



Appeal Decision

Hearing (Virtual) Held on 28 April 2021

Site Visit made on 29 April 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2021

Appeal Ref: APP/W3005/W/20/3263882

Land off Millers Way, Kirkby in Ashfield, Nottinghamshire NG17 8RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Peveril Homes Limited against the decision of Ashfield District Council.
 - The application Ref V/2019/0756, dated 21 November 2019, was refused by notice dated 26 October 2020.
 - The development proposed is for 54 dwellings and associated highways, drainage and landscaping infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for 54 dwellings and associated highways, drainage and landscaping infrastructure at land off Millers Way, Kirkby in Ashfield, Nottinghamshire NG17 8RF in accordance with the terms of the application, Ref V/2019/0756, dated 21 November 2019, subject to the conditions detailed in the attached schedule.

Applications for costs

2. An application for costs was made by Peveril Homes Limited against Ashfield District Council. This application is the subject of a separate Decision.

Procedural Matters

3. A signed Section 106 Legal Agreement was not able to be submitted at the Hearing due to technical reasons. I allowed a period up to the 29 April 2021 for a signed Agreement to be submitted and this was provided within the prescribed time.
4. Similar timescales were provided to the Council for the submission of a statement responding to the appellants cost application. This was submitted in the prescribed time, from which the appellants were offered an opportunity to provide a rebuttal. However, no further correspondence was received on the matter of costs.
5. Policy HG7 of the Ashfield Local Plan Review 2002 (ALPR) had been referred to in the Council's decision notice. The Council had clarified that this was an administrative error and should have been Policy HG5. The parties were aware of this error at an early stage and I do not consider that any parties have been unduly prejudiced in this regard.

Main Issues

6. The main issues are the effect of the proposal on (i) biodiversity in the area; (ii) highways safety with regards to vehicular traffic; and (iii) open space in the area.

Reasons

Biodiversity

7. The Kirkby Wasteland Local Wildlife Site (LWS), which has recently been extended, and plantation woodland lies immediately to the north of the appeal site and forms part of the Summit Colliery Dingy Skipper mitigation scheme as part of planning permission ref: V/2013/0006. The LWS provides the Dingy Skipper Butterflies (DSB) with the required warm, sheltered conditions with open swards and taller vegetation needed for food and roosting. The mitigation scheme has appeared to be successful with indications that the DSB population has doubled in size.
8. The increase in public visitors to the land to the north is a concern for the Council as uncontrolled access would risk damage to the sward and the trampling of eggs and larvae of the DSB. I note comments that the LWS and plantation woodland are in private ownership and not officially accessible to the public. There is an access point from the north east corner of the appeal site and it is clear from the well-defined desire lines that run through the LWS and woodland, as well as a footpath constructed as a requirement of planning permission ref: V/2014/0530, that the land is well used by the public. It has also been explained that localised trampling and patches of bare ground can be beneficial for DSB in creating suitable micro-habitat. The proposal would inevitably lead to new residents using the land to the north for recreational purposes however, given how the LWS and woodland has been designed and developed, the recreational uses will be mainly restricted to activities such as walking and cycling. The woodland area and vegetation amongst the trees are dense in nature therefore the public are unlikely to stray from the existing desire lines. Although I accept there are no controls in place to prevent the public from deviating off the desire lines, these would only be on rare occasions and, as described above, any incidents of trampling from people digressing from the desire lines could be beneficial to the DSB population. Due to the scale of the development, I do not consider that the proposal would increase the footfall within the LWS and the woodland area to the north, to a level that would adversely harm the DSB and their habitats.
9. The proposal would result in rear gardens backing directly onto the LWS and plantation woodland and this would provide a barrier to prevent the general public from straying from the well-defined desire lines. There is the potential that this could result in tipping of waste including garden materials as well as the installation of gates leading into the land to the north. There are only a small number of houses proposed to back onto the land to the north and even if tipping of waste and installation of gates did occur, this matter would be localised to a small area and not have a significant effect on the wider LWS and woodland area.
10. The Council considers that collectively the proposal would not provide sufficient mitigation to achieve a biodiversity net gain for habitats. Based on the Defra Biodiversity Metric 2.0 Calculation Tool (Defra metric), the Council have

calculated that the biodiversity value for the scheme would be 2.89 habitat units which is a deficit of around 44%. The use of the Defra metric is not specified in national or local policy, although I acknowledge that it is a method in which biodiversity gain or loss can be measured quantitatively. Whilst some information is available, including the headline results in table 1 of the Council's ecology statement of case, insufficient evidence has been submitted which clearly shows the methodology involved and all the factors that contributed to the Defra metric calculation and the resulting figure of a deficit of 44%. The proposed scheme would enhance roosting opportunities for bats with artificial lighting being directed to support a continuation of foraging and commuting by bats, and also provision for nesting birds. The proposal incorporates a parcel of land to the north west, which would not be publicly accessible, where a butterfly bank would be created specifically for the DSBs as well as other butterflies, moths and any other invertebrates.

11. Concerns have been raised that the parcel of land to the north west of the site would not be suitable for DSB, due to factors including butterfly bank orientation, size of the area and management options. A full ecological management plan for this land to the north west would be a requirement of a planning condition with details to be submitted to the Council for approval. This land could also become a habitat area for other invertebrates and not only DSB. I am satisfied that through details submitted by planning condition that a suitable ecological scheme can be agreed.
12. The parties are in agreement that the appeal site is mostly of low ecological interest. There are concerns with the loss of hedgerow units from the site with the Council detailing that the hedgerows may be protected by the Hedgerows Regulations 1997 (HR). The appellant claims that the hedgerows are not classed as "important" under the HR given they have not existed for more than 30 years. The hedgerows do qualify for Habitats of Principal Importance as listed under the provisions of the Natural Environment & Rural Communities Act 2006 however, I do note that the evidence suggests that the hedgerows are around 20 years old. At my site visit, I viewed significant gaps in the hedgerow with the volume of the hedgerow being widely mixed and quite thin in many places. There are also areas of bramble and mixed scrub, some of which is within the area to the north west of the site that has been proposed to be used as additional land for biodiversity habitat including the DSB.
13. The hedgerow within the site is not of excellent quality and the bramble and mixed scrub do not cover significant areas of the site. The proposals would provide an opportunity to introduce quality hedgerow along the boundaries of the site as well as providing a habitat area to the north west that would enhance the biodiversity in the area. The scheme, in particular the houses along the north boundary, would provide a substantial barrier with the LWS and woodland area which would restrict access and direct the public towards the established desire lines. There are also proposals to introduce an information board near the access point to the land to the north, which would offer an opportunity to educate the public on the significance of the habitat areas in the locality. Whilst quantitatively there may be a deficit in biodiversity across the whole site, the proposed scheme would provide significant qualitative biodiversity enhancements to the site and the surrounding area including important habitats such as the DSB.

14. Accordingly, I find that overall, the proposal would not have a harmful effect on biodiversity in the area. The proposal would not be contrary to Policy EV6 of the ALPR and the National Planning Policy Framework (the Framework) which seeks development to not adversely affect Local Nature Reserves or sites of importance nature conservation and to protect and enhance biodiversity.
15. My attention has been drawn to concerns that there was a lack of consultation with the landowners of the LWS. Evidence submitted with the appeal indicates that the correct publicity of the application was undertaken. It has been indicated that the landowner of the LWS has raised concerns verbally which suggests that they were aware of the proposals however, no formal letter of representations have been submitted as part of this appeal. This matter does not alter my findings above.

Highway safety

16. The proposed development would be accessed from Millers Way. The Council's reason for refusal raises concerns that the additional traffic as a result of the proposal would exacerbate existing congestion and highway safety along Millers Way, in particular at the junction of Millers Way and Lane End.
17. The junction of Millers Way and Lane End has good visibility in both directions. To the west of this junction the visibility is mainly unrestricted due to highway land. To the east, visibility is relatively unrestricted although it is noted that visibility may be reduced if vegetation is left to be overgrown and, as shown in images submitted, vehicles are parked on Lane End to the east of the junction. Nevertheless, given the bend in the Lane End road and that approaching vehicles from the east would be on the opposite side of the road from the junction, I consider that sufficient visibility is achieved to ensure vehicles can enter and exit the Millers Way/Lane End junction in a safe manner.
18. There are concerns that vehicles parking around the junction of Millers Way/Lane End, in particular on Millers Way can be obstructive. Whilst there was only one vehicle parked near the Millers Way/Lane End junction during my site visit, I accept that there are opportunities for more vehicles to be parked in this location. I have given careful consideration to images presented to me showing vehicles parked on Millers Way, as well as comments from local residents.
19. The junctions of the railway station and the social club building are in close proximity to the Millers Way/Lane End junction. There are double yellow lines along sections of Millers Way but they do not extend to the junction with Lane End and this may have resulted in more parking being closer to the Millers Way/Lane End junction. Any parking on Millers Way would restrict the width of the highway and there would be occasions that vehicles have to wait for other vehicles to pass those that are parked on the road. This may require vehicles to have to wait either on Millers Way or Lane End. Due to the visibility around the Millers Way/Lane End junction, the low speed limit and the provision of a protected right turn lane on Lane End, any vehicles having to wait to allow others to pass any parked vehicles would not create an undue obstruction in the road. With the proposal increasing the number of dwellings served by Millers Way by around 77%, this would inevitably lead to an increase in vehicle journeys using the Millers Way/Lane End junction. For the reasons described above though, I do not consider that the amount of additional traffic would

significantly compromise highway safety at the Millers Way/Lane End junction or the surrounding area.

20. The Section 106 Legal Agreement submitted with this appeal provides details of a Traffic Regulation Order (TRO) which would extend the double yellow lines to the junction of Millers Way/Lane End. Notwithstanding my comments above, the provision of additional double yellow lines would significantly reduce parking at this junction and subsequently the need for vehicles to have to wait in the road to allow other vehicles to pass those that are parked. At the Hearing, it was explained that this TRO was being progressed by Council Officers however, it had not undergone full consultation and had not been confirmed. On this basis, whilst the TRO would be beneficial with regards to free flow of traffic in this location, I have attached no weight to this matter.
21. The appeal site has good footway links, including crossing refuges on the roads, which lead to a range of shops and services that are short walking distance from the site. The site is within close proximity to the Kirkby in Ashfield railway station and a number of bus stops, although it is accepted that some of the proposed properties may be over 400 metres away from the bus stops. There are also some cycling provisions in the area with segregated footway/cycleways on Millers Way. Some of the crossing refuges in the area do not have tactile paving and are not wide enough for cyclists. The proposals do not include provisions to connect the segregated footway/cycleway on Millers Way to other cycle provisions in the wider area. Whilst the proposal may be lacking in terms of the promotion of cycling provision and guidance in the LTN 1/20 Cycle Infrastructure Design, on the whole, the proposal would have excellent credentials in terms of accessibility to shops, services and public transport.
22. I have had regards to the appellants and Council's evidence with regards to accident history in the area. Whilst I note that there have been accidents in the area and around the Millers Way/Lane Ends junction, there is no clear evidence before me to suggest that an increase in the number of vehicles resulting from the proposal would exacerbate traffic to an extent that would lead to increased accidents or harm the safety of highway users.
23. Concerns are raised regarding the parking of vehicles on Millers Way and surrounding roads, of which some parking occurs on the footpaths. Inconsiderate parking is likely to create obstructions for pedestrians, in particular those with mobility aid, wheelchair users and prams and pushchairs. Due to the location of the appeal site, it is unlikely that the proposal would lead to an increase in vehicles being parked on Millers Way, particularly close to the junction with Lane End. This existing parking situation is unlikely to be exacerbated by the proposed development to an extent that would be harmful to pedestrians.
24. Given the above, I am satisfied that the proposal would not have a harmful effect on highway safety with particular regard to vehicular access. The proposal would be in accordance with Policies ST1 and HG5 of the ALPR, the Nottinghamshire County Council Highway Design Guide and the Framework which seeks development to not adversely affect highway safety or the capacity of the transport system.

Open space

25. The Ashfield District Council Playing Pitch Strategy 2017-2020 (ADCPPS) indicates that its key issues and findings are that overall, there is an undersupply of junior and mini football pitches. The ADCPPS does indicate, in table 3.1, that in the Kirkby sub area there is a surplus of pitches for adult, youth and mini football. Table 3.1 also predicts demand to the year 2026 which shows the Kirkby sub area as having surplus of football pitches for all age ranges.
26. Whilst the District may have an overall deficit of youth and mini football pitches, it is clear from the ADCPPS that the Kirkby area has a surplus of football pitches for all ages. The loss of the open space to the proposed development would therefore accord with the requirements of paragraph 97 of the Framework which states that existing open space, including playing fields, can be built on when an assessment has shown the open space to be surplus to requirements.
27. Beaufort United Football Club (BUFC) had previously played at the appeal site however they have now transferred to the site at Polly Bowls Club (also known as Unwin Road site) which have facilities that are at a higher standard to those at the appeal site. The proposal would also include financial contributions towards the designated football hub at the Kingsway site and towards the new leisure centre in Kirkby. Given the ADCPPS has identified a surplus of football pitches in the Kirkby area, the financial contributions towards the Kingsway site and the new leisure centre would provide enhanced sports facilities in the locality. From images provided as well as my observations at my site visit, the facilities now provided for BUFC at the Polly Bowls Club site are an improvement in quality from those at the appeal site. There are currently no pitches marked out or football goal posts situated at the appeal site. The grass is overgrown and the changing facilities appear to be small and rundown. Whilst I accept that improvements can be made to the site, it currently does not offer quality facilities for football or other sports. The proposals, which include the already relocated BUFC and contributions to other recreation facilities in the Kirkby area, would bring significant improvement to the overall quality of recreation provision in the locality.
28. The formal open space at the appeal site is in an accessible location being proximate to the railway station and it is noted that in general there is a need for open space of varied types and quality to meet different needs of users. I have given careful consideration to comments from local residents and the Council's statement of case which includes reference to the Government's "Building for a Healthy Life" initiative as well as the Covid-19 pandemic which emphasises the importance of promoting social interaction outdoors, enabling outdoor exercise, supporting healthy lifestyles and providing access to green spaces.
29. The proposed development would result in the irretrievable loss of the formal open space. However, the ADCPPS gives clear indication that the site is not required to be retained due to the surplus of pitches in the Kirkby sub area. There would be significant investment in other leisure and open space facilities in the area which would enhance the recreational offer for local residents. I also note that Sport England have not provided any objections to the proposals and loss of the open space at the appeal site. There are a number of recreational

areas and open green spaces of varied types and quality within close walking distance to the appeal site. Local residents, including future residents of the proposal, would have good accessibility to a range of recreational facilities in the area. The ADCPPS makes it clear that the appeal site is surplus to requirements and the proposals with contributions to existing leisure and recreational facilities in the area would make a significant improvement to the overall quality of recreational provision in the locality.

30. The proposal, and the loss of the formal open space, would therefore not have a harmful effect on open space in the Kirkby area. The proposal would accord with Policies RC3 and ST1 of the ALPR and the Framework which seeks development, which leads to a loss of open space, to make a significant improvement to the overall quality of recreational provision in the locality and to clearly show that the open space is surplus to requirements.

Other Matters

31. I have had regard to the Council's statement of cases and concerns raised from local residents which include five year housing land supply, privacy, noise, dirt and disruption, public right of ways and pollution. I have given careful consideration to these matters, some of which would be capable of being addressed by planning conditions in any event, but they do not lead me to a different overall conclusion on the main issues nor do they amount to harm in which would justify withholding planning permission.

Conditions and Planning Obligations

32. The conditions imposed are those that have been agreed by the appellant and the Council. In the interests of precision and clarity I have undertaken some minor editing and rationalisation where necessary.
33. Conditions relating to timeliness and the identification of plans are necessary in the interests of proper planning and to provide certainty. In the interests of character and appearance of the area and to safeguard living conditions of residential occupiers, conditions are necessary in relation to materials, site levels, boundary treatment, hard standing, footpaths, bin storage details, lighting, electric charging points, removal of some permitted development rights and construction management plan. To prevent undue risk to the local environment it is necessary to attach conditions relating to ecological matters, hedgerow and tree method statements, and drainage. In the interests of highway safety, conditions are necessary in relation to roads, parking, visibility splays, street lighting, drainage and outfall proposals, construction specification, utilities services, road markings, tactile paving, signage/street name plates, and any proposed structural works. To encourage sustainable modes of transport and reduce carbon emissions conditions are imposed relating to travel plans, sustainability statement and footpath/cycleway connections.
34. The parties have also agreed on a condition which would result in the erection of an interpretation board/information plaque/way marker/ freestanding sculpture in the vicinity of the footpath and cycleway leading into the LWS and woodland. The suggested wording of this condition had included that reference should be made to the Kirkby in Ashfield and Selston Railway Line non designated heritage asset. At the Hearing, it was discussed whether this should also include details of the LWS and reference to the DSB providing it would not

compromise the habitat in anyway. I have therefore attached a condition in this regard with wording to allow the parties to agree the suitable information required.

35. A completed Section 106 Agreement has been submitted which details obligations for affordable housing, ecological enhancements, sports facility improvements and financial contributions towards public open space at Kingsway Park, health care provision, bus stop infrastructure, libraries, leisure facilities and highway infrastructure including Traffic Regulation Order provision.
36. It is necessary that I consider these obligations against the three tests set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL) and I note that the parties have agreed that they consider the obligations to be CIL compliant.
37. All new housing developments bring about demand for affordable housing, open space and recreational areas, public facilities and transport as well as health care. Given the scale of the development and comments from specialist officers from the Council, there would be a need for highway work, contributions towards public transport, ecological enhancements and improvements to sports facilities in the area. I am therefore satisfied that the proposed contributions would be necessary to make the development acceptable in planning terms. Furthermore, on the evidence before me, they would be directly related, and fairly and reasonably related in scale and kind, to the development proposed. The obligations therefore meet the relevant tests and I am satisfied that the proposal adequately contributes to affordable housing and infrastructure in the area.
38. The obligations for ecological enhancements include the provision of the parcel of land to the north west of the site which would be managed by the owners in accordance with a Landscape and Ecological Management Plan agreed through a planning condition. The Section 106 Legal Agreement offers Ecological Management Plan Periods of either 10 or 30 years. Having regard to timescales of other ecological management plans on nearby sites, I consider it reasonable that a 10 year plan period shall be applicable. I therefore attach no weight to the provision for a 30 year ecological management period as detailed in the Agreement.

Conclusion

39. For the reasons given above I conclude that the appeal should be allowed subject to the appropriate conditions and the relevant terms of the submitted Section 106 Agreement.

Chris Baxter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Simon Chadwick	Planning Consultant
Andrew Williamson	Counsel
Alison Ogley	Counsel
Suzanne Mansfield	Ecology Consultant
Mike Fuller	Transport Consultant
Paul Stone	Planning Consultant
Jane Smith	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Bob Woollard	Planning Consultant
Mark Woods	Ecology Consultant
Mark Rayers	Transport Consultant
Mick Morley	Ashfield District Council

Richborough Estates

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19-404-03; 19-404-02F; 19-404-100; 19-404-101; 19-404-102; 19-404-103; 19-404-104; 19-404-105; 19-404-106; GL1234 02; GL1234 01B.
- 3) No works above damp proof course shall take place until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been submitted to and agreed in writing by the Local Planning Authority. The submitted detail shall also include the type, size, colour and positioning of meter reading boxes on the dwellings. The development shall thereafter be carried out in accordance with the approved details.
- 4) No site clearance, preparatory work or development shall take place until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved, in writing, by the Local Planning Authority. This shall be based on the recommendations set out within the following documents/plans:
 - Preliminary Ecological Appraisal by Quants dated May 2019.
 - Reptile Survey by Quants dated June 2019.
 - Ecological Enhancement Scheme Dinghy Skipper Butterfly Drg No. GL123402.

This shall include full details of all the sites soft landscaping and ecological management objectives, operations and maintenance prescriptions, together with their timings. The LEMP shall be carried out as approved and the site maintained thereafter in accordance with it.

- 5) No site clearance, preparatory work or development shall take place until a method statement detailing the protection of the retained hedgerow and the TPO Tree (Ref 117 - Ash Tree) on the south eastern boundary has been submitted to and approved in writing by the Local Planning Authority. The statement shall accord with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced).
- 6) Prior to commencement of development a detailed surface water drainage, scheme based on the principles set forward by the approved AB Civils Design Flood Risk Assessment (FRA) and Drainage Strategy ref AB-119 Dated November 2019 – as amended by Site layout 19-404-02 F - shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
 - Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.

- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
 - Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
 - Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
 - Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
 - Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion for the lifetime of the development.
- 7) Prior to the commencement of development, details of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 8) Prior to the commencement of development, details of all the finished floor levels, surrounding ground levels and levels of existing dwellings shall be submitted to and agreed in writing by the Local Planning Authority. The dwellings shall thereafter be built in accordance with the agreed details.
- 9) Prior to the occupation of the first dwellinghouse, details showing the erection of an interpretation board/information plaque/way marker/freestanding sculpture in the vicinity of the footpath and cycleway leading into the woodland shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and within an agreed time frame.
- 10) Notwithstanding the approved plans, no above ground works shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
- a) Details of the sites boundary treatments and individual plot boundaries;
 - b) Details of hard landscaping across the site;
 - c) Details of a chicane entrance to the woodland paths;
 - d) A lighting strategy;
 - e) Details of bin storage size, type and locations;
 - f) A plan showing the provision of electric charging points for the dwellings;

The approved details shall thereafter be implemented and within an agreed time frame.

- 11) No above ground works shall take place until full details of the new roads and any required changes to the existing highway for speed attenuation or highway safety improvement purposes have been submitted to and approved in writing by the LPA. This shall include road/footway/cycleway longitudinal and cross-sectional gradients/levels, parking provision, turning facilities, access widths, visibility splays (including pedestrian, junction and forward visibilities), street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, TRO's/road markings, tactile paving, signage/street name plates, and any proposed structural works. All details submitted to the LPA shall comply with the County Council's current Highway Design & Parking Guides and shall be implemented as approved. Any visibility splays/sightlines shall be kept clear of any obstructions over 600 mm high for the life of the development. The development shall thereafter be carried out in accordance with the approved details.
- 12) Prior to the commencement of development, including any site preparation works, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority, this should include:
- How construction traffic will access the site;
 - Proposed hours and days of working;
 - Protection measures for the woodland to the north of the site;
 - A risk assessment for the railway line to the west;
 - Details of any earthworks adjacent to the Network Rail boundary;
 - Management of parking by persons involved in the construction of the development, including operatives & visitors;
 - Proposed temporary traffic restrictions and arrangement for loading/unloading & turning of vehicles;
 - Location of the site storage areas and compounds;
 - The segregation of construction vehicle and pedestrian movements on site and the adjacent public highway;
 - Wheel wash facility to prevent the deposit of debris on the public highway, (periodic street sweeping & cleansing of the public highway will not be accepted as a proactive method to address this issue);
 - A strategy for the minimisation of noise, odour, vibration and dust;
 - Site contact detail in case of complaints;

The approved details shall be adhered to throughout the construction period.

- 13) Notwithstanding the provisions of the Town & Country Planning [General Permitted Development][England] Order 2015 [or any Order revoking and re-enacting that Order with or without modification] no development relating to; Schedule 2, Part 2, Class A – Erection of fences forward of the dwellinghouse, shall be undertaken without the prior written approval of the Local Planning Authority.
- 14) The dwellings shall not be occupied until a travel plan to promote and encourage the use of alternative modes of transport to the car has been submitted to and approved in writing by the local planning authority. The travel plan shall include raising awareness in respect of cycling, walking, car share initiatives, car clubs and providing details of a nominated travel plan

co-ordinator. The scheme shall include, for the first occupier of each dwellings, the provision of a travel information welcome pack to raise awareness in respect of sustainable transport modes.

- 15) No works above damp proof course shall take place until the applicant has submitted a sustainability statement. This shall include details of measures such as solar panels, rainwater collection, waste reduction, ground/air source heat pumps, construction materials and energy efficiency. All approved details shall thereafter be implemented within the scheme.
- 16) All pedestrian visibility splays from the private drives as shown on drawing numbered 19-404-02F shall be maintained free of all obstruction over 0.6 metres above the carriageway level at all times.
- 17) The footpaths and cycleway into the woodland to the north of the site, as shown on drawing numbered 19-404-02F, shall be provided prior to ending of construction and kept open for use in perpetuity.

Richborough Estates