Cliff*

INSPECTOR

### Schedule of Conditions

1. The development hereby permitted shall consist of phases as shown on the Phasing Plan, reference 22077/02 prepared by Luken Beck dated 22 September 2023, which shows the following components and shall accord with the parameters identified in relation to those phases:
  - a) Phase 1A: Improved access from Gillet Road to the site ("Phase 1A ") (pink);
  - b) Phase 1B: Innovation Quarter highway routes (purple);
  - c) Phase 2A: Not less than 12ha of Heathland Support Area on land within the TV3 land allocation ("Phase 2A – Heathland Support Area") (yellow);
  - d) Phase 2B: Hospital and other uses wholly ancillary to that hospital use within the TV2 land allocation consisting of no more than 11,606m<sup>2</sup> gross floor space, including car parking also wholly ancillary to the hospital use for not more than 195 motor vehicles, together with provision for North - South pedestrian cycle route ("Phase 2B - Hospital") (brown); and
  - e) Phase 3A and Phase 3B: No more than 13,394m<sup>2</sup> gross floor space (providing employment, healthcare and university-related floorspace, including ancillary uses and a Growing Hub) on land within TV2 land allocation together with the proposed access roads shown as Phase 1B (purple) within the innovation quarter area and permanent provision of central part of North-South pedestrian cycle route ("Phase 3A and 3B - IQ") (blue and green).

Any reference to phases elsewhere in any other conditions forming part of this permission shall be construed in the context of this condition.

2.
  - a) No part of the development hereby permitted to which Phases 1B – Innovation Quarter highway routes, 3A and 3B - IQ relates shall be commenced unless details of the access, appearance, layout, landscaping and scale ("the reserved matters") have first been submitted to, and approved in writing by, the local planning authority.
  - b) The first application for approval of the reserved matters shall be made to the local planning authority not later than the expiration of three years beginning with the date of this permission and all elements of the reserved matters shall be submitted within six years of the date of this permission.
  - c) The development to which Phases 1B, 3A and 3B - IQ relates must be begun no later than the expiration of two years from the date of the final approval of the reserved matters.
  - d) The reserved matters shall include full details of the access roads as shown as Phase 1B within the area of Phase 3A and 3B – IQ.
  - e) The development to which Phases 1B, 3A and 3B – IQ relates shall only be carried out in accordance with the approved details.
3. The development to which Phase 1A – Access from Gillet Road, Phase 2A – Heathland Support Area and Phase 2B - Hospital relates shall begin in accordance with the following timescales:
  - a) the development to which Phase 2A – Heathland Support Area relates shall begin no later than the expiration of three years beginning with the date of this permission; and
  - b) the development to which Phases 1A and 2B – Hospital relates shall begin no later than the expiration of six years beginning with the date of this permission.

4. Unless varied by details approved pursuant to any other condition, the development to which Phase 1A – Access from Gillet Road, Phase 2A – Heathland Support Area and Phase 2B – Hospital relate shall be carried out in accordance with the following approved plans, drawings and other documents:
- Phasing Plan, reference 22077/02. Prepared by Luken Beck. Dated 22nd September 2023.
  - Site (Block) Plan – Hospital Plot. Prepared by Kendall Kingscott, 200824-BNH-KKL-04-XX-DR-A-0525, Revision P4.
  - General Arrangement (Layout). Drawing number 60645190-0100-001 Revision 6.
  - Vehicle Tracking Plan. Sheet number 60645190-0101-001 Rev B. Prepared by AECOM.
  - Kerbs, Footways and Paved Areas. Sheet number 60645190-0100-001. Rev B. Prepared by AECOM.
  - Site Clearance. Sheet number 60645190-0100-001, rev B. Prepared by AECOM.
  - Swept Path Analysis Large Car. Drawing number 81106-CUR-00-XX-DR-TP-05002 Revision 03.
  - Swept Path Analysis Refuse Vehicle. Drawing number 81106-CUR-00-XX-DR-TP-05003 Revision 03.
  - Site Sections and Elevations Sheet 1 of 3. Prepared by Kendall Kingscott. Drawing number 200824-BNH-KKL-00-XX-DR-A-0562 Revision P04. Site Sections and Elevations Sheet 2 of 3. Prepared by Kendall Kingscott. Drawing number 200824-BNH-KKL-00-XX-DR-A-0563 Revision P04.
  - Site Sections and Elevations Sheet 3 of 3. Prepared by Kendall Kingscott. Drawing number 200824-BNH-KKL-00-XX-DR-A-0564 Revision P04.
  - Site Sections. Prepared by Kendall Kingscott. Drawing number 200824-BNH-KKL-00-XX-DR-A-0565 Revision P02.
  - Ground Floor Plan. Prepared by Kendall Kingscott. Drawing number 200824-BNH-KKL-00-00-DR-A-0530 Revision P16.
  - First Floor Plan. Prepared by Kendall Kingscott. Drawing number 200824-BNH-KKL-00-01-DR-A-0531 Revision P12.
  - Second Floor Plan. Prepared by Kendall Kingscott. Drawing number 200824-BNH-KKL-00-02-DR-A-0533 Revision P11.
  - Roof Plan. Prepared by Kendall Kingscott. Drawing number 200824-BNH-KKL-00-02-DR-A-0535 Revision P03.
  - Hospital out building elevations. Prepared by Kendall Kingscott. Drawing number 200824-BNH-KKL-02-01-DR-A-0570 Revision P02.
  - Building Elevations Sheet 1 of 2. Prepared by Kendall Kingscott. Drawing number 200824-BNH-KKL-01-XX-DR-A-0560, Revision P07.
  - Building Elevations Sheets 2 of 2. Prepared by Kendall Kingscott. Drawing number 200824-BNH-KKL-01-XX-DR-A-0561, Revision P07.
  - Landscape Masterplan. Prepared by Townshend Landscape Architects. Drawing number TOWN745.01(02)5000 Revision 04.
  - Planting Strategy. Prepared by Townshend Landscape Architects. TOWN745.04(03)2002 R02.
  - Planting Plan 1 of 3. Prepared by Townshend Landscape Architects. Drawing number TOWN745.04(02)3000 Revision 07.

- Planting Plan 2 of 3. Prepared by Townshend Landscape Architects. Drawing number TOWN745.04(02)3001 Revision 07.
- Planting Plan 3 of 3. Prepared by Townshend Landscape Architects. Drawing number TOWN745.04(02)3002 Revision 07.
- Surface Finishes Plans 1 of 3. Prepared by Townshend Landscape Architects. Drawing number TOWN745.04(02)5000 Revision 07.
- Surface Finishes Plans 2 of 3. Prepared by Townshend Landscape Architects. Drawing number TOWN745.04(02)5001 Revision 07.
- Surface Finishes Plans 3 of 3. Prepared by Townshend Landscape Architects. Drawing number TOWN745.04(02)5002 Revision 07.

*Conditions relating to the Heathland Support Area (Phase 2A)*

5. No part of any phase of the development hereby permitted shall be occupied or otherwise brought into use unless there has first been submitted to and approved in writing by the local planning authority a monitoring strategy that includes:
- a) measures to obtain baseline data in line with the 'Talbot Heathlands Support Area Management Plan' dated September 2023 to identify volume of visits to the Phase 2A – Heathland Support Area; and
  - b) measures to identify the extent to which the Heathland Support Area is visited by employees or visitors to any part of the development and the adjacent four nature designation areas: Bourne Valley Site of Special Scientific Interest, Dorset Heathlands Special Protection Area, Dorset Heathlands Special Area of Conservation and Dorset Heathlands Ramsar site; and
  - c) a timeline for the implementation of all measures identified in the monitoring strategy.

The monitoring strategy as approved by the local planning authority shall thereafter be accorded with at all times.

6. No part of any phase of the development hereby permitted shall be commenced or brought into use, including any site clearance, unless a landscape and biodiversity management plan ('Landscape and Biodiversity Management Plan') in respect of the Heathland Support Area to which Phase 2A – Heathland Support Area relates has first been submitted to and approved in writing by the local planning authority. The Landscape and Biodiversity Management Plan shall include:
- a) measures outlined in Section 5 (Enhancement Measures) of the Talbot Heathlands Support Area Management Plan (amended) dated September 2023
  - b) the ecological enhancements as outlined in paragraphs 6.24 to 6.32 (inclusive) of the 'Ecological Impact Assessment Heathland Support Area Highmoor Farm Talbot Village Poole Dorset BH3 7HE', dated December 2021, prepared by LC Ecological Services Limited; and
  - c) details for the provision of all biodiversity mitigation measures including net gain on the Heathland Support Area to which Phase 2A – Heathland Support Area relates, taking account of the information contained in the documents Section 7 of the Ecological Impact Assessment Heathland Support Area Highmoor Farm Talbot Village Poole Dorset BH3 7HE,

December 2021 by LC Ecological Services Limited, 'Biodiversity Net Gain Report Heathland Support Area Highmoor Farm Talbot Village Poole Dorset BH3 7HE January 2022 updated February 2022' along with the accompanying biodiversity metric spreadsheet, prepared by LC Ecological Services Limited and received on 11 February 2022; and  
d) a timescale for the delivery and schedules for all proposed works, measures and associated future inspections, management and maintenance.

The approved Landscape and Biodiversity Management Plan shall thereafter be fully carried out as approved and thereafter the measures, enhancements and gains shall at all times be retained and the approved Landscape and Biodiversity Management Plan at all times accorded with.

7. No part of any phase of the development hereby permitted shall be commenced or brought into use, including any site clearance, unless details (to include size, design, materials, position, and method of attachment to the ground) to facilitate the accessibility and use of the Heathland Support Area to which Phase 2A – Heathland Support Area relates (“Heathland Access Measures”) have first been submitted to and approved in writing by the local planning authority. The details shall include:
- (a) way marker and public order signs;
  - (b) interpretation boards and displays which shall include the identification of the key sensitive features of the adjacent Talbot Heath;
  - (c) benches;
  - (d) bins;
  - (e) footpaths
  - (f) details of proposed public art and fitness trail;
  - (g) contact information on public noticeboards of a person who will be responsible for the management and maintenance of the Heathland Support Area for the purposes of the reporting on any issue, together with a mechanism that ensures any such issue is effectively dealt with in a timely manner including reporting back the steps taken to the local planning authority when required;
  - (h) biodiversity mitigation measures as outlined in Section 7 of the Ecological Impact Assessment Heathland Support Area Highmoor Farm Talbot Village Poole Dorset BGH3 7HE, December 2021 by LC Ecological Services Limited and Appendix II: Ecological enhancement features plan of the HSA Landscape and Ecological Management Plan (September 2023), including the identification of those measures to be in place before and during the carrying out of any of the other approved Heathland Access Measures;
  - (i) details of all proposed future management and maintenance associated with those measures (including, in the case of bins, schedules for their emptying); and
  - (j) a timetable for the carrying out of the various measures.

The development shall be carried out in accordance with the approved Heathland Access Measures. Once provided, the measures and details shall thereafter be retained, managed and maintained in accordance with the approved Heathland Access Measures and the approved Heathland Accesses Measures shall at all times be accorded with.

8. a) No part of the development hereby permitted (whether forming part of Phase 2A Heathland Support Area, Phase 2B - Hospital or Phase 3A or 3B - IQ) shall be commenced unless details of all boundary treatments including fences, gates and other means of enclosure to be provided in connection with the development to which Phase 2A – Heathland Support Area relates have first been submitted to and approved in writing by the local planning authority. Such details shall include positions, heights, designs and materials to be used together a timetable for their delivery and details for their future maintenance.
- b) No part of the Heathland Support Area to which Phase 2A – Heathland Support Area relates shall be brought into use unless the approved boundary treatments have first been fully provided and thereafter the approved boundary treatments shall be permanently retained and maintained in accordance with the approved details.
9. No part of the area to which Phase 2A – Heathland Support Area relates shall be brought into first use unless a fire prevention management plan for the long-term prevention of fire to the Heathland Support Area (“Fire Prevention Management Plan”) has first been submitted to and approved in writing by the local planning authority. The Fire Prevention Management Plan should include in detail the measures outlined in Section 6 (Enhancement Measures) of the Talbot Heathlands Support Area Management Plan (September 2023), improvements of fire access points and details of gorse clearance, timescales and schedules for proposed works, inspections and future maintenance. The approved Fire Prevention Management Plan shall thereafter be carried out, as approved, and at all times accorded with.

*Conditions generally applicable to Phases 2B, 3A and/or 3B*

10. No part of the development hereby permitted in relation to Phases 2B – Hospital, 3A and 3B - IQ shall commence, including any site clearance and excavations, until a scheme of archaeological investigation and recording for the relevant phase has first been submitted to and approved in writing by the local planning authority. The scheme shall include:
- (a) a programme and methodology of proposed site investigation and recording;
  - (b) a programme for post investigation assessment;
  - (c) the provision to be made for analysis of the site investigation and recording;
  - (d) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - (e) the provision to be made for archive deposit of the analysis and records of the site investigation;
  - (f) a timetable that secures the delivery of all elements of the scheme prior to the first use or occupation of any part of that development;
  - (g) details as to how all the measures in the scheme will be delivered to ensure that they will not be adversely impacted by the carrying out of the development; and
  - (h) the person(s) / body proposed to undertake the measures set out in the approved scheme.

The relevant phase of development shall be carried out in accordance with the approved scheme.

11. a) No part of the development hereby permitted in relation to Phases 2B – Hospital, 3A and 3B - IQ shall commence until an assessment of the risks posed by any contamination (including gases and water quality) for the relevant phase has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessments shall include:
  - i) a survey of the extent, scale and nature of contamination; and
  - ii) the potential risks to include human health, property, adjoining land, ground/surface waters and ecological systems.

b) No development shall take place in the relevant phase where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the relevant phase of development is occupied.

12. Any contamination that is found during the course of construction of the development hereby permitted in relation to Phases 2B – Hospital, 3A and 3B - IQ that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the relevant phase of development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
13. No part of the development hereby permitted in relation to Phases 1A, 2B – Hospital, 3A and 3B - IQ, including any works of demolition, until a Demolition and Construction Environmental Management Plan for the relevant phase has been submitted to, and approved in writing by the local planning authority. The Plan shall include:

- a) a construction transport logistics plan including, parking, loading/unloading of plant and materials, measures to minimise the impacts of vehicles entering and leaving the site and delivery hours;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) a dust emissions management plan;
- g) ground and water pollution prevention measures;
- h) noise, vibration, emissions management measures;
- i) a habitat and species protection plan;
- j) measures (including timings and supervision) to ensure that no nesting birds are present during any vegetation clearance;
- k) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- l) demolition and construction working hours (with no work permitted between 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturday and not at all on Sundays or Bank or Public Holidays); and
- m) a complaint/issue management plan, including relevant community and local planning authority liaison details and complaint response details.

The approved Demolition and Construction Environmental Management Plan shall be adhered to throughout the demolition and construction period for the relevant phase of development.

14. No part of the development to which Phases 1A, 2B – Hospital or 3A – Innovation Quarter relates shall be commenced unless details of the following highway improvements, that include details of the method of construction, drainage, road markings, signage, landscaping and lighting details, have first been submitted to and approved in writing by the local planning authority:
- (a) the highway improvement and access works shown on the General Arrangement plan Sheet Number 60645190-0100-001 Rev 6 and the Vehicle Tracking plan Sheet Number 60645190-0101-001 Rev B contained within the Technical Note Version 4 dated 10/7/2023 prepared by AECOM;
  - (b) a scheme to reposition the existing bus/coach parking bay and associated signage and road markings currently located on the north side of Gillett Road to an alternative location including details of the new location and all associated works required in relation to it; and
  - (c) the provision of two new bus stops on Gillett Road with associated signage, road markings and bus shelters with real time information.

No part of the relevant phase of the development shall be occupied or otherwise be brought into use unless the highway improvement works have all been provided in accordance with the approved details.

15. No part of the development hereby permitted to which Phase 2B – Hospital or 3A – Innovation Quarter relates shall be commenced unless a detailed

travel plan ('Travel Plan') that covers a period of a minimum of 5 years from the first use of the relevant phase of the development has first been submitted to and approved in writing by the local planning authority. The detailed travel plan should follow the guidance as set out in national guidance for travel planning as set out in 'Travel Plans, Transport Assessments and Statements, Department of Communities and Local Government Published March 2014' or any such similar document, and the National Planning Policy Framework 2023. The Travel Plan as approved for the relevant phase shall be implemented prior to the first occupation of that phase and thereafter be adhered to in accordance with the approved details for that phase.

16. No part of the development hereby permitted in relation to either Phase 2B – Hospital or 3A – Innovation Quarter relates shall be commenced unless measures for the relevant phase so as to secure that a minimum of 20% of the predicted energy use of that part of the development will be from on-site renewable sources have first been submitted to and approved in writing by the local planning authority. No part of the relevant phase of the development shall be occupied or otherwise brought into use unless the approved measures relating to the development have been fully carried and thereafter such measures shall at all times be retained and maintained in full working order.

#### *Phase 2B - Hospital*

17. The development hereby permitted in relation to Phase 2B – Hospital, shall only be used as a hospital and for no other purpose in Class C2 of the schedules to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than uses wholly ancillary to that hospital use.
18. No part of the development hereby permitted in relation to Phase 2B – Hospital shall be occupied or otherwise brought into first operational use unless a Post-Construction Review Certificate has first been submitted to and approved in writing by the local planning authority certifying that the BREEAM rating 'excellent' rating (or equivalent standard if replaced) has been met in relation to it.
19. a) No generator, including any emergency generator, whether to power life critical systems or otherwise, ("the Noise Source"), shall at any time be used for any purpose associated with the development hereby permitted in relation to Phase 2B - Hospital, unless a noise and air quality attenuation scheme has been submitted to and approved in writing by the local planning authority. This shall include:
  - i) details of an existing background noise survey; and
  - ii) details of measures to enclose and mount the Noise Source such that any noise generated by or emitted from the Noise Source will at all times be at least 5 dB(A) below the pre-existing background levels identified in the background noise survey as measured from any of the identified locations from which background noise level readings were taken ("the Maximum Noise");

iii) technical specifications of the generator (including emission rates, exhaust velocity, stack height etc.) and an air quality assessment including details identifying the maximum acceptable air emission(s) from the generator ("the Maximum Air Emissions"); and  
iv) details of any measures to ensure that the generator will prevent any identified unacceptable air quality emissions, ("Air Quality Scheme").

b) No generator shall be installed, operated or used for any purpose associated with the development hereby permitted in relation to Phase 2B - Hospital unless:

i) all the measures contained in the approved noise attenuation scheme have first been fully provided as approved and thereafter the measures shall at all times be retained and maintained in full working order; and

ii) all the measures contained in the approved Air Quality Scheme have first been fully provided as approved and thereafter the measures shall at all times be retained and maintained in full working order.

At no time shall the Maximum Noise be exceeded.

At no time shall the Maximum Air Emissions be exceeded.

20. No part of the development hereby permitted in relation to Phase 2B – Hospital shall be commenced including any site clearance, the digging of any trenches and the bringing on to site of any equipment, materials or machinery for use in connection with the implementation of the development unless a project arboriculturist has first been appointed ("the Project Arboriculturist"), the qualifications and experience of whom must first have been submitted to and approved in writing by the local planning authority.

21. a) No part of the development hereby permitted in relation to Phase 2B – Hospital shall be commenced including any site clearance, the digging of any trenches and the bringing on to site of any equipment, materials or machinery for use in connection with the implementation of the development (save as is necessary for the purpose of this condition), unless:

i) a site meeting involving a representative of the local planning authority and the Project Arboriculturist has first taken place to identify any supplemental requirements for protecting trees during the carrying out of the development on and adjacent to the application site, to the details identified in the approved Arboricultural Impact Assessment (Project No. 8976, dated 19/10/2022) Tree Protection Plan dated 19/10/2022 and Arboricultural Method Statement dated 19/10/2022 ("the Approved Tree Details"); and

ii) there has been submitted to and agreed in writing by the local planning authority details of any supplemental requirements confirmed at the meeting ('the Supplemental Requirements'); and

iii) all tree protection has been provided in accordance with both the Approved Tree Details and the Supplemental Requirements under the supervision of Project Arboriculturist ("the Approved Tree Protection Measures");

b) once provided, the Approved Tree Protection Measures shall thereafter be retained until that development has been completed and all equipment, machinery and surplus materials relating to the construction of that

development have been removed from the site unless an alternative time is otherwise agreed in writing by the local planning authority; and

c) until such time as the Approved Tree Protection Measures have all been removed, nothing shall be stored or placed in any area secured by any part of the Approved Tree Protection Measures nor shall the ground levels within those areas be altered or any excavation made without the written consent of the local planning authority.

22. No part of the development hereby permitted in relation to Phase 2B – Hospital shall be commenced including any site clearance, the digging of any trenches and the bringing on to site of any equipment, materials or machinery for use in connection with the implementation of the development (save as is necessary for the purpose of this condition), unless details of both the following have first been submitted to and approved in writing by the local planning authority:

a) details for the preliminary investigation of land to which Phase 2B – Hospital relates in accordance with the approved landscape strategy plan (TOWN745.04(03)2002 R02 dated July 2023);

b) details of both hard and soft landscaping works in relation to the land to which Phase 2B - Hospital relates. The details of the landscaping works shall include:

(i) the outcomes of the preliminary investigation carried out in accordance with the details approved under paragraph (a) above;

(ii) proposed finished levels and contours;

(iii) hard surfacing materials;

(iv) means of enclosure including boundary treatments and any other landscape associated structures and features (including benches, bins and wayfinding signs);

(v) lighting;

(vi) written specifications (including cultivation and other operations) associated with plant and grass establishment;

(vii) schedules of plants (including trees) noting species, plant sizes and proposed locations numbers/densities;

(viii) a planting plan and planting method statement that includes a comprehensive drought strategy to ensure all planting are watered and monitored regularly through low rainfall patterns and summer months. The method statement shall be in accordance with the approved landscape strategy plan (TOWN745.04(03)2002 R02 dated July 2023), and BS8545:2014 (Trees: from nursery to independence in the landscape – Recommendations);

(ix) a plan showing all existing and proposed underground services and other infrastructure within the influence zone of any tree or other planting;

(x) vehicle parking layouts;

(xi) access and circulation areas;

(xii) the detailed location, layout, width, lighting and construction materials of the North-South pedestrian cycle route forming part of the Phase 2B-Hospital development as shown on the Phasing Plan, reference 22077/02. Prepared by Luken Beck. Dated 22nd September 2023;

(xiii) a programme of implementation incorporating a timetable for all planting including trees; and

(xiv) a maintenance plan for a minimum period of 5 years from the date of planting including details of the supervisory role of the Project Arboriculturist and details securing the replacement of any planting which dies, is removed, uprooted, destroyed or becomes seriously damaged or defective during the plan period ("Approved Landscaping Details").

The development and the landscaping of the land to which Phase 2B - Hospital relates shall thereafter be carried out, retained and maintained in accordance with the approved landscape strategy plan (TOWN745.04(03)2002 R02 dated July 2023) and the Approved Landscaping Details.

23. No development above ground level in relation to Phase 2B – Hospital shall take place until a materials schedule and, where requested by the local planning authority, samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
24. Prior to the first operational use of any part of the development to which Phase 2B – Hospital relates, the bin collection area and store shall be constructed in accordance with the details shown on Site (Block) Plan – Hospital Plot, Revision P4 dated 19 April 2023 and Hospital outbuilding elevations, Revision P02 dated 20 October 2022 and made available for use. The store together with the bin collection area shall at all times thereafter be retained, kept free from obstruction and available for use for their respective purposes and maintained in fully useable condition.
25. No part of the development to which Phase 2B – Hospital relates shall be constructed above ground level unless details of all external lighting for this phase have been first submitted to and approved in writing by the local planning authority ("the Approved Lighting"). The required details shall include details of installation that all accord with the recommendations of 'Bats and artificial lighting in the UK' by the Bat Conservation Trust (BCT) and the Institute of Lighting Professionals (ILP/BCT) 2018' (or any similar document if replaced). No external lighting shall be installed on any part of the application site to which Phase 2B – Hospital relates unless:
  - a) it is installed in accordance with the Approved Lighting; and
  - b) all luminaires have a colour temperature that is equal to or less than 2700 Kelvin and no peak wavelength is greater than 550 nanometres.

Once installed in accordance with the Approved Lighting, such lighting shall at all times be retained and be maintained in full working order.

26. During operation, no delivery by any heavy goods vehicle shall take place to any development hereby permitted to which Phase 2B - Hospital relates on Sundays or Bank or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday or 08:00 to 13:00 on Saturdays unless:
  - (a) the delivery is required for the purposes of an emergency; and
  - (b) the delivery can only realistically be made by way of a heavy goods vehicle; and

- (c) a written log is kept on the hospital premises to which Phase 2B - Hospital relates for a minimum period of at least one year recording the details of the emergency, the goods delivery and the reason(s) why a heavy goods vehicle was needed; and
- (d) the written log is made available for inspection and copying by the local planning authority within 24 hours of such a request being made by the local planning authority.

For the purposes of this condition:

- (1) "heavy goods vehicle" means any vehicle with a total weight over 4,500kg including the cargo or a large goods vehicle equipped with reversing alarms/bleeper; and
- (2) "emergency" means a serious and unexpected situation that demonstrably requires a delivery to be made outside the normal permitted hours.

- 27. Prior to any part of the development to which Phase 2B - Hospital relates being occupied or otherwise brought into use the access, turning space and vehicle parking as shown on the following approved plans Site (Block) Plan – Hospital Plot, Revision P4 and General Arrangement (Layout), Revision 6 must be constructed, and these shall thereafter be retained and kept available for those purposes at all times.
- 28. No part of the development hereby permitted to which Phase 2B - Hospital relates shall be constructed above ground level unless details of all secure bicycle parking (a minimum of 96 spaces) to be provided on that part of the application site to which Phase 2B - Hospital relates have first been submitted to and approved in writing by the local planning authority. No part of the development to which Phase 2B - Hospital relates shall be occupied or otherwise brought into use unless the approved secure bicycle parking has all first been provided as approved and at all times thereafter the approved secure bicycle parking shall be retained, kept available for use as secure bicycle parking by any person using any part of the development and maintained in a condition as to be effective secure bicycle parking.
- 29. No part of the development hereby permitted in relation to Phase 2B - Hospital shall be commenced unless details for the provision of both active and passive electric vehicle charging points and associated infrastructure have first been submitted to and approved in writing by the local planning authority ("the approved Charging Points"). No part of the development to which Phase 2B - Hospital relates shall be occupied or otherwise brought into use unless the approved Charging Points have been installed and thereafter the approved Charging Points shall at all times be retained, kept available for use by all the occupiers and visitors of the development and maintained in full working order.
- 30. (a) No part of the development to which Phase 2B - Hospital relates shall be commenced unless a scheme of sustainable drainage has first been submitted to and approved in writing by the local planning authority. The scheme shall in particular:
  - i) demonstrably have had regard to the information contained within the Flood Risk Assessment and Drainage Strategy dated 26 September 2022 and Drawing numbers 60645190-0501-0001 Rev C to 60645190-0501-0004 Rev

C, including highlighting any details that depart from that information and providing reason(s) for such departure; and

- ii) contain details of proposals to achieve wider benefits of sustainable drainage in terms of biodiversity and amenity value especially in relation to all proposed infiltration basins; and
- iii) contain details for the future management and maintenance of all the sustainable drainage.

No part of the development to which Phase 2B - Hospital relates shall be occupied or otherwise brought into use unless all the work in the approved sustainable drainage scheme has been fully carried out as approved and thereafter the approved sustainable drainage shall at all times be retained, managed and maintained in accordance with the approved scheme.

(b) No part of the development to which Phase 2B - Hospital relates shall be occupied or otherwise brought into use unless:

i) details of the "as built" drainage system have first been submitted to and approved in writing by the local planning authority in a format that has previously been agreed in writing by the local planning authority. The details provided shall include:

- all computer models used in the design; and
- all related calculations which shall include a clear identification of the total drainage system capacity, the capacity that will be utilised by all the development to which Phase 2B - Hospital relates and any residual capacity remaining for the development to which Phase 2A - Heathland Support Area and Phase 3A and 3B- IQ relate; and

(ii) in the event that the development to which Phase 3A and 3B - IQ relates has either had a Sustainable Drainage scheme approved in relation to it or, in the event development to which Phase 3A and 3B - IQ has commenced prior to the first use of the development to which Phase 2B - Hospital relates, details demonstrating that the whole of the development to which this permission relates still complies with the original design assumptions as identified in Flood Risk Assessment and Drainage Strategy (26 September 2022) have been submitted to and approved in writing by the local planning authority. Should the proposal, when taken as a whole as set out in this permission, no longer be in accordance with the original design assumptions, further details of measures to be taken to secure compliance with those assumptions and to make the sustainable drainage acceptable (including a timetable for those works and all future management and maintenance arrangements of those further measures) shall be submitted to and approved in writing by the local planning authority.

(c) In the event of further measures being approved for the purposes of (b) above, then no part of the development to which Phase 2B - Hospital relates shall be occupied or otherwise brought into use unless those approved further measures have all been provided as approved and thereafter those further measures shall all be retained and managed and maintained in accordance with the approved further measures.

31. Prior to the first operational use of development to which Phase 2B - Hospital relates, details of biodiversity enhancement measures shall be submitted to, and approved in writing by, the local planning authority. Such details shall take account of the 'Biodiversity Net Gain Report Heathland

Support Area Highmoor Farm Talbot Village Poole Dorset BH3 7HE January 2022 updated February 2022' along with the accompanying biodiversity metric spreadsheet, prepared by LC Ecological Services Limited and include all proposed future maintenance and management. All works shall subsequently be carried out in strict accordance with the approved details prior to first operational use taking place on site and thereafter the biodiversity enhancement measures shall at all times thereafter be retained and maintained and managed in accordance with those approved details.

32. No part of the development hereby permitted in relation to Phase 2B - Hospital shall take place until full details of the finished levels, above Ordnance Datum of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

*Phase 3A and 3B – Innovation Quarter*

33. All plans and particulars submitted in relation to the development to which Phase 3A and 3B - IQ relates (whether by way of the reserved matters or otherwise) that relate to any of following:
- (a) layout;
  - (b) scale; and
  - (c) landscaping,
- shall be in accordance with the approved Parameter Plans Booklet, dated October 2022.
34. (a) The development hereby permitted in relation to Phase 3A - Innovation Quarter shall only be used for purposes within Class E(e) and E(g) ("the Primary Functions") and for no other purpose in Class E of the schedules to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) together with uses wholly ancillary to those Class E(e) and E(g) uses.
- (b) Notwithstanding the provisions in paragraph (a) above, no ancillary use shall take place on any part of the application site to which Phase 3A - IQ relates:
- (i) unless details specifying the proposed ancillary use and demonstrating that the ancillary use is necessary to support the primary function of the innovation quarter have been submitted to and approved in writing by the local planning authority, in which event the ancillary use shall only be used for this purpose; or
  - (ii) that exceeds in total 280 square meters unless otherwise agreed in writing by the local planning authority.
- (c) No use that is ancillary to a Class E(e) or E(g) use that is carried out on any part of the application site to which Phase 3A – IQ relates shall be open to customers:
- (i) at any time beyond the hours that the class E(e) or E(g) use (as the case may be) that is closest to it is open to the public; and in any event
  - (ii) not outside the hours of 7:00 to 23:00 hours on any day.

35. (a) No part of the development to which Phase 3A and 3B – IQ relates shall be constructed above ground level unless details of all external lighting to be provided on any part of site to which Phase 3A and 3B - IQ relates have first been submitted to and approved in writing by the local planning authority ("the Approved IQ Lighting"). The submitted details shall in particular:
- (i) so far as practicable follow the principles within the Lighting Strategy ref: 2329-DFL-ELG-XX-RP-EO-13001-S3-P01 (rev.P2) and identify any departures from those principles; and
  - (ii) include proposed details of installation that all accord with the recommendations of 'Bats and artificial lighting in the UK' by Bat Conservation Trust (BCT) and Institute of Lighting Professionals (ILP/BCT)', 2018 (or any similar document if replaced); and
  - (iii) contain details of all proposed luminaires, such luminaires to have a colour temperature that is equal to or does not exceed 2700 K and peak wavelengths that are no greater than 550nm.

(b) No part of the development to which Phase 3A and B – IQ relates shall be occupied or otherwise brought into use unless the external lighting has first been fully provided in accordance with the Approved IQ Lighting. Thereafter, such lighting shall be retained, in accordance with all the provisions contained in the Approved IQ Lighting and be maintained in full working order.

No additional external lighting shall be installed on any part of the land to which Phase 3A and B – IQ relates other than as approved in the Approved IQ Lighting.

36. No more than 75% of floor space forming part of development to which Phase 3A relates shall be first occupied or otherwise brought into use unless the improvements to the soil on the land proposed for the use as a Community Growing Hub (Phase 3B) as hereby approved and shown on Phasing Plan reference 22077/02 received 22 September 2023 have been fully carried out in accordance with recommendations of the approved Highmoor Farm Soil Assessment Report Preliminary Ecological Appraisal. Thereafter the soil improvements shall be maintained such that the soil at least retains its original approved quality levels.
37. The landscaping details to be submitted pursuant to the reserved matters in condition 2 shall include provision for the appointment and role of a project arboriculturist, along with details of their role with regard to site supervision and the monitoring and supervision of new trees planted as part of any approved landscaping details. The development shall be carried out in accordance with the approved details.
38. No part of any building or land forming any part of the development to which Phase 3A and 3B– IQ relates shall be occupied or otherwise brought into use (including any communal area or private way) unless a Commercial Refuse Management Plan for the private collection of refuse and recycle waste that will be generated by any proposed use of that building or land has first been submitted to, and approved in writing by, the local planning authority. The submitted plan shall in particular include but not be limited to:

- (a) details of the person(s)/management company responsible for administering the waste collection service on behalf of the owner(s) and/or operators of the business / use to be carried out in relation to the building or land;
- (b) details of the commercial waste provider contracted to provide the refuse and recycling collection service;
- (c) the type of refuse vehicles to be used;
- (d) the frequency of collections and day(s) of collection;
- (e) measures to be taken if no private contractor is available at any time in the future (such as the employment of a person or persons to ensure bins are wheeled to the collection point); and
- (f) measures to ensure that bins will not be stored in the open or at the collection point apart from on the day of collection.

The collection of refuse and recycling waste in relation to that building or land shall thereafter at all times only be carried out in accordance with the details of the relevant approved Commercial Refuse Management Plan. Any variation to the approved plan must be submitted in writing to the local planning authority and shall not be implemented until written approval from the local planning authority has been given.

39. (a) No plant or machinery ("the Noise Source - IQ") shall at any time be installed, operated or used for any purpose associated with any development hereby permitted in relation to Phase 3A and 3B- IQ unless:
- (i) details of an existing background noise survey carried out having regard to BS4142: 2014+1:2019 – 'Method of rating and assessing industrial and commercial sound' that in particular includes a plan showing the location from which all background noise readings have been taken and also the qualifications and experience of the person(s) who produced it sufficient to demonstrate their competence, and
  - (ii) details of measures to enclose and mount the Noise Source - IQ such that any noise generated by or emitted from the Noise Source - IQ will at all times be at least 5 dB(A) below the pre-existing background levels identified in the background noise survey as measured from any of the identified locations from which background noise level readings were taken ("the Maximum Noise - IQ"), and
  - (iii) details of any measures to ensure that the plant or machinery will prevent any identified unacceptable air quality emissions, been submitted to and approved in writing by the local planning authority ("Air Quality Scheme- IQ").

have all been submitted to and approved in writing by the local planning authority ("Noise Attenuation Scheme - IQ").

- (b) At no time shall the Noise Source - IQ be operated or used for any purpose associated with any development hereby permitted in relation to Phase 3A and B - IQ unless:
- (i) all the measures contained in the approved Noise Attenuation Scheme - IQ have first been fully provided as approved; and
  - (ii) all the measures contained in the approved Air Quality Scheme - IQ have first been fully provided as approved, and thereafter all the measures shall be retained and maintained in full working order.

(c) At no time shall the Maximum Noise – IQ be exceeded.

40. a) The first submission to the local planning authority of any of the reserved matters shall include, in respect of the development to which Phase 3A and 3B – IQ relates, a detailed biodiversity enhancement plan that in particular takes account of the 'Biodiversity Net Gain Report Heathland Support Area Highmoor Farm Talbot Village Poole Dorset BH3 7HE January 2022 updated February 2022' along with the accompanying biodiversity metric spreadsheet, prepared by LC Ecological Services Limited and includes the provision of a minimum of 10 swift boxes and 8 built in bat boxes to be provided on the part of the application site to which Phase 3A and B – IQ relates, a timetable for the delivery of any identified measures together with any future management and maintenance arrangements ("IQ Biodiversity Enhancement").

b) No part of the development to which Phase 3A and 3B – IQ relates shall be commenced unless the IQ Biodiversity Enhancement has been approved by the local planning authority.

c) No part of the development to which Phase 3A and 3B- IQ relates shall be occupied or otherwise brought into use unless all the measures identified in the approved IQ Biodiversity Enhancement have first been provided as approved and thereafter the measures shall at all times be retained and the approved IQ Biodiversity Enhancement shall at all times accorded with.

41. The details submitted pursuant to the reserved matters in condition 2 shall include, in respect of the development to which Phase 3A and 3B – IQ relates, details of access, turning space, vehicle parking, cycle parking and a timetable for their delivery together with any future management and maintenance arrangements. The development shall be carried out in accordance with the approved details.

42. The details submitted pursuant to the submission of reserved matters in condition 2 shall include, in respect of the development to which Phase 3A and 3B – IQ relates, details of the following:

- (a) a vehicle proof barrier to prevent service and delivery vehicle access to the site from Purchase Road; and
- (b) highway works to provide a facility to aid pedestrian crossing movements of Purchase Road; and
- (c) a north-south pedestrian and cycle route through the site linking Alyth Road with the detailed north-south pedestrian and cycle route, together in all cases with details of layout, construction, road markings, signage, a phasing plan for their provision and any future management and maintenance requirements ("IQ Purchase Road Works").

No part of the development to which Phase 3A and 3B – IQ relates shall be commenced until the IQ Purchase Road Works identified as part of Phase 1B have been approved by the local planning authority.

The approved works of (a) and (b) above shall be completed prior to the coming into use of any car parking accessed from Purchase Road.

The development to which Phase 3A and 3B - IQ relates shall only be carried out in accordance with the approved IQ Purchase Road Works and the approved IQ Purchase Road Works shall thereafter be retained.

43. (a) No part of the development to which Phase 3A and 3B – IQ relates shall be commenced unless a scheme of sustainable drainage has first been submitted to and approved in writing by the local planning authority. The scheme shall in particular:
- (i) demonstrably have had regard to the information contained within the Flood Risk Assessment and Drainage Strategy dated 26 September 2022 and Drawing numbers 60645190-0501-0001 Rev C to 60645190-0501-0004 Rev C, including highlighting any details that depart from that information and providing reason(s) for such departure; and
  - ii) contain details of proposals to achieve wider benefits of sustainable drainage in terms of biodiversity and amenity value especially in relation to all proposed infiltration basins; and
  - (iii) contain details for the future management and maintenance of all the sustainable drainage.

No part of the development to which Phase 3A and 3B – IQ relates shall be occupied or otherwise brought into use unless all the work in the approved sustainable drainage scheme has been fully carried out as approved and thereafter the approved sustainable drainage shall at all times be retained, managed and maintained in accordance with the approved scheme.

(b) No part of the development to which Phase 3A and 3B - IQ relates shall be occupied or otherwise brought into use unless:

(i) details of the “as built” drainage system have first been submitted to and approved in writing by the local planning authority in a format that has previously been agreed in writing by the local planning authority. The details provided shall in particular include:

- all computer models used in the design; and
- all related calculations which shall include a clear identification of the total drainage system capacity, the capacity that will be utilised by all the development to which Phase 3A and 3B- IQ relates and any residual capacity remaining for the development to which Phase 2A – Heathland Support Area and Phase 2B - Hospital relate; and

(ii) in the event that the development to which Phase 2B – Hospital relates has either had a Sustainable Drainage scheme approved in relation to it or the development to which Phase 2B - Hospital relates has commenced prior to the first use of any part of the development to which Phase 3A and B – IQ relates, then details demonstrating that the whole of the development to which this permission relates still complies with the original design assumptions as identified in approved document Flood Risk Assessment and Drainage Strategy. Prepared by AECOM. 60645190-REP-001 dated 20 October 2022 have been submitted to and approved in writing by the local planning authority. Should the proposal, when taken as a whole as set out in this permission, no longer be in accordance with the original design assumptions, further details of measures to be taken to secure compliance with those assumptions and to make the sustainable drainage acceptable (including a timetable for those works and all future management and maintenance arrangements of those further measures) shall be submitted to and approved in writing by the local planning authority.

(c) In the event of further measures being approved for the purposes of condition (b) (2) above, then no part of the development to which Phase 3A and B – IQ relates shall be occupied or otherwise brought into use unless those approved further measures have all been provided as approved and thereafter those further measures shall all be retained and managed and maintained in accordance with the approved further measures.

**End of conditions**

## **APPEARANCES**

### FOR THE APPELLANT:

Stephanie Hall of Counsel Instructed by Richard Henshaw of Intelligent Planning

She called:

Martha Alker                      Senior Associate at Townshend Landscape Architects  
BA (Hons), DipLA, CMLI

William Davies                 Senior Ecologist at LC Ecological Services  
BSc MSc (Hons) ACIEEM

Chris Carter                    Regional Director at AECOM  
BA (Hons) Oxon, MCIHT

Nick Ashley-Cooper         Chairman of Talbot Village Trust

Professor Middleton         Professor of Orthopaedics and Head of Orthopaedic  
MA MB BChir FRCS         Research Institute Bournemouth University, Consultant  
FRCS [Orth]                 Orthopaedic Surgeon University Hospitals Dorset,  
Professor Orthopaedic Surgery Bournemouth Nuffield  
Health

Simon Trueick                 Director of Planning at Intelligent Planning  
BA (Hons), DipTP, MRTPI

Mark Turner                    Head of EIA, Wessex Archaeology

Roddy Macdonald             Legal Director at Eversheds Sutherland

### FOR THE LOCAL PLANNING AUTHORITY:

Stephen Morgan of             Instructed by Rob Firth (Senior Solicitor of BCP Council)  
Counsel

He called:

Dr Gleed Owen                Director and Principal Ecologist at CGO Ecology Ltd  
BSc (Hons) PhD MCIEEM

Mark Baker                    Director of Mark Baker Consulting Limited  
BSc CEng MICE FCIT FILT Euring

Ruth Povey                    Conservation Officer  
BSc, MA, MA, MRTPI, IHBC

Margo Teasdale               Senior Conservation Officer  
MES, MHC, Dip, TP, MRTPI, MIHBC

Christopher Whitehouse     Managing Director at NextPhase

