



Appeal Decision

Hearing held on 5 June 2024

Site visit made on 5 June 2024

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/D3125/W/23/3333133

Land to the South of New Yatt Road, North Leigh OX29 6TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Manor Oak Homes, Mr N J Campbell, and Mr A P Campbell against the decision of West Oxfordshire District Council.
 - The application Ref is 23/00794/OUT.
The development proposed is described as an outline planning application (with all matters reserved except for means of access) for the erection of up to 43 residential dwellings, including affordable housing, public open space, landscape planting, sustainable drainage system and new access arrangements from New Yatt Road.
-

Decision

1. The appeal is allowed and outline planning permission is granted for an outline planning application (with all matters reserved except for means of access) for the erection of up to 43 residential dwellings, including affordable housing, public open space, landscape planting, sustainable drainage system and new access arrangements from New Yatt Road at Land to the South of New Yatt Road, North Leigh OX29 6TH in accordance with the terms of the application, Ref 23/00794/OUT, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline form with only access for consideration. Matters relating to appearance, layout, scale, and landscaping are reserved for future consideration. Although the appellant has provided an indicative layout, I have treated this as illustrative for the purposes of this appeal.
3. The Council agreed through a Statement of Common Ground with the appellants, that it cannot currently demonstrate a five year supply of deliverable housing sites. Consequently, the tilted balance at paragraph 11 of the National Planning Policy Framework (the Framework) is engaged and is a matter that I will return to later in this letter. The parties have provided me with a signed and dated planning obligation (the planning obligation) pursuant to S106 of the Town and Country Planning Act 1990 which I have had regard to in reaching my decision.

Main Issues

4. The main issues in this appeal are:
 - the effect of the development on the character and appearance of the area, having regard to development in the area, local landscape, coalescence, and the loss of open space; and

- whether the location of the appeal site is acceptable for the proposal, having regard to the development plan and national policy.

Reasons

Character and Appearance

5. The appeal site forms an open field that is bound to the north, east and west by existing mature vegetation including hedges and trees. The site forms part of a larger field that is bisected by a public right of way which crosses east to west, with the remaining open field to the south of the right of way not forming part of the application site.
6. To the east of the site is a development of houses centred around Breakspear Way and to the north, on the other side of New Yatt Road, is a further development at Masons Grove. To the west of the site is a scattering of dwellings along New Yatt Road until one enters New Yatt itself where further dwellings are seen along the roadside.
7. The site separates New Yatt from North Leigh and concerns are raised that the development would erode the rural qualities of the area and further reduce the open space between the two settlements, resulting in their coalescence. In addition, it is posited that the development would also result in the loss of open space which makes an important contribution towards the character and appearance of the area.
8. With regard to coalescence, should the appeal site be developed with housing, the appellants have demonstrated that a field to the west, with a distance of some 120m¹, would remain before it meets New Yatt Road. A field on the other side of New Yatt Road, where it meets the New Yatt Business Centre, will also remain open. Consequently, the settlements of New Yatt and North Leigh would still be recognisable and quite separate from one another. Whilst I accept that the built-up area would be increased, a large gap of undeveloped land between the two settlements would be retained and thus, although it may be considered a step closer to coalescence, the conjoining or coalescence of the two settlements would not occur.
9. In reaching this decision, I have had regard to the appeal at Church Road, Long Hanborough². Whilst the Council's statement of case argues that this appeal indicated that a greater distance was deemed to be a step towards coalescence, the Inspector comments that the "*impression of coalescence*" would occur given the levels of the site in question and the silhouette of housing on the skyline. That is not the same as stating coalescence would occur. Moreover, given that the appeal site sits lower than the surrounding land, the proposed development would be seen against the backdrop of North Leigh whilst retaining a good degree of separation from New Yatt.
10. In addition, the proposed development would be sited directly south of the Masons Grove development, effectively rounding off the edge of the village to the south. Therefore, although the development would result in the loss of part of a field between New Yatt and North Leigh, it would not extend further than development that already exists at Masons Grove.
11. Moreover, although the site is an area of open space, despite the landscaping on its margins, it is nonetheless a featureless parcel of land and does not form part of

¹ As detailed Parameters Plan PAP-01

² APP/D3125/W/17/3184056 dated 18 April 2018

a valued landscape. When travelling from New Yatt to North Leigh along New Yatt Road, most of the site is shielded from views as a result of the extensive boundary landscaping, with the tops of houses on Breakspear Way visible in the distance.

12. The development would be visible from the right of way that crosses the southern perimeter of the site. However, the extensive landscaping belt proposed along the southern boundary would reduce its impact from this vantage point. Moreover, the indicative plans show that the majority of the development could be positioned around the central part of the site, with the retention and improvement of existing landscaping on its boundaries. Moreover, the open fields south of New Yatt Road would continue to provide the foreground in any view of the proposed development, and careful landscaping of the development would help to soften both its appearance and that of the existing built-up area of North Leigh. As such the appeal scheme would appear as a natural extension to the village and would not have any unacceptable effect on the ability of visitors to North Leigh to appreciate its position within the landscape.
13. Although it is a pleasant parcel of land, which at the time of my visit was covered in buttercups, as already stated, it is not a valued landscape. Whilst it serves as an open area, for the reasons already rehearsed, I am not persuaded that the development would fundamentally alter the character and appearance of this part of North Leigh as it seeks to effectively round off the edge of the village, extending no further west than the Masons Grove development to the north and retaining a good degree of separation from New Yatt. Nevertheless, as with all developments that take place on open fields, inevitably the proposal would erode and thereby harm, the rural qualities of the immediate area that the site currently provides to this part of North Leigh. However, this harm would be limited and localised.
14. Thus, the development would result in some limited and localised harm to the immediate appearance of the area. Consequently, it would be in conflict with the General Principle of Policy OS2 and Policy EH2 of the West Oxfordshire Local Plan 2031 (the Local Plan) which seek, amongst other things, to ensure that developments conserve and enhance the natural, historic, and built environment.

Whether the location of the appeal site is acceptable for the proposal, having regard to the development plan and national policy

15. The appeal site lies within the Eynsham-Woodstock Sub-Area Strategy as defined by Policy EW10 of the Local Plan. Policy EW10 states that development in the rural centres identified will be of an appropriate scale, and development elsewhere, such as the appeal site, will be limited to meeting local housing and will be steered towards the larger villages.
16. Table 4b of the Local Plan categorises North Leigh as a village. Policy OS2 of the Local Plan states, amongst other things, that the villages are suitable for *limited* (my emphasis) development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. It also sets out the general principles for developments, stating that they should be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality.
17. Policy H2 of the Local Plan also states that new dwellings will be permitted in villages subject to the criterion set out therein. This includes, amongst other things, proposals on undeveloped land adjoining the built area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs and that the development is in accordance with Policy H1 and OS2 of the Local Plan.

18. The Council argue that as Policy OS2 states that developments should be proportionate and appropriate scale to its context having regard to its potential cumulative impact on the locality, the term "limited development" should also include the cumulative number of dwellings that have been approved within North Leigh. It was demonstrated at the Hearing that North Leigh has had several residential developments approved in recent years with some 181 new homes being built and occupied, with a further 79 consented but has yet to start. With the 43 dwellings proposed as part of this appeal, that would raise the figure to over 300 new homes in North Leigh alone.
19. Thus, it is argued by the Council that any additional development could not be considered limited, when having regard to Policy OS2 of the Local Plan. However, paragraph 4.22 of the Local Plan clearly states that some development will be supported in villages, but this will be limited to that which respects the village character and local distinctiveness, helping to maintain the vitality of the local community.
20. The Local Plan does not define the term 'limited' and taking into account the size of North Leigh, the proposed development of 43 dwellings could not be considered as anything other than limited in the context of the totality of North Leigh as a defined village. I have had regard to the decision at Burford Road, Minster Lovell³ whereby the Inspector found that the proposed development would not constitute limited development. However, the scheme at Minster Lovell covered an area of over 8ha and 134 dwellings compared to the 1.6ha and 43 dwellings before me. Thus, I do not find these cases to be comparable.
21. That said, even if one was to consider the additional 43 dwellings as not representing limited development having regard to the cumulative developments that have already occurred in North Leigh, Policy OS2 and its supporting text still requires limited developments to respect the village character and local distinctiveness and have regard to any cumulative impacts it may have in the locality.
22. In this instance, the development of 43 dwellings would result in the loss of part of a field on the margins of the village and I accept above that limited and localised harm to the immediate area would occur. However, taking into account the form of development in the locality, especially noting those that have recently been erected to the north and east of the appeal site, the proposal would complement the existing pattern of development, effectively rounding off the village boundary. As stated earlier, I am not persuaded that the development would result in the coalescence of the villages of North Leigh and New Yatt, with each retaining its own separate identity.
23. North Leigh itself has some services and facilities such as a primary school, a post office with a small convenience store and two public houses (although one was closed at the time of my visit). A bus stop exists which is not beyond the reasonable reach of future residents and offers public transport to Witney where one can access a variety of other services, facilities, and amenities. The development would also seek to improve pedestrian routes into the core of the village.
24. Thus, there is a range of facilities available within North Leigh to meet the needs of any new residents and there is the ability to use public transport to access further facilities within Witney. The Council also agreed with the appellant⁴ that the

³ APP/D3125/W/23/3331279 dated 28 March 2024

⁴ Paragraph 8.42 of the Statement of Common Ground, May 2024

development would accord with Policies T1 and T2 of the Local Plan and Section 9 of the Framework. From all the information that has been presented, both written and during the Hearing, I see no reason to disagree with that position. In addition, the provision of further dwellings, thereby increasing the population would help in maintaining the vitality of the community and the services and facilities it currently offers.

25. The Council also raised the matter of social cohesion, arguing that it may be difficult to integrate new residents into the existing community with resentment building up over key infrastructure. Whilst I acknowledge that North Leigh has seen its fair share of developments over the past years, there is little before me to demonstrate that new residents will not be able to assimilate fully with village life. Moreover, it is clear that there is a large waiting list of people that have indicated North Leigh as an area of preference⁵, which may well include people that wish to return to the village. Consequently, I am not persuaded that new residents will be isolated or be excluded from contributing towards achieving social cohesion within the village.
26. Thus, notwithstanding the very limited and localised harm I have found to the immediate area, I am satisfied that the development would help to boost the supply of homes. The scale and location of the development is appropriate having regard to the existing context and pattern of development at this part of North Leigh and policy context as set out within Policies OS2 and EW10 of the Local Plan. It is therefore acceptable in principle and would not be in conflict with Policies T1, EW10, H1, OS1 and OS2 of the Local Plan in this regard.

Planning Obligations

27. The planning obligation provided by the parties ensures the delivery of various financial contributions required by Development Plan policies, including Policy OS5 of the Local Plan which seeks the provision of essential infrastructure to support the development, either directly as part of the development or through an appropriate contribution. The Second Schedule of the obligation would secure on-site affordable housing at 40% of the total development, with a tenure split of 75% social rented dwellings and 25% First Homes. This would accord with Policy H3 of the Local Plan.
28. Schedule Three of the obligation relates to contributions to the District Council and requires a financial contribution towards the maintenance of the Multi-Use Games Area erected on Rectory Rise. This would accord with Policy EH5 of the Local Plan.
29. The Fourth Schedule relates to Oxfordshire County Council and seeks to secure financial contributions towards education (Special Education Needs and Disabilities), public rights of way improvements, the improvement of bus services serving North Leigh, the maintenance of public open space within the site, the provision of household waste recycling or its expansion or improvement, and highway works. These contributions would accord with Policy OS5 of the Local Plan.
30. The District Council and the County Council also provided CIL⁶ compliance statements to support the request for planning obligations. Given the policy requirements and the infrastructure needs arising from the development, I am satisfied that all of the above obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. They would accord with

⁵ Page 17 of Committee Report for application 23/00794/OUT dated 11 September 2023

⁶ Community Infrastructure Levy (CIL) Regulations 2010 (as amended)

Regulation 122 of CIL. Therefore, I can take all of the proposed obligations into account as part of my decision.

Other Matters

31. There were a number of objections to the development regarding the ability of the current sewage network to cope with the additional demands that would be placed upon the system as a result of the proposal. Whilst I note these concerns, Thames Water has not objected to the development subject to a condition requiring upgrades to the sewage works to accommodate the additional flows created by the development, or until a development phasing plan has been agreed with the Council, in consultation with Thames Water. I am satisfied that this would deal with matters relating to sewage.
32. I am aware that the addition of 43 dwellings on the land has the ability to exacerbate the situation regarding the provision of public services. However, given that those services most affected by the development are satisfied with the level of contributions to be provided, I have no reason to disagree with its findings. Moreover, the Council is also satisfied with the appellant's agreement to fund services such as the multi-use games area.
33. I also note the many concerns raised regarding the effect of the development on highway and pedestrian safety, and the additional traffic that would be created on the local highway network. However, following amendments to the proposed access, Oxfordshire County Council as the Local Highway Authority (LHA), has not objected to the development on highway safety grounds. Moreover, there is no substantive evidence before me to suggest that the addition of 43 homes would result in additional traffic that local roads could not cope with or that pedestrians would be at any additional risk. Furthermore, the LHA has suggested a condition requiring the submission of a Construction Traffic Management Plan to ensure that traffic during the development phases is managed appropriately.
34. Turning to drainage matters, I note that the Lead Local Flood Authority did not object to the development, subject to a condition controlling surface water drainage. I am satisfied that the conditions suggested would adequately deal with surface water drainage through the provision of a sustainable drainage system.

Conditions

35. The Council has suggested a number of conditions that I have considered in accordance with the Framework and the Planning Practice Guidance. It is necessary and reasonable that the information required by these conditions be provided prior to the commencement of development, as these are matters which cannot properly or reasonably be addressed following the commencement of the development. I have amended the wording of some of the conditions in the interest of precision and clarity. I have also removed the "tailpiece" to those conditions which have used one as they are inappropriate and can be used to avoid other statutory processes.
36. Along with the standard time condition for the approval of reserved matters (1), it is also necessary to confirm which reserved matters need to be applied for (2). It is also necessary in the interest of certainty to specify the plans on which the development shall be carried out (3).
37. In the interest of highway safety, and to mitigate the impact of the development on the surrounding road network, prior to the commencement of the development a Construction Traffic Management Plan (4) shall be submitted to and agreed by the Council.

38. In the interest of promoting sustainable development and to ensure that the site is accessible by non-car modes, a Residential Travel Information Pack shall be provided to all future residents (5) and details of electric vehicle charging points (6) to be installed within the development shall be provided to the Council. A Climate Change and Energy Statement (22) shall also be submitted and approved by the Council.
39. In the interest of protecting human health, no development shall take place until a strategy to deal with the risks associated with contaminated land (9) has been submitted to and approved by the Council. The development shall also be designed to accord with relevant guidance on sound insulation and noise reduction for buildings (10). In addition, a Construction Environmental Management Plan (11) shall also be submitted in the interest of protecting the living conditions of neighbouring properties as well as highway safety. The hours of construction shall also be controlled (12) to protect the living conditions of adjoining occupiers.
40. To safeguard the recording of any archaeological finds at the site, an archaeological site investigation and post-investigation assessment shall also be completed and approved by the Council (13 & 14).
41. In the interest of flood control and drainage, a detailed surface water drainage scheme (7) shall be submitted to the Council, along with details of a sustainable drainage system (8). In addition, no development shall be occupied until all upgrades to the sewage works required to accommodate the additional flows created by the development have been completed, or a development phasing plan has been agreed with the Council, in consultation with Thames Water (15).
42. Turning to ecological matters, the development shall be carried out in accordance with the recommendations set out within the Ecological Appraisal submitted in support of the application (16). A Construction Environmental Management Plan - Biodiversity shall also be submitted to the Council for its consideration (17). To protect nocturnal wildlife, a lighting strategy for the site shall also be submitted to the Council (18). To protect and enhance the site, an invasive non-native species protocol (19) shall also be approved by the Council, along with an Ecological Design Strategy for the site (20). To secure the delivery of biodiversity net gain, a 30 year biodiversity management and monitoring plan (21) also needs to be agreed with the Council.

Planning Balance

43. The development would bring forward benefits through the provision of 43 dwellings, 40% of which would be affordable. This level of additional housing in the District would go some way to addressing the Council's identified housing delivery supply shortfall, in particular the need to deliver affordable homes, in an area that has good access to existing services and facilities. To these particular matters I would afford significant weight.
44. There would also be economic benefits through the construction of the dwellings and the contribution to the local economy through the likely spending of future residents in the local area, helping to maintain the vitality of local services. These matters would attract moderate weight in my decision.
45. The contributions for infrastructure provision secured through the planning obligation would only be necessary to make the development acceptable in planning terms and thus, this aspect is a neutral factor in the case rather than a benefit.

46. The Council cannot demonstrate a five year supply of deliverable housing sites and therefore the policies that are the most important for the determination of the application are deemed to be out-of-date. However, this does not mean they do not apply. Nevertheless, for the reasons already given, the development would have only a modest adverse impact on the appearance of the immediate area. As a result, the conflict with Policy OS2 and Policy EH2 of the Local Plan is a matter of limited weight against the scheme in this instance. Consequently, the adverse impacts of the development would not significantly and demonstrably outweigh its benefits.

Conclusion

47. Consequently, taking these matters together, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 11 d) of the Framework indicates that permission should be granted, when assessed against the policies in the Framework taken as a whole.

48. Thus, for the reasons given above, and having regard to the Development Plan and the Framework, when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR

APPEARANCES

For the Appellant

Ben Wright
Geoff Armstrong

Aspect Landscape Planning
Armstrong Rigg Planning

For the Council

Chris Wood
Judith Coats

Senior Planning Officer (Appeals)
Infrastructure Funding Team Leader ~
Oxfordshire County Council

Interested Parties

Mr H St. John
Miss S Veasey
Mr S Veasey
Mr K Swann
Mr J Jeffes
Miss J Lewis
Mr D Thomason

Local Resident
District Councillor
Local Resident
North Leigh Parish Council
Local Resident
Local Resident
Local Resident

Additional Documents

1. Schedule of suggested conditions
2. Appeal statement on behalf of Windrush Against Sewage Pollution
3. Legal opinion regarding use of conditions to control sewage: Jenny Wigley KC
4. Photograph demonstrating width of pavements at North Leigh
5. Map indicating location of Kyte Lane
6. Appeal statement on behalf of Sarah Veasey, District Councillor for North Leigh

Schedule of Conditions

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission; and (b) The development hereby permitted shall be begun either before the expiration of four years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. Details of the appearance, landscaping, layout, and scale (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
3. That the development be carried out in accordance with the following approved plans: SLP-01 R2 (Site Location Plan), PAP-01 R4 (Parameter Plan) and 683-TA10C (Proposed Access).
4. Prior to commencement of the approved development a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The CTMP should follow Oxfordshire County Council's template where possible. The CTMP must include:
 - The routing of construction vehicles and management of their movement into and out of the site by a qualified banksman,
 - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
 - Details of wheel cleaning / wash facilities to prevent mud etc. from migrating on to the adjacent highway,
 - Contact details for the Site Supervisor responsible for on-site works,
 - Travel initiatives for site related workers,
 - Parking provision for site related worker vehicles,
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak hours,
 - Details of engagement with local residents,
 - A dilapidation survey which shows the state of the surrounding public highway prior to implementation and post-construction,
5. Prior to first occupation a Residential Travel Information Pack, that accords with Oxfordshire County Council's guidance must be submitted to, and approved by, the Local Planning Authority. Thereafter Residential Travel Information Packs must be provided to all future residents of the development upon occupation.
6. Prior to the erection of the dwellings hereby approved, written and illustrative details of the number, type and location of electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the local planning authority. The EVCP shall be installed and brought into operation in accordance with the details agreed prior to occupation of the development.

7. Construction shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
 - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
 - A Flood Exceedance Conveyance Plan;
 - Comprehensive infiltration testing across the site to BRE DG 365 (if applicable);
 - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
 - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
 - Details of how water quality will be managed during construction and post development in perpetuity;
 - Confirmation of any outfall details.
 - Consent for any connections into third party drainage systems
8. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- a) As built plans in both .pdf and .shp file format;
 - b) Photographs to document each key stage of the drainage system when installed on site;
 - c) Photographs to document the completed installation of the drainage structures on site;
 - d) The name and contact details of any appointed management company information.
9. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the

Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

10. The acoustic design of all new residential homes shall accord with the internal noise design criteria specifications of BS 8233:2014; Guidance on Sound Insulation and Noise Reduction for Buildings.
11. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include measures to be employed to prevent the egress of mud, water, and other detritus onto the public and any non-adopted highways. Once submitted and approved the details contained in the plan shall be adhered to.
12. Hours of work shall be restricted to 08:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturday with no working on Sunday or Public Holidays.
13. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
14. Following the approval of the Written Scheme of Investigation referred to in the previous condition, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research, and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.
15. No development shall be occupied until confirmation has been provided that either: all sewage works upgrades required to accommodate the additional flows from the development - (which is currently scheduled for completion in March 2025) have been completed; or a development and infrastructure

phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

16. The development shall be completed in accordance with the recommendations in Section 6 of the consultancy report (Ecological Appraisal, Aspect Ecology, dated March 2023). All the recommendations shall be implemented in full, unless otherwise agreed in writing by the local planning authority.
17. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:
 - i. Risk assessment of potentially damaging construction activities;
 - ii. Identification of 'biodiversity protection zones';
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - v. Precautionary working method statement for the following species: great crested newts and dormice;
 - vi. The times during construction when specialists ecologists need to be present on site to oversee works;
 - vii. Details of the storage of equipment, waste and materials;
 - viii. Responsible persons and lines of communication;
 - ix. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
 - x. Use of protective fences, exclusion barriers and warning signs, including advanced
 - xi. installation and maintenance during the construction period; and
 - xii. Ongoing monitoring, including compliance checks by a competent person(s) during
 - xiii. construction and immediately post-completion of construction works.

The approved CEMP-B shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

18. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:
 - a) Identify the areas/features on site that are particularly sensitive for nocturnal wildlife;
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical

specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

19. An invasive non-native species protocol report shall be submitted to, and approved in writing by the local planning authority before the commencement of the development hereby approved. The document shall include the containment, control, and removal of variegated yellow archangel on site. The measures shall be carried out strictly in accordance with the approved document.
20. An Ecological Design Strategy (EDS) shall be submitted to, and approved in writing by, the local planning authority before the commencement of the development hereby approved. The plan shall include, but not necessarily be limited to, the following information:
 - i. Details of planting such as, native species-rich hedgerows, species-rich grassland, scrub planting and marginal and aquatic planting of the SuDS pond;
 - ii. Type, source and number of materials to be used where appropriate, e.g. native fruiting and pollinating species of local provenance;
 - iii. Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
 - iv. Details of integrated bird and bat boxes, tree mounted bird and bat boxes, hedgehog friendly fencing, hedgehog boxes and bee bricks, barn owl boxes and reptile hibernaculum;
 - v. Details of initial aftercare and long-term maintenance and persons responsible for the maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

21. A 30-year Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to, and approved in writing by, the local planning authority before the commencement of the development hereby approved. The plan shall include, but not necessarily be limited to, the following information:
 - i. Description and evaluation of features to be managed, including locations shown on a site map;
 - ii. Landscape and ecological trends and constraints on site that might influence management;
 - iii. Aims and objectives of management, including ensuring the delivery of 25.43% in habitat units, 30.83% in hedgerow units;
 - iv. Appropriate management options for achieving the aims and objectives;
 - v. Prescriptions for all management actions;
 - vi. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
 - vii. Details of the body or organisation responsible for implementation of the plan;

- viii. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place;
- ix. Timeframe for reviewing the plan;
- x. Details of how the aims and objectives of the BMMP will be communicated to the occupiers of the development; and
- xi. The submission of a monitoring report to the local planning authority at regular intervals, e.g. every 5 years.

The BMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the BMMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented. The BMMP shall be implemented in full in accordance with the approved details.

- 22. The development hereby approved shall be constructed in accordance with the Sustainability and Energy Statement prepared by Manor Oak Homes (February 2023: Reference: NOR 070 MOH SES Rev -).

End.