



Appeal Decision

Site visit made on 19 November 2024

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2025

Appeal Ref: APP/N1160/W/23/3335046

Land at Petersfield Close, Plymouth PL3 6QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Cottenham against the decision of Plymouth City Council.
 - The application Ref is 22/01994/FUL.
 - The development proposed is described as Erection of four dwellings with associated landscaping and construction of vehicular access (resubmission of planning application ref:22/00651/FUL).
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Decision

1. The appeal is allowed and planning permission is granted for Erection of four dwellings with associated landscaping and construction of vehicular access at Land at Petersfield Close, Plymouth PL3 6QP in accordance with the terms of the application, Ref 22/01994/FUL, and subject to the conditions set out in the schedule to this decision.

Application for costs

2. An application for costs was made by Mr A Cottenham against Plymouth City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appellant's submissions put forward a fallback scenario relating to development of the appeal site under an extant planning permission. However, the proposed development is for the erection of four dwellings and associated works. I have considered the appeal proposal on this basis, along with the submitted plans which show the site's existing situation (which effectively represents the baseline) and the proposed development. However, the fallback scenario is a relevant material consideration to which I return later.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area;
 - on-site biodiversity and protected species;
 - highway safety; and
 - designated nature conservation sites.

Reasons

Character and appearance

5. Although containing some infrastructure and services such as drains, fire hydrants and gulleys, the appeal site reads as vacant greenfield land and relates to the adjoining undeveloped areas to the east and either side of the proposed access road. With its wooded and planted appearance and verdant character, the site provides a prominent break of essentially undeveloped green space in the relatively built-up residential area and contributes positively to the surrounding townscape and landscape. Built form in the locality generally has between one to three storeys and various properties built into the hillside appear higher on one side. Although those on Petersfield Close have a largely similar design, there are a variety of designs in the surrounding area. However, the area has a consistent development pattern, with buildings running along streets in a generally tight-knit arrangement with few outliers.
6. The proposed development would incorporate various soft landscaping features and require neither the removal of a significant number of trees nor extensive pruning, whilst the buildings would be finished in muted, natural colours. Nevertheless, the introduction of built form, which would be noticeable in the locality including from Petersfield Close and in glimpsed views through retained trees, would erode the site's verdant and undeveloped nature, and diminish its contribution to the locality's character and appearance. Although built into the hillside, the proposed buildings would be relatively large and prominent. Positioned in a divorced setting away from existing built form, the proposed development would also read as an unrelated, incongruous addition.
7. In coming to this view, I have taken into account that the majority of the trees on the site would be retained and, along with the existing trees surrounding the site, would limit public views of the proposed development. The Council's position on previous planning applications on the site does also not lead me to a different conclusion.
8. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it conflicts with Policies DEV10, DEV20 and DEV23 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (JLP). Amongst other aspects, these set out that housing should integrate with adjacent developments and not appear as an unrelated addition, have proper regard to the pattern of local development and conserve and enhance townscape and landscape.

Biodiversity and protected species

9. Adjoining a larger area of undeveloped land, the appeal site contains mature mixed scrub vegetation, numerous trees and semi-improved grassland. Carried out by an ecologist in accordance with relevant guidance and standards, the surveys to inform the Ecological Impact Assessment (EcIA, dated June 2023, rev08) identify that these habitats support various forms of wildlife, including amphibians, bats, birds, reptiles, badgers and invertebrates. Third parties have indicated that other wildlife – such as deer, hedgehogs, rodents and other bird species – have also been seen on or near the site.

10. The proposed development would result in the loss of scrub, grassland and some trees. This would in turn reduce the amount of habitat available for wildlife. As per the EcIA, without mitigation, this would have a long-term adverse impact on biodiversity.
11. However, the EcIA and the Construction & Environment Management Plan (dated Nov 22, issue no. 5) contain various measures to avoid and mitigate/reduce impacts on biodiversity and wildlife. This includes retention of the woodland strips; suitable clearance and construction works (such as timing and approach to vegetation clearance and prior wildlife checks, use of an ecological clerk of works, no-dig road construction, pollution control, and protective fencing of retained trees and the off-site outlier badger sett); and use of sensitive external lighting. The EcIA also proposes compensation measures to offset the residual impacts. This includes management of retained woodland and their separation from the domestic gardens; provision of new (native-species) planting including trees and hedging, and subsequent management; creation of habitat piles; inclusion of bird, bat and invertebrate provisions on the site; and provision of green roofs. In addition, non-native invasive plant species would be removed.
12. On this basis, and subject to conditions securing the provision of the above measures, the proposed development would not directly harm protected species. The above measures, subject to further details being provided, would also serve to lessen the overall impact on biodiversity. However, the available evidence indicates that the appeal proposal would, compared to the existing baseline, result in an overall loss of habitat on the site and a consequent reduction in foraging, commuting, nesting and breeding opportunities for a variety of wildlife. The compensation (and what the EcIA terms 'enhancement') measures would not be sufficient to offset this and avoid no net loss, let alone result in an overall enhancement in biodiversity.
13. Accordingly, I conclude that the development would harm on-site biodiversity. I therefore find that it conflicts with JLP Policy DEV26 which, amongst other aspects, sets out that development should protect and enhance biodiversity.

Highway safety

14. Although vehicles accessing and leaving the site would make use of the existing highway on Petersfield Close, there is a significant gradient to the junction with Eggbuckland Road. In addition, whilst visibility to the east is adequate, visibility of Eggbuckland Road to the west is more restricted. Drivers leaving the proposed development would therefore have to negotiate both a steep descent towards the junction and limited visibility of vehicles approaching from the west.
15. However, the gradient, whilst steep, does not make Petersfield Close inaccessible to the majority of vehicles or pedestrians. Given the scale of the proposed development and the number of properties already present on Petersfield Close, the appeal proposal would also not result in a significant increase in vehicles having to negotiate the junction with Eggbuckland Road. In coming to this view, I have taken into account the size of the proposed dwellings and the likely number of vehicles associated with them.
16. Whilst the Highway Authority and residents have raised extensive concerns about the safety of highway users, the submitted evidence indicates that there

has only been one slight injury recorded collision at or near the junction in the past 15 years. The emerging visibility for drivers leaving Petersfield Close would also significantly exceed the typical stopping distance of – as per the Highway Code – 23 metres for vehicles travelling at 30mph, which is the speed limit on Eggbuckland Road. In addition, drivers in both directions on Eggbuckland Road – which is a well-used, busy route – have significant forward visibility of the junction with Petersfield Close. The shortfall in emerging western visibility from the Manual for Streets guidance of 43 metres does not therefore represent a significant safety hazard in this instance.

17. For the above reasons, I conclude that the proposed development would not have an unacceptable impact on highway safety. I therefore find that it accords with JLP Policy DEV29 which, amongst other aspects, requires development to provide safe and satisfactory traffic movement and access.

Designated sites

18. The proposed development falls within the Zone of Influence for new residents having a recreational impact on the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and the Tamar Estuaries Complex Special Protection Area (SPA). Collectively, these sites are known as the Plymouth Sound and Estuaries European Marine Site (EMS). In combination with other residential development in the area, the appeal proposal would therefore be likely to have a significant effect on the EMS. Accordingly, under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), Appropriate Assessment of the implications of the project for the sites in view of their conservation objectives is required.
19. The qualifying features of the SAC include large shallow inlets and bays, estuaries, subtidal sandbanks, intertidal mudflats and sandflats, Atlantic salt meadows, reefs, allis shad and shore dock. The SPA qualifies for its populations of pied avocet and little egret. The sites' conservation objectives seek to, in summary: maintain or restore the extent, distribution, structure, function and supporting processes of each of the qualifying features; and maintain or restore the distribution and population of each of the qualifying features within the site.
20. The available evidence indicates that without mitigation it would not be possible to ascertain that the residential accommodation proposed would not adversely affect the integrity of the EMS through the indirect effects of increased recreation. However, the JLP Supplementary Planning Document (2020) sets out that the adverse effects of development can be mitigated by means of a payment towards strategic mitigation. As detailed in the EMS Recreation Mitigation and Management Scheme (EMS Scheme), the Tamar Estuaries Management Plan and the Yealm Estuary Environmental Management Plan, such mitigation includes visitor management actions delivered via various projects and capital works, monitoring, and employing marine recreation officers. The EMS scheme also sets out the costs, funding and delivery of the mitigation measures.
21. Based on the submitted evidence, the securing of the necessary mitigation would be sufficient to mitigate the effects of the development on the SAC and SPA. In this instance, the Council secures the measures necessary to mitigate the effects of such development through the Community Infrastructure Levy (CIL). The Council does this by drawing down the appropriate amount to

mitigate for recreational impacts arising from relevant development from its CIL fund based on the total number of residential units delivered as identified through the annual monitoring process. The Council then commits these funds to the delivery of relevant mitigation measures and provides an annual statement to the Tamar Estuaries Consultative Forum to identify how much has been allocated based on housing completions.

22. Accordingly, I am satisfied that the relevant financial contribution that the Council would draw down from the CIL fund would provide sufficient mitigation for the recreational effects arising from the proposed development on the EMS. Confirming this, Natural England indicate that the mitigation would ensure the development would not adversely affect the integrity of the European Sites and their relevant features. On this basis, I am able to ascertain, as the competent authority undertaking Appropriate Assessment, that the integrity of the designated sites would not be adversely affected by the proposed development.

Other matters

23. Although not a reason for refusal, the submitted documents include extensive commentary on the matter of biodiversity net gain (BNG). This includes, for example, the lack of detail relating to the site's ecological baseline and the allegedly inflated extent of woodland habitat under the proposed development shown in the appellant's BNG Comparison report. However, the appeal proposal is not subject to statutory BNG provisions due to the date of the planning application. Accordingly, the dispute on this topic, including the main parties' differing inputs and outputs from their use of the small sites metric, and the comparisons made between the alleged 'net gain' of the appeal proposal against the fallback scheme are not determinative. In any event, I have found that the scheme would result in a net loss of biodiversity and thus it would not achieve what JLP Policy DEV26 seeks in terms of enhancements for wildlife from all scales of development.
24. A number of other matters have been raised by various parties and I have taken them all into account. This includes: safety and security considerations for existing and future occupiers; insufficient natural surveillance of the proposed access road; privacy issues for existing residents; future occupiers wishing to cut back/fell trees to increase natural light; the need to prevent future development on adjoining land; precedent setting; parking pressure; the Petersfield Close entrance was only meant to be temporary; impacts from construction works including noise, dust, air pollution, disruption, congestion and safety issues with construction vehicles having to negotiate the junction and steep road; the need to provide more greenspace and protect remaining areas for mental health, future generations, nature, pollution and climate change; the site should be classed as greenfield land and true brownfield land should be used; potential impacts on preserved trees; clearance of trees and vegetation from the site prior to the planning application being submitted; potential bird strikes on glazed windows; light and noise pollution; enforcement of the biodiversity monitoring and mitigation measures proposed; loss of peace and tranquillity; lack of a structural survey and details relating to ground works; risks of subsidence and landslip to surrounding properties; the lack of affordable dwelling provision and Plymouth already having a sufficient supply of housing; drainage issues including surface water run-off; overdevelopment and overcrowding; effect on house prices; the veracity of the

comments supporting the planning application; the site's location within a high radon zone and proximity to a landfill site; lack of community engagement from the developer; and the limited employment that is likely to be created.

25. However, whilst I take these representations seriously and I recognise the strength of local concern, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed. Some of the issues raised, such as regarding light pollution, tree protection, drainage and ecological measures can also be covered by planning conditions.

Planning Balance

26. The proposed development would harm the character and appearance of the surrounding area and on-site biodiversity. The resulting conflict with development plan policies leads me to conclude that the proposed development, despite its accordance with some other development plan policies, conflicts with the development plan as a whole.
27. However, the submitted evidence includes a planning permission for the construction of six houses and an access road on the appeal site, along with several more houses between the site and the current end of Petersfield Close. Although dating from some 60 years ago, and parts of the area covered by the permission have been sold and developed under different permissions, the main parties agree that it is extant. The outstanding development it allows could therefore be built. On the basis of the submitted evidence, the permission represents a practicable fallback scenario and, whilst clearly dated, there is also more than a theoretical possibility that the fallback scheme could be implemented. Accordingly, although the land it relates to has obviously changed in the intervening years, this matter attracts significant weight. The lack of obvious action or serious intent to complete the extant permission to date does not lead me to a different conclusion.
28. The effect of the fallback scheme on the character and appearance of the surrounding area would clearly be different to that of the appeal proposal. For example, some of the buildings would likely be smaller and less prominent; and if built out in full, the fallback scheme would not result in housing divorced from existing development. However, the greater extent of development that could be built on the appeal site, combined with the likely lesser retention and/or provision of planting, means that the fallback scheme would erode the site's verdant nature to a greater degree than the appeal proposal. Overall, and on the basis that conditions could secure protection of retained trees and the provision of soft landscaping and sympathetic external materials, the appeal proposal would therefore result in less harm to character and appearance than the fallback scheme.
29. In relation to biodiversity, the available evidence indicates that the fallback scheme could proceed with sufficient safeguards put in place to ensure that the current legislative duties covering protected species are met. However, the proposed plans for the appeal proposal show a greater extent of retained trees and replaced/additional planting on the site than the approved layout plan of the fallback scheme. Various other avoidance and mitigation actions, along with additional compensation measures, as per the EcIA, would also be provided for the proposed development. Conditions could ensure that these,

along with retention and protection of the retained and additional trees identified under the appeal proposal, are implemented, with further details secured as necessary.

30. In contrast, there is little substantive evidence that the fallback scheme has any such measures or biodiversity-related requirements. On this basis, the appeal proposal would harm biodiversity less – and would be likely to result in less net habitat loss and the consequent impact on wildlife – than implementation of the fallback scheme on the site. When taking account of the site's current ecological baseline, the available evidence also indicates that neither the fallback scheme nor the appeal proposal would provide a net gain for biodiversity. Furthermore, the available evidence does not indicate that the BNG calculations of the Council's Natural Infrastructure Planning team on the extent of retained woodland under the fallback scheme are necessarily any more reliable than the appellant's.
31. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the fallback scheme, which has a real prospect of being progressed and could be implemented at any time, would result in greater harm than the appeal proposal to the character and appearance of the surrounding area and on-site biodiversity. The appeal proposal would also be likely to provide drainage which is more sustainable and include greater energy efficiency and low carbon/renewable energy measures than the fallback scheme. Accordingly, material considerations outweigh the harm that would arise from the proposed development and the resulting conflict with development plan policies; and indicate that permission should be granted notwithstanding the appeal proposal's harm and its conflict with the development plan as a whole.

Conditions

32. I have had regard to the various suggested planning conditions and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, for clarity and consistency, and to ensure that details are submitted for the Council's approval where relevant.
33. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. To avoid the risk of flooding and water pollution, a pre-commencement condition covering drainage of the development is necessary. In the interests of highway safety, drainage and avoiding damaging tree roots, a pre-commencement condition securing full details of the site access and parking areas (and their subsequent provision and retention) is also necessary and reasonable. This condition combines three of the Council's suggested conditions.
34. A pre-commencement condition securing a Landscape and Ecological Management Plan (LEMP) is necessary and reasonable to secure full details and suitable provision of ecological compensation and management measures to minimise the development's impact on wildlife and maximise the site's biodiversity value. However, I have amended the condition as suggested by the Council to remove details which could be agreed between the parties at the appropriate point and which also went beyond what might be reasonable

for a development of this scale and which is not subject to statutory BNG; and to ensure that the LEMP takes account of relevant details already available. For clarity, consistency and to ensure the site is suitably landscaped in accordance with the submitted details, the separate landscaping condition I have imposed is necessary. In the interests of ecology, a condition securing compliance with the recommendations in the EcIA is also necessary.

35. A condition relating to retained trees and hedgerows is necessary and reasonable in relation to the interests of the character and appearance of the surrounding area and ecology. This condition combines two of the Council's suggested conditions. A condition securing compliance with the submitted construction and environmental management plan is also necessary in the interests of ecology, highway safety and existing residents' living conditions.
36. In the interests of character and appearance, a condition covering external materials of the dwellings is necessary. A condition relating to external lighting is also necessary in the interests of ecology and future occupiers' safety and living conditions. However, I have changed the timing clause of the latter condition as some lighting on the site will be necessary prior to occupation.
37. A condition covering energy and low carbon measures is necessary in the interests of climate change. Combining two of the Council's suggested conditions, a condition covering bin and bicycle storage is necessary in the interests of the streetscene and accessibility. I have also imposed a condition relating to contamination in the interests of public health and the environment.
38. I have not imposed the Council's suggested condition covering electric vehicle charging as this matter is now covered by the Building Regulations. I have also declined to impose a condition removing certain permitted development rights because the submitted evidence does not indicate that removing those rights would be necessary to protect the living conditions of neighbouring residents.

Conclusion

39. For the above reasons, the appeal is allowed.

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan (Drawing No 1396-941-0000); Existing site layout (Drawing No 1396-941-1000, Rev A); Proposed site layout (Drawing No 1396-942-1001, Rev E); Proposed block plan (Drawing No 1396-942-1010; Existing and proposed site section (Drawing No 1396-942-1400, Rev B); Plot 4 proposed elevations (Drawing No 1396-942-1300, Rev B); Plots 1 - 3 proposed elevations (Drawing No 1396-942-1301, Rev B); Plot 4 floor layouts sheet one (Drawing No 1396-942-1100, Rev B); Plot 4 floor layouts sheet two (Drawing No 1396-942-1101, Rev B); Plots 1 - 3 floor layouts sheet one (Drawing No 1396-942-1102, Rev B); and Plots 1 - 3 floor layouts sheet two (Drawing No 1396-942-1103, Rev B).
- 3) Prior to the commencement of the development hereby permitted, the following details shall be submitted to and approved in writing by the local planning authority: confirmation that the private sewer has the required capacity to receive the proposed discharge and that agreement has been reached for the proposed connection to the private sewer; or that the applicant will enter into an agreement with South West Water to connect into the public sewerage system in accordance with and as set out in the submitted South West Water response. The submitted details shall also include a plan showing the proposed sewer and the point of connection. The development shall be carried out in accordance with the approved details and prior to occupation of the dwellings it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the approved drainage scheme have been completed and shall be adequately maintained. The scheme shall thereafter be managed and maintained in accordance with the approved details.
- 4) Prior to the commencement of the development hereby permitted, details of the design, layout, levels, gradients, materials, surfacing, method of construction and drainage of the driveways and parking areas serving each dwelling and the service road and footways serving the development shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the driveway and parking area serving it and the part of the service road and footway providing access to it have been constructed in accordance with the approved details. The completed driveways, parking areas, service road and footways shall thereafter be retained and not used other than for their intended purpose.
- 5) Prior to the commencement of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP), taking account of the submitted planting plans 01 and 02 (Drawing Nos 909/01 and 909/02) and the recommendations on mitigation, compensation and enhancement in the submitted Ecological Impact Assessment (by Ecologic, ref: 161101 rev08) and the associated Mitigation & Opportunities Plan, shall be submitted to and approved in writing by the local planning authority. The LEMP shall be implemented in full in accordance with the approved details.
- 6) The development shall be carried out in accordance with the submitted Arboricultural Impact Assessment with Constraints Plan and Method Statement (by Dart Tree consultancy, dated 4 April 2022, ref AIA-PET-21). The erection of

barriers and ground protection for retained trees and hedgerows shall be undertaken in accordance with the Tree Protection Plan (Drawing No TPP-PET-22) and in accordance with Section 6.2 of BS 5837:2012 before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. For a period of five years from the commencement of development, the trees and hedgerows shown as retained in this document shall not be cut down, uprooted or destroyed, no tree or hedge shall be pruned other than in accordance with the approved details, and the approved pruning shall be carried out in accordance with BS 3998:2010. If any retained tree or hedgerow dies or is removed, destroyed or pruned beyond that approved and in a manner which leaves it in such a poor condition that it is unlikely to recover, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

- 7) The development shall be carried out in accordance with the submitted Construction & Environment Management Plan (dated Nov 22, issue no. 5), with the exception that all work activities on the site comply with the requirements and recommendations of the latest Ecological Impact Assessment, dated June 2023 (reference 161101, rev 08).
- 8) The development shall be carried out in accordance with the recommendations detailed within sections 7.1 and 7.3 of the submitted Ecological Impact Assessment (EcIA), dated June 2023 (reference 161101, rev 08) and the measures detailed within section 7.2 of the EcIA shall be provided prior to the occupation of the dwellings hereby permitted.
- 9) Details of the external materials to be used in the construction of the dwellings hereby permitted shall be submitted to and approved in writing by the local planning authority prior to their installation. The development shall be carried out in accordance with the approved details and thereafter retained.
- 10) Prior to occupation of the development hereby permitted, full details of external lighting of the development shall be submitted to and approved in writing by the local planning authority. The scheme, addressing light-sensitive species mitigation, shall: i) Include a drawing showing sensitive areas and/or dark corridor safeguarding areas. ii) Identify areas and features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around breeding or resting sites and foraging routes. iii) Show how and where external lighting will be installed (including the provision of appropriate lighting contour plan and technical specifications, such as inclusion of hoods, cowls, shields and louvers and lighting levels below 0.5 lux), taking into account hard landscaping. Boundary features should remain dark and unlit at night. This should clearly demonstrate the areas to be lit will not negatively impact on bat ecology and behaviour. iv) Include methods to control lighting (e.g. timer operation, passive infrared sensor (PIR), limited operational hours). The lighting scheme shall be appropriate to the setting, comply with BS 5489-1:2020 and produced in collaboration with a suitably qualified ecologist to ensure all external lighting proposed does not harm ecology. The external

lighting scheme shall be implemented in accordance with the approved details prior to the occupation of the dwellings and shall be maintained thereafter. No additional external lighting shall be installed on the site without prior consent from the local planning authority.

- 11) Prior to occupation of the development hereby permitted, the landscaping works shall be carried out in accordance with the submitted planting plans 01 and 02 (Drawing Nos 909/01 and 909/02) or any subsequent approved iterations of those plans stemming from the LEMP approved under condition 5. Any trees or plants that, within a period of five years after planting, are removed, fail to thrive, or become damaged or defective, shall be replaced as soon as is reasonably practical with others of species, size and number as originally approved, unless the local planning Authority gives its written consent to any variation.
- 12) Prior to occupation of the development hereby permitted, the energy and low carbon provisions set out in the submitted document 'Compliance with Climate Emergency Policy Guidance' (by Avalon Planning) shall be provided and thereafter retained and maintained.
- 13) Prior to occupation of the development hereby permitted, the bin storage areas shown on the approved floorplans and covered secure parking for four bicycles per dwelling shall be provided and thereafter retained and kept available for their intended purposes.
- 14) Any contamination that is found during the course of construction of the development hereby permitted 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 development shall not resume 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.

END OF SCHEDULE