



Appeal Decision

Inquiry held on 25 and 26 February 2025

Site visit made on 26 February 2025

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23th May 2025

Appeal Ref: APP/J1860/W/24/3353961

Land At (Os 5993 6704) Terrills Farm, Terrills Lane, Tenbury Wells, WR15 8RG

- 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 Mr Samuel Leuty-Milner (Tesni Properties Ltd) against the decision of Malvern Hills District Council.
 - The application Ref is M/22/00289/OUT.
 - The development proposed is described as outline planning permission (all matters reserved, except access) for the provision of up to 125 residential dwellings and associated works.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the provision of up to 125 residential dwellings and associated works at land at (Os 5993 6704) Terrills Farm, Tenbury Wells, WR15 8RG in accordance with the terms of the application, Ref M/22/00289/OUT subject to the conditions in the attached schedule.

Preliminary Matters

2. This appeal seeks outline planning permission, with all matters other than access as reserved matters. I have therefore treated the submitted plans as indicative in all other respects.
3. I heard during the Inquiry that the council's emerging development plan is presently undergoing examination. No specific policies were drawn to my attention and therefore I have based my decision on the extant South Worcestershire Development Plan.
4. After the Inquiry closed I notified the main parties of errors in the submitted Section 106 agreement relating to identification of the schedules of contributions. A Deed of Variation was subsequently submitted correcting the errors. I have considered this in determining this appeal.

Background and Main Issues

5. The council originally refused planning permission due to concerns over highway safety in the Tenbury Wells business park and on Terrills Lane, the appeal site being perceived as an unsustainable location for residential development, the site comprising Grade 2 agricultural land and the lack of a Section 106 agreement to secure requested mitigation measures for highways, education and other identified issues. Following the council's decision the main parties remained in negotiations. Prior to the Inquiry the council confirmed

that it had withdrawn all 4 of its reasons for refusal and, subject to the signing of a Section 106 agreement to securing the agreed obligations, it was no longer opposed to the appeal proposal.

6. Nevertheless, as permission was refused on those issues they form they can usefully form the basis for my determination of this appeal. I also raised the issue of flood risk and surface water management with the parties at the case management conference. After the application the subject of this appeal was determined in June 2024, Tenbury Wells experienced heavy flooding in November when the Kyre Brook overflowed its banks. During the Inquiry I heard that this was one of several flooding events in the town in the space of approximately a year. As the proposed surface water management measures include channelling run off into a tributary that flows into Kyre Brook, I have elevated this to a main issue.
7. The main issues are therefore:
 - Whether the appeal proposal would make adequate provision for the management of surface water and the prevention of flood risk,
 - Whether the requested contributions comply with the Regulation 122 tests, with particular regard to the requested highways contributions,
 - Whether the appeal site is in an acceptable location, having regard to local and national policies,
 - The effect on highway safety; and,
 - The effect on the availability of best and most versatile agricultural land.

Reasons

Surface water management and flood risk

8. Flooding in Tenbury Wells has received national media coverage, and I heard during the Inquiry that the proposed flood wall for the town remains unfunded several years after being proposed. The flooding that occurred in 2024 caused substantial damage to local businesses. The evidence given by residents is that the town is continuing to suffer as a result. It is therefore important that future development not result in a worsening of conditions in terms of flood risk in the town.
9. Policies SWDP 28 and SWDP 29 of the South Worcestershire Development Plan (the Development Plan) collectively require that development ensure no increase in flood risk or harm to third parties and that site drainage and runoff will be managed in a sustainable and co-ordinated way.
10. The appeal proposal is in outline with all matters other than access reserved. No detailed proposals for the management of surface water and flood risk have therefore been submitted. However, given the evidence submitted in the Technical Note – Flood Risk and Drainage submitted by Martin Andrews Consulting Ltd it is possible to assess whether the development can be made acceptable in principle on this issue.
11. The site comprises 2 parcels of land separated by Terrills Lane. The western parcel has an undulating surface with a pronounced slope downward towards the north boundary. The eastern parcel slopes away from Terrills Lane, with an

abrupt change in levels towards the boundary with the Tenbury Wells business park.

12. I heard during the inquiry that the development would include attenuation measures to limit the flow of surface water off the site and into the Kyre Brook tributary. Such measures would include attenuation ponds on both parcels of land. The ponds would be connected, with water flowing from the western parcel to the eastern parcel, and then into the tributary. Such measures would also prevent any increased risk of flooding to the neighbouring properties immediately bordering the appeal site.
13. I further heard that outflow from the site would be managed by the proposed attenuation measures. Even in extreme weather events, once completed the measures would prevent discharge from exceeding 3.9 litres per second¹. This is equivalent to the present greenfield discharge rate from the site.
14. The evidence submitted with the appeal and at the inquiry indicates that surface water at the site can be managed as part of the development, and I have not been made aware of any substantive evidence to the contrary. Subject to detailed design, which would be secured at reserved matters stage, the development would result in reduced discharge during extreme events, such as that which led to the recent flooding incidents in the town. During the course of a typical day discharge from the site would be at a steady rate typical of the site at present.
15. I am therefore satisfied that the proposal would not result in an increase in flood risk locally or in the wider area. The appeal proposal would therefore accord with the requirements of policies SWDP 28 and SWDP 29 of the Development Plan.

Financial obligations

16. During the appeal the main parties have been in negotiations regarding obligations sought by the council and local highway authority. At the inquiry I was presented with an essentially finalised Section 106 agreement² which addressed the various obligations. I have assessed these against the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. These state that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
17. A signed and completed copy of the agreement was received after the Inquiry and I have considered this document, together with the Deed of Variation mentioned above, in reaching my decision on this appeal.
18. I have also considered the obligations against Development Plan policies SWDP 2, SWDP 7, SWDP 15 and SWDP 39. These policies seek, amongst other things, to provide sufficient housing including affordable housing and that development provide or contribute towards the provision of infrastructure needed to support it.

¹ Paragraph 3.2.3 of the Martin Andrew Consulting Flood Risk Assessment Revision A January 2022

² Inquiry document 3

19. The obligation secures a provision of 40% of the dwellings on site to be affordable housing. This accords with policy SWDP 15 of the Development Plan, which seeks a provision of 40% for any development of 15 or more units. The mix of units secured would be 74% social rent and 26% first homes, in accordance with the council's identified need.
20. The parties have agreed on contributions for primary and early years, secondary and special educational needs. These needs would arise directly from the increase in school age population resulting from the proposed development.
21. The parties have also agreed to financial contributions towards healthcare and provision of off-site public open space, as well as an obligation regarding the management and maintenance of on-site open space.
22. Contributions towards a Traffic Regulation Order and a Quiet Lane Order have also been agreed which would together limit the effect of the new traffic arising from the development on Terrills Lane. These could otherwise be secured through a Section 278 agreement. However, including them within this Section 106 agreement provides certainty that the identified works would be carried out as part of the development.
23. The evidence indicates that each of these obligations is necessary, directly related and fairly and reasonably related in scale and kind to the development. They therefore meet the tests outlined above.
24. Three obligations are included in the Section 106 agreements subject to clauses allowing me to strike out any which I do not consider meet the tests.
25. Of these obligations, 2 relate to contributions to bus infrastructure and community transport. I heard during the Inquiry that the former obligation would provide money for a bus stop within the business park, while the latter would be used to provide transport for less physically able residents. The appeal site is located on the edge of the settlement, and from the evidence submitted and what I heard at the Inquiry traffic in the vicinity of the site can be of considerable volume. I also saw during my site visit that the town centre has limited parking available. While this was only a snapshot in time, there is a significant distance for residents to walk to any public transport from the site. Given the scale of development, I am satisfied that the provision of better access to public and community transport is warranted. These 2 obligations are therefore necessary, directly related and fairly and reasonably related in scale and kind to the development so meet the tests outlined above.
26. The remaining obligation would require that the appellant to provide funding for upgrades to the public right of way which crosses the appeal site and runs north to The Oaklands. While this would improve access for residents so would be directly related and could be considered necessary, the works to the north of the site would fall outside of the red line. There is no mechanism before me to ensure that the works could be carried out, as that section of land is in third party ownership. Accordingly, I do not consider that it is reasonably related to the development, so does not meet all the tests. I therefore strike out this obligation.
27. Overall, therefore, most of the obligations secured by the Section 106 agreement meet the specified tests, as well as the requirements of the

identified Development Plan policies. These are therefore a material consideration in favour of granting planning permission.

Location

28. Policy SWDP 2 of the Development Plan sets out the settlement hierarchy for South Worcestershire. It states that in the open countryside, which is defined as land beyond any development boundary, development will be strictly controlled. A limited list of acceptable developments in the open countryside is specified, which does not include market or affordable housing. The appeal proposal therefore conflicts with policy SDWP 2.
29. Policy SWDP 4 further requires that proposals demonstrate that the location of development will minimise demand for travel and offer genuinely sustainable travel choices. Given my findings in relation to the obligations in the Section 106 agreement, I am satisfied that this would be the case.

Highway safety

30. Following discussions with the appellant the council are now satisfied that safe access to the appeal site via Tenbury Wells Business Park can be secured. The parties have agreed that implementation of an elongated traffic island and additional street lighting would prevent conflict between road users around the access to the recycling centre. Furthermore, extensions to the existing pavement alongside this section of road would improve conditions for pedestrians walking to and from the site. The measures would prevent conflict between different road users, and therefore I see no reason to disagree with the parties on this point.
31. Terrills Lane is a narrow lane that passes between the two parcels of the appeal site. Vehicle traffic from the western parcel of the appeal site would cross Terrills Lane onto the eastern parcel to exit onto the public highway via the business park. The junction would be restricted to prevent vehicles turning directly onto Terrills Lane. In addition, measures are proposed to be included in any reserved matters scheme to ensure safe pedestrian access for people using Terrills Lane. These would be necessary as the development would substantially increase the number of properties for which the lane is the most direct route into town. These proposed measures include a pedestrian route within the eastern parcel of the development and road signage advising of the variable road width and pedestrians in the road. Furthermore, the appellants also propose to turn Terrills Lane into a no through road, with bollards preventing vehicles from crossing the flow of traffic between the two parcels of the appeal site.
32. These proposals would have to be agreed with the local highway authority and would be subject to a separate public consultation process. I heard during the Inquiry that residents have concerns about traffic from the appeal site accessing Terrills Lane, but also that Terrills Lane is easier for farm traffic to navigate than Saltbox Lane. However, the detailed measures shown on submitted plans are indicative only, and I did not hear anything during the Inquiry to make me think that safe access measures cannot be secured.
33. Subject to the incorporation of suitable measures the council is satisfied that the appeal proposal would not cause an unacceptable effect on highway safety. Given that vehicle traffic would be directed through the existing

business park and that additional safety measures can be provided along Terrills Lane I am satisfied that, in principle, suitable highway safety measures could be secured through conditions and at reserved matters stage.

34. The appeal proposal would therefore accord with policies SWDP4 and SWDP21 of the Development Plan. These require, amongst other things, that proposals address road safety and that the road network should have the capacity to accommodate the type and volume of traffic from the development.

Agricultural land

35. The appeal site predominantly comprises Grade 2 agricultural land. The council's reasons for refusal initially included one related to this, as Development Plan policy SWDP 13 seeks, amongst other things, to prevent the unjustified loss of best and most versatile agricultural land. However, the council have subsequently accepted that the topography and availability of Grade 2 agricultural land around Tenbury means housing development in the area will affect such land. Given these considerations, and as part of the site is proposed to be allocated for housing development in the emerging plan, I see no reason to disagree with the council's position.
36. The proposed development cannot be reasonably accommodated on non-best and most versatile agricultural land. It would therefore accord with policy SWDP13 of the Development Plan as the circumstances of this case justify the loss of such land.

Other Matters

37. Residents expressed concerns about the effect on privacy, outlook and the potential for noise disturbance for occupiers of neighbouring properties, especially those immediately next to the site. This proposal is in outline with all matters other than access reserved. The precise details of the number, siting, size and orientation of any dwellings built on the site would be addressed at reserved matters stage. This would allow residents to comment on the detailed design of any proposed development. I am satisfied that, in principle, a development of the scale proposed could be accommodated on the appeal site without undue impacts on the living conditions of neighbouring occupiers.
38. During the Inquiry I heard evidence relating to the sustainability of the proposed development. As all matters other than access are reserved, this falls to be considered at a later stage.
39. I also heard that that traffic on Bromyard Road is subject to backing up past the junction with the business park. However, the development would provide obligations towards sustainable and community transport measures, as well as measures to make pedestrian use of Terrills Lane more attractive. The council have not raised any objections to the proposal on grounds of traffic generation. While the development would result in some increase in traffic on the local road network, given the proposed measures I see no reason to find that the impact would be so severe that it would justify dismissing the appeal.
40. The development would result in the loss of a greenfield site. However, I heard during the Inquiry that the allocation of new housing land means development on at least some greenfield sites. I see no reason to disagree with this, as

there is typically insufficient previously developed land to meet ongoing housing need in my experience.

41. I heard during the Inquiry that previous developments in Tenbury Wells have resulted in unsold properties despite having been completed some time ago. While this may be the case, there is a recognised need for housing nationally and a shortfall of housing land locally.

Planning Balance

42. It is common ground between the main parties that the council does not have a 5 year supply of deliverable housing land. In these circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
43. The appeal site is in the open countryside, as defined by Development Plan policy SWDP 2. That policy does not provide support for market or affordable housing in the countryside, and therefore the appeal proposal conflicts with it. However, the site is immediately next to the development boundary of the town, and part of the site is proposed for a housing allocation in the council's emerging local plan. In this instance, therefore, I attribute limited weight to the conflict with the Development Plan.
44. Set against this, the appeal proposal would deliver up to 125 new dwellings on the appeal site. This would support the government's objective of significantly boosting the supply of homes. The housing would include a policy compliant provision of 40% affordable housing of a mix of social rented and first homes. The development would also deliver significant financial contributions towards education, off-site open space, healthcare and public and community transport. Collectively these carry great weight in the overall balance.
45. Overall, therefore, the identified harm would not significantly and demonstrably outweigh the benefits that would arise from the development.

Conditions

46. The main parties have provided a list of suggested conditions³ which I have considered against national guidance in determining this appeal. The appellants have provided written confirmation⁴ that they agree to the various pre-commencement conditions included.
47. In allowing this appeal I have imposed a condition requiring submission of all reserved matters within 3 years of the date of this permission and commencing not later than 2 years from the date of final approval of those reserved matters (1). The proposal is significant, and the scale of works required means that 3 years is a reasonable timescale for the reserved matters to be resolved, notwithstanding the pressing need for housing. It is also necessary to impose a condition requiring approval of all the reserved matters before works commence on site (2) to ensure that the detailed nature of the development is acceptable.
48. A condition specifying the approved plans (3) provides certainty. A condition requiring the reporting and remediation of any unexpected contamination at the site (4) is reasonable given that the appeal proposal is for housing.

³ Inquiry document 9

⁴ Letter from WSP dated 26 February

49. Condition 5 specifies protection measures for retained trees during construction. This is necessary to preserve their contribution to biodiversity and the character of the area. Condition 6 requires approval and implementation of drainage for foul and surface water at the appeal site, which is necessary to manage flood risk and in the interests of future occupiers' living conditions. Conditions 7 and 8 requires approval and the carrying out of archaeological investigations, as the site is in an area of known archaeological remains.
50. I have imposed conditions relating to the preservation of biodiversity (9) and the implementation of landscaping (10, 11) at the site. These are to ensure the protection and overall enhancement of biodiversity at the site, and to ensure an overall acceptable appearance for the development.
51. Details of lighting for biodiversity (12) and along Terrills Lane (13) are necessary to prevent harm to wildlife arising and to ensure that the users of Terrills Lane are safe given that it is a narrow lane.
52. Conditions relating to cycle parking on-site (14), a residential travel plan (15) and residential travel welcome pack (16) would encourage the use of sustainable travel measures by new residents. These are necessary given the site's location on the edge of town, separated from the principal location of services and facilities in the town centre.
53. Conditions 17, 18 and 19 relate to matters of site access and highways works in relation to Terrills Lane and the access from the business park. These would secure highway safety improvements which have been identified as necessary by the local highway authority. In relation to condition 19 it was confirmed at the Inquiry that measures for active travel provisions and traffic management on Terrills Lane may also require signage on Saltbox Lane, so I have amended the wording of this condition accordingly.
54. Conditions 20, 21 and 22 relate to the securing of site drainage and surface water management measures. These are necessary to prevent any increase in flood risk from the appeal proposal given the increase in impermeable surfacing and recent instances of flooding in the town.
55. A condition requiring approval of construction traffic management including details of routings and access (23) is necessary to prevent unnecessary disruption of traffic along Terrills Lane.

Conclusion

56. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it.
57. Accordingly, the appeal is allowed.

M Chalk

INSPECTOR

Appearances

For the appellant:

John Barratt Counsel, instructed by Tesni Properties Ltd

He called:

Nigel Harris	Planning witness
Paul Whittaker	Highways witness
Martin Andrews	Surface water management and flood risk witness

For the council:

Odette Chalaby Counsel, instructed by Malvern Hills District Council

She called:

Lee Walton	Principal Planning Officer, Malvern Hills District Council
Graham Stevenson	Senior Associate Director, Jacobs

Interested parties

Joe Watson	Resident
Lesley Davis	Deputy Mayor, Tenbury Town Council
Lynne Thorn	Resident
John Marson	Resident

Documents submitted to the Inquiry

- ID1 Appellant's list of witnesses
- ID2 List of residents who had expressed an intention to attend the inquiry
- ID3 Review copy of the Section 106 agreement
- ID4 Appellant's opening statement
- ID5 Council's opening statement
- ID6 Photos of flooding in the town and a photo demonstrating the difference in land levels between the west parcel of land and 30 The Oaklands circulated by Mr Watson
- ID7 Written copy of Lesley Davis' evidence
- ID8 Appellant's closing statement
- ID9 Updated list of suggested conditions including condition addressing construction traffic added to address interested parties' comments

Documents submitted after the Inquiry

Signed and completed Section 106 agreement dated 19 March 2025
Deed of Variation dated 7 May 2025

Schedule of conditions

1. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall commence not later than two years from the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced. The development shall be carried out in accordance with approved reserved matter details.
3. Unless where required or allowed by other conditions attached to this permission, the development hereby approved shall be carried out in accordance with the information (including details on the proposed materials) provided on the application form and the following plans:
 - P19_043_022C Site Location Plan
 - VN211981-D109 Access Road Alignment
4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the local planning authority. No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, until the following requirements have been complied with:
 - Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the local planning authority prior to any further development taking place.
 - Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and submitted for the approval of the local planning authority. The approved remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation.
 - Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the local planning authority for approval. Any building hereby approved shall not be occupied until the written approval of the verification report has been provided by the local planning authority.

5. No development shall commence, including site clearance, preparatory work, deliveries, vehicular movements and erection of site huts, until temporary fencing has been erected in accordance with British Standard BS 5837:2012 (Trees in relation to design, demolition and construction –Recommendations) (or an equivalent British Standard if replaced).

The protective fencing shall remain in place until the completion of development. Nothing (including soil) should be stored or placed, nor any ground levels altered, within the fenced area.

There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.

6. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
7. No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- The programme and methodology of site investigation and recording.
 - The programme for post investigation assessment.
 - Provision to be made for analysis of the site investigation and recording.
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - Provision to be made for archive deposition of the analysis and records of the site investigation.
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
8. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
9. No development, vegetation removal, site clearance, archaeological works including trial trenching and excavation shall take place until a construction environmental management plan (CEMP Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP Biodiversity shall be informed by updated ecological surveys as appropriate, but will include the following:
- Risk assessment of potentially damaging construction activities;
 - Identification of "biodiversity protection zones";
 - 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/mitigation strategies) and shall include mitigation measures for bats, reptiles, birds and mammals;

- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works or similarly competent person;
- Use of protective fences, exclusion barriers, silt management measures and warning signs.

The CEMP Biodiversity will be implemented in accordance with the approved details.

10. Prior to the commencement of development, a scheme of landscaping including a written planting specification shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include a plan detailing the disposition of planting, cross referenced to a schedule listing the species, size at time of planting, number of plants proposed or proposed planting density. The landscaping scheme shall be designed to achieve the Biodiversity Net Gain requirements in accordance with the landscape and ecological management plan (condition 11). The specified locations shall appear on an external works plan.

The approved scheme shall be carried out in accordance with a timetable submitted to and agreed in writing by the local planning authority.

If within a period of five years from the date of the planting of any tree, shrub or hedging plant planted pursuant to this condition that tree, shrub or hedging plant, or any tree, shrub or hedging plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, poorly established or moribund, another tree, shrub or hedging plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.

11. As part of the first reserved matters application, a landscape and ecological management plan (LEMP) prepared by a suitably qualified and experienced ecologist, shall be submitted to and approved in writing by the local planning authority. The content of the LEMP shall be guided by the requirement to achieve a minimum of 10% Biodiversity Net Gain (BNG) and maintain this for no less than 30 years after implementation. The LEMP shall be informed by updated ecological surveys as appropriate, but will include the following:

- Details (type and location) of compensation and enhancement measures for protected species including wildlife boxes, hedgehog passes and refugia/hibernacula
- Description and evaluation of the features to be managed;
- Updated BNG calculation and Biodiversity Gain Plan to reflect detailed layouts and landscape and planting scheme at the Reserved Matters stage;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;

- Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period and for a minimum of 30 years thereafter;
- Details of the body or organisation responsible for implementation of the plan, and sustained management and delivery of the plan;
- On-going monitoring and remedial measures

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

The LEMP will be implemented in accordance with the approved details.

12. As part of the first reserved matters application, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall be informed by updated bat surveys as appropriate and shall:

- Identify those areas/features on site that are particularly sensitive for nocturnal wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- Show how and where external lighting will be installed and the impacts of internal light spill (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 territory or having access to their breeding sites and resting places. This will include the provision of dark corridor conditions (LUX levels at or below 0.4 in the vertical plane and 0.2 LUX in the horizontal plane) for retained trees, hedgerows, badger setts and commuting routes for bats.

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

13. Prior to the occupation of any part of the development hereby approved, a scheme of improved and/or additional lighting on Terrills Lane between its junction with Bromyard Road and the development site shall be submitted to and approved in writing by the local planning authority. The approved scheme of lighting shall be implemented before first occupation.

14. The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted Streetscape Design highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the local planning authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

15. The Residential Travel Plan hereby approved, dated January 2022 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the local planning authority to

address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the local planning authority and thereafter implemented as amended.

16. The Development hereby approved shall not be occupied until the Applicant has submitted to and had approval in writing from the local planning authority a residential Travel Welcome Pack promoting sustainable forms of access to the development. The Pack shall be provided to each resident at the point of occupation.
17. No development shall take place before a scheme to deter overtaking in the vicinity of the Recycling Centre and timetable for delivering the works, has been submitted for approval to the LPA. The scheme shall be generally in accordance with SLR drawing VN211981-D109.1 Rev B and be accompanied by a road safety audit. The approved scheme shall be complete and open to traffic in accordance with the approved timetable submitted to and agreed in writing by the local planning authority.
18. Prior to the commencement of the development, a scheme for the design of a spine road and associated active travel route within the site shall be submitted for approval to the local planning authority. The submitted scheme shall be generally in accordance with SLR drawing 3D-VN211981-D115 and the subject of a road safety audit. The approved scheme shall be provided and open to traffic before the first occupation of the development hereby permitted.
19. Prior to the first occupation of the dwellings hereby permitted, a scheme detailing measures for active travel provisions and traffic management on Terrills Lane and Saltbox Lane shall be submitted for approval to the local planning authority. The submitted scheme shall be generally in accordance with SLR drawings VN211981-D114 Rev A and VN211981-D104 Rev B (subject to detailed design and a road safety audit). The approved scheme shall be complete and open for use before first occupation of the development hereby permitted.
20. No works or development shall take place until a full drainage strategy and sustainable drainage system (SuDS) proposal has been submitted to and approved in writing by the local planning authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a SuDS and shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.
21. No works or development shall take place until final design details of the proposed routes and points of discharge for the restricted surface water discharge from the site have been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any dwelling hereby approved is first occupied.
22. No works or development shall take place until a scheme of land drainage, to intercept and deal with surface runoff flows from adjacent land has been submitted to and approved in writing by the local planning authority. The

approved scheme shall be completed before the development is first brought into use.

23. No development shall commence until full details of the construction traffic for the development, including any temporary highway vehicle and pedestrian routings, details of the site construction access from the Tenbury Wells Business Park, measures to limit construction traffic using Terrills Lane and Saltbox Lane, times and days of large vehicle movements to/from the site, suitable off-highway parking for all construction-related vehicles and vehicle cleansing/wheel washing facilities has been submitted to and approved in writing by the local planning authority. The plan shall also include details of a communication and reporting strategy for dealing with any highway-related issues. The development shall then be implemented in accordance with the approved details throughout the construction period.

End of schedule