

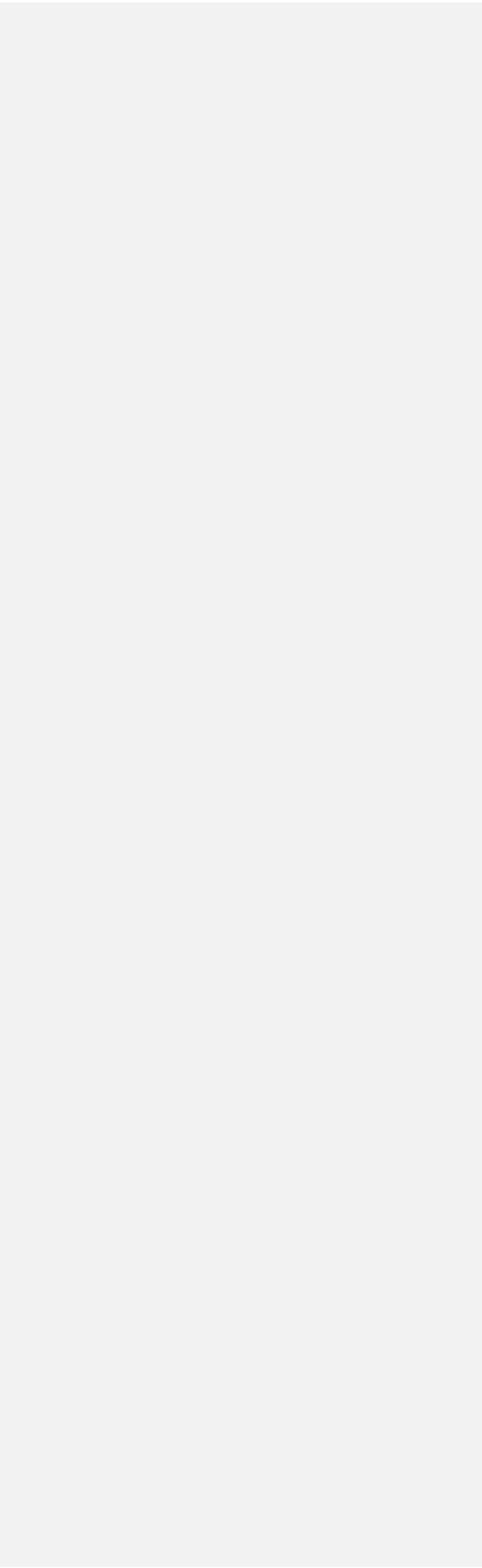
Suggested conditions

Proposed conditions	Inspectors Comments	Appellants Response	LPA Response
1. Approved plans The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice. REASON: For the avoidance of doubt and in the interests of proper planning.	In the absence of parameter plans, should reference be made to the illustrative layout plan? Should the number of dwellings be specified by condition?	The Master Plan is illustrative so its questionable how precise a condition can be that refers to this, and whether it is needed given full control of layout remains at RM stage. However, if some certainty is wanted about location of POS for example then the appellant would be happy to accept a ‘generally in accordance with’ condition in respect of POS. We agree to the addition of an ‘up to 100 dwellings’ condition and this is added at the end of this table.	Given the application does not establish layout this is one for appellant if they wish to broadly bind the illustrative layout? (This x refers to comment made about the S.106 which was using the layout plan as a plan 1 (plan 1 in the final version) which also sought to define the location of open space etc by reference to the illustrative layout which we have queried as layout is not being established. Agree to need for an “up to xx dwellings” condition.
2. Reserved matters Before development begins, details of the appearance, landscaping, layout and scale (the reserved matters), including materials, hard and soft landscaping details, and detailed drawings to an appropriate scale, shall be submitted to and approved in writing by the Local Planning Authority. REASON: To enable full and proposed consideration of the proposed development.	Why does this condition only require detailed drawings and only refer to the buildings for layout, scale and appearance? What about other details that might be required such as technical documents etc? Would it be better to say, “Before development begins, details of the appearance, landscaping, layout and scale (the reserved matters), including materials, hard and soft landscaping details, and detailed drawings to an appropriate scale, shall be submitted to and approved in writing by the Local Planning Authority.”?	Agree with this amendment.	Agree with Inspectors wording suggestion- wording amended accordingly.
3. Timings Application(s) for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. REASON: In accordance with the provisions of Section 9292) of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.	Are the parties content with the time limits in both conditions? The appellant refers to bringing forward development in a timely manner in the planning proof.	Accept 18 months for 1 st RM as plans for the Hall itself are well advanced.	Re timely delivery, my experience of promoter sites is RM come forward very late in the 3 year period so I think there is a business decision for LVA, around this, albeit from an Action Plan perspective it would secure a deliverable application between 12 – 18 months earlier than the standard wording.
4. Timings The first and subsequent phases of development hereby permitted shall begin either before the expiration of five <u>four</u> years from the date of this permission or before the expiration of two <u>one</u> years from the date of approval of the last Reserved Matters which have been approved, whichever is the later. REASON: In accordance with the provisions of Section 9292) of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.	Are the parties content with the time limits in both conditions? The appellant refers to bringing forward development in a timely manner in the planning proof.	Happy to accept the amendments to timing to further the Council’s Action Plan aims.	May be more appropriate to require implementation within 4 years from permission / 1 year from approval of last RM as it would be under control of a developer at this point.

<p>5. Reserved matters information</p> <p>The first reserved matters submission pursuant to condition 2 shall include the following additional information relating to the works to Tidcombe Hall and its existing garden grounds: details of conversion of the Hall and outbuildings (including floor plans, details of all elevations, existing retained and new openings, laying out of any private amenity space together with parking arrangements), external materials, boundary treatments, existing and proposed ground levels, finished floor levels and sections through the site indicating the relationship of the development with its surroundings. These details should be broadly in accordance with the submitted Statement of Intent dated April 2025 and referenced 230301 R 02 B.</p> <p>REASON: To ensure that adequate information is available for proper consideration of the detailed proposals in accordance with policies S9, DM1 and DM25 of the Mid Devon Local Plan 2013 -2033.</p>	<p>What does “details of conversion” mean? Presumably this relates to Tidcombe Hall but what elements can be controlled by condition?</p>	<p>Suggest the text of the condition be refined so it is clear it relates to the Tidcombe Hall.</p> <p>Given that the appellant is committed to bringing back the Hall into use asap to improve the appearance of the GWC CA we suggest the amendments in Red.</p> <p>Additions in red are also provided if further comfort is required regarding the conversion works, albeit the council retain control over the consideration of this issue, if the Inspector deems this necessary.</p>	<p>Details of conversion to include floor plans, details of all elevations, existing retained and new openings, laying out of any private amenity space together with parking arrangements.</p>
<p>6. Archaeological works</p> <p>No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority. The development shall not be occupied until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.</p> <p>REASON: To ensure, in accordance with Policy DM25 of the Mid Devon Local Plan and paragraph 218 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development and to ensure that the information gathered becomes publically accessible.</p>	<p>For clarity, would it be better to remove reference to “the developer” and simply say “no development shall take place until the implementation of a programme of archaeological work has been secured in accordance with...”?</p> <p>Could this condition be merged with Condition 6 as it covers the same thing?</p>	<p>Agreed</p>	<p>Re-worded to combine previous conditions 6 and 7</p>
<p>7. Tree protection</p> <p>Prior to commencement of development, a scheme for protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s)(TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the LPA. The submitted details shall include:</p> <p>i. Location and installation of services/ utilities/ drainage.</p>	<p>No comments at this stage.</p>		

<div><div><div>ii.</div><div>Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.</div></div><div><div>iii.</div><div>Details of construction within the RPA or that may impact on the retained trees.</div></div><div><div>iv.</div><div>a full specification for the installation of boundary treatment works.</div></div><div><div>v.</div><div>a full specification for the construction of, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.</div></div><div><div>vi.</div><div>A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.</div></div><div><div>vii.</div><div>Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.</div></div><div><div>viii.</div><div>details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires</div></div><div><div>ix.</div><div>Arboricultural supervision and inspection by a suitably qualified tree specialist</div></div><div><div>x.</div><div>Reporting of inspection and supervision</div></div><div><div></div><div>The development shall only be carried out in accordance with the approved details.</div></div><div><div></div><div>REASON: To ensure that appropriate provision is made to protect trees on the site in the interests of the character and appearance of the site in accordance with policies S1, S14 and DM1 of the Mid Devon Local Plan 2013- 2033. The condition is pre-commencement to ensure that appropriate protection is secured for retained trees prior to any works that may be detrimental to them.</div></div></div>			
<div><div><div>8.</div><div>SUDS- monitoring and maintenance</div></div><div>No development shall take place until a long-term monitoring and maintenance plan in respect of the SuDS, both during and post construction (water quality and management regime), including a timetable of monitoring, is submitted to and approved in writing by the Local Planning Authority. This should also include details of the options for contingency action should the monitoring indicate inadequate quality of water leaving the SuDS system and entering the Tidcombe Lane Fen SSSI. Any necessary contingency measures shall be carried out in accordance with the details in the approved plan. On completion of the monitoring specified in the plan a final</div></div>	<div>No comments at this stage.</div>		

<p>report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the development, as submitted, will not impact upon the features of special interest for which Tidcombe Lane Fen SSSI is notified. This condition is pre-commencement to ensure that appropriate measures are secured in a timely manner to safeguard the Tidcombe Fen SSSI prior to any construction works that are likely to result in adverse effects thereof.</p>			
<p>9. Pollution prevention</p> <p>Prior to commencement of development, details of best practice measures for pollution prevention and control shall be submitted to and approved in writing by the Local Planning Authority. The approved measures must be implemented during construction to ensure there is no risk of contamination or increase in nutrient or sediment load of surface water runoff into existing ditches and water courses.</p> <p>REASON: To ensure that the development, as submitted, will not impact upon the features of special interest for which Tidcombe Lane Fen SSSI is notified. This condition is pre-commencement to ensure that appropriate measures are secured in a timely manner to safeguard the Tidcombe Fen SSSI prior to any construction works that are likely to result in adverse effects thereof.</p>	No comments at this stage.	Clarity change in red	
<p>10. Waste management plan</p> <p>Prior to commencement of development, an updated site waste management plan shall be submitted to, and approved in writing by, the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council’s Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:</p> <ul style="list-style-type: none">i. The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.ii. Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, and corrective measures if failure to meet targets occurs.iii. The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied.iv. Identify the main types of waste generated when development is occupied.	No comments at this stage.		



<p>v. The details of the waste disposal methods likely to be used; including the name and location of the waste disposal site.</p> <p>The development shall be carried out in accordance with the approved statement.</p> <p>Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation.</p>			
<p>11. Detailed drainage design</p> <p>Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:</p> <p>(a) A detailed drainage design in accordance with the Flood Risk Assessment.</p> <p>(b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.</p> <p>(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.</p> <p>(d) A plan indicating how exceedance flows will be safely managed at the site.</p> <p>No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.</p> <p>REASON: To ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.</p>	No comments at this stage.		
<p>12. Off site highway works</p> <p>No development hereby approved shall commence until an application for a Traffic Regulation Order has been submitted to, and approved by the Highways Authority. The application shall include proposals for the prohibition of all vehicles except Buses, Emergency Vehicles, Cyclists and Pedestrians across the Canal Bridge. Following approval of the Traffic Regulation Order all work required by the order shall be undertaken to the satisfaction in</p>	Why is this pre-commencement? What is the likelihood of the works being completed within the timescales imposed by any planning permission?	Slight typo amended and reference to approval added to make intention of the condition clear.	Re-worded to lessen pre-commencement requirements to those necessary and accounting for the eventuality that the TRO is not made by the Highway Authority.

<p>writing of the Highway Authority in accordance with the timetable agreed by that Authority”</p> <p>REASON: To ensure that the extent and timetable for the delivery of any off site highway works are established prior to any construction taking place on site and to ensure an orderly timetable for implementation is in place to minimise the impact of the development on the highway network in accordance with the National Planning Policy Framework.</p>			
<p>13. Construction Management Plan</p> <p>Prior to commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures employed to prevent the egress of mud, water and other detritusdetritus onto the public and any non-adopted highways. The following details shall also be included in respect of highway safety:</p> <ul style="list-style-type: none">(a) the timetable of the works;(b) daily hours of construction;(c) any road closure;(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays;(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;	<p>Why does the condition at (d) allow vehicle movements to potentially take place on Sundays and bank/public holidays? Would any advance agreement need to be in writing?</p>	<p>Agree that the reference to any Sunday/bank holiday working be removed. Minor Typo amended.</p>	<p>Condition precludes Sunday & bank holiday work. Part d is amended to make requirement in writing, however the element “unless agreed in writing by the planning authority” could be removed if there are concerns over this flexibility.</p>

<p>(h) hours during which no construction traffic will be present at the site;</p> <p>(i) the means of enclosure of the site during construction works; and</p> <p>(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site</p> <p>(k) details of wheel washing facilities and obligations</p> <p>(l) The proposed route of all construction traffic exceeding 7.5 tonnes.</p> <p>(m) Details of the amount and location of construction worker parking.</p> <p>(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;</p> <p>The development shall be carried out in accordance with the approved details and shall be adhered to at all times.</p> <p>REASON; In the interests of public health, highway safety and to protect the designated sites in accordance with policies S9, DM1, DM3, DM4 and DM28 of the Mid Devon Local Plan 2013-2033. This pre-commencement condition is required to ensure that the Construction and Environmental Management Plan is agreed prior to any construction works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution, to minimise the risk of pollution to Tidcombe Lane Fen Site of Special Scientific Interest and the Grand Western Canal Country Park, and to ensure that adequate facilities are available for construction and other traffic attracted to the site.</p>			
<p>14. Highway drainage</p> <p>In accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.</p> <p>REASON: In the interest of public safety and to prevent damage to the highway.</p>	<p>Is this consistent with other conditions relating to surface water drainage?</p>	<p>We consider it to be fair and reasonable.</p> <p>The first section of existing site access falls towards Tidcombe Lane; any future proposals must ensure that runoff from the access is intercepted and drained into the site, as allowed for within our surface water strategy.</p>	<p>I think this is consistent, there are 2 drainage regimes, SUDs which cant drain into highway drains, and surface water from hard surfaces, parking access and estate roads, may need clarification that this condition relates to surfaces linked into and including highways only?</p>
<p>15. Highway infrastructure</p> <p>The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.</p>	<p>No comments at this stage.</p>		

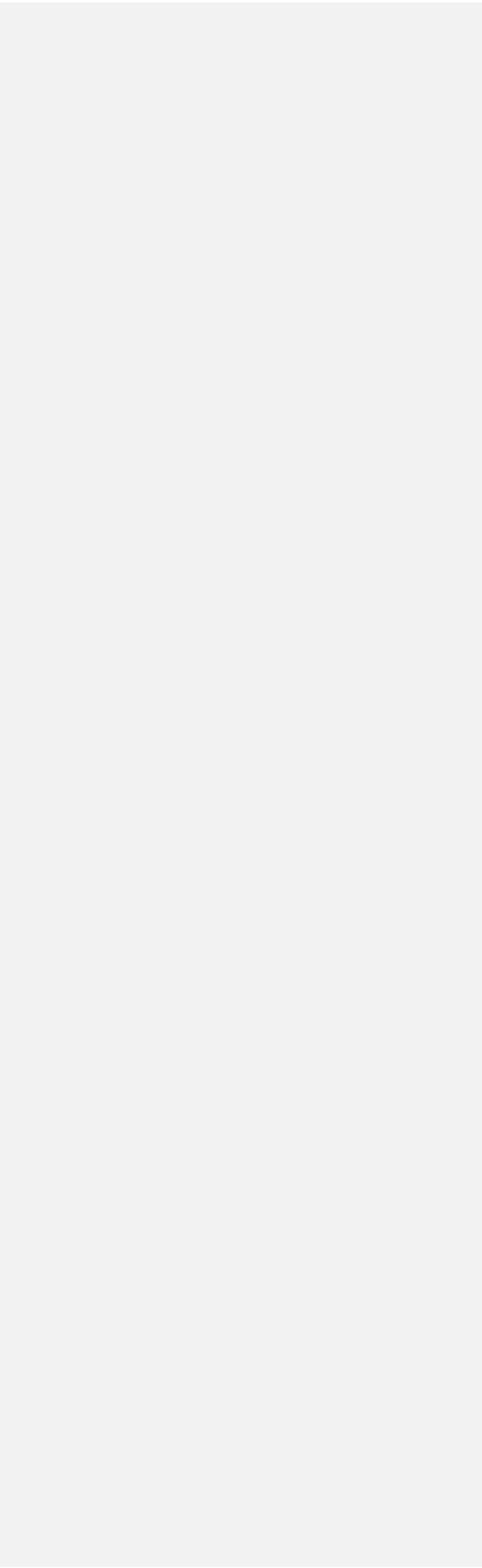
REASON: To ensure appropriate access and highway infrastructure are provided, In the interests of highway safety.			
<p>16. Low emissions strategy</p> <p>No development hereby approved shall begin until a Low Emissions Strategy of the operational development has been submitted to and approved in writing by the Local Planning Authority. Details of secure cycle/ scooter storage and a Travel Plan will form part of the overall Low Emissions Strategy. The development shall be implemented in accordance with the approved details.</p> <p>REASON: To ensure that adequate information is available for the proper consideration of the detailed proposed in accordance with Policy DM3 of the Mid Devon Local Plan 2013- 2033.</p>	No comments at this stage.		
<p>17. Ecology measures</p> <p><u>The development hereby permitted shall be carried out strictly in accordance with the recommendations detailed in the Ecological Impact Assessment report dated November 2023 (and prepared by EAD Ecology), covering avoidance of harm to bats and Hazel dormice, mitigation, compensation and ecological enhancement.</u> The proposed ecological mitigation and enhancement measures shall be guided by the above report and be further informed by measures required under licence from Natural England (other than any measures for the avoidance, mitigation, compensation and enhancement that will be provided within a Construction and Ecological Management Plan and a Landscape Ecological Management Plan) shall be carried out prior to the development hereby approved first being brought into use and shall thereafter be retained and maintained in perpetuity. Within two weeks following implementation of the report’s recommendations, a written record prepared by the consultant ecologist shall be submitted to the Local Planning Authority to include records of compliance monitoring, supervised habitat removal, and photographs of the installed ecological mitigation, compensation and enhancement measures.</p> <p>REASON: To ensure the protection endangered species on the site during and after construction, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/DDC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and Policies S1, S9 and DM1 of the Mid Devon Local Plan 2013-2033.</p>	<p>Inspector queries paragraph references in Q’s at Inquiry – not only species on site.</p> <p>Have these conditions been suggested by the Council’s ecological adviser? If so, where is this correspondence?</p> <p>Do any of the measures specified in Condition 18 need to be carried out before the development commences?</p> <p>Does Condition 26 secure the proposed Biodiversity Net Gain? If so, should this be made explicit? Should the final sentence be reworded to say that the development shall be carried out in accordance with the approved LEMP?</p>	<p>For confirmation the condition does not follow exactly those suggested by the Council’s ecologist – those suggested were not formulated in that way- and were simply placeholders to require LEMP etc.</p> <p>We agree with the Inspector’s comments made on day 1 that the condition needs to be amended to refer to the EcIA as a whole rather than specific paras, hence suggested amendment in red.</p> <p>In terms of timing while CEMP works are required prior to commencement the other enhancements are not, these are acceptably covered by the trigger set out</p> <p>Is any of the wording after the first section (underlined) necessary?</p> <p>Measures in subsequent Natural England Mitigation Licences will be legally enforceable under the licences that are granted, including monitoring/reporting requirements under licence conditions.</p> <p>The CECOMP and LEMP are covered by their own conditions, so it seems unnecessary to have separate details of triggers for their timing, or reporting of their delivery, in this compliance condition. This is covered by the subsequent conditions themselves.</p>	<ul style="list-style-type: none">- See DCC Ecology comments- 4.1.14, 4.1.19, require NE license pre-commencement, however covered under a separate legislative regime- 4.1.21- EcIA addendum report to include bat hibernation survey works- covered by condition 19

<p>18. Lighting strategy</p> <p>Prior to commencement of the development hereby approved, a Lighting Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall minimise impacts from lighting associated with pre-construction, construction and operational activities and shall include, but not be limited to, design, siting, illumination-type and hours of use of any external lighting, including security lighting. The lighting strategy shall be designed to take account of biodiversity, residential amenity and light pollution in accordance with the recommendations detailed within the EAD Ecology Ecological Impact Assessment report dated November 2023 (report reference 2301129_p893_EcIA_Final01) and demonstrate how the current best practice (BCT/ILP, 2023) guidance has been implemented. No external lighting shall be installed except in accordance with the approved details.</p> <p>REASON: To ensure the protection of endangered species on the site prior, during and after construction, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/DDC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007, and to protect future and adjoining occupiers from excessive light pollution in accordance with Policies S1, S9, DM1, DM4 and DM28 of the Mid Devon Local Plan 2013-2033. A pre-commencement condition is required to ensure that details are planned and considered at an early stage in the interests of amenity and to protect, preserve and enhance the protected wildlife habitats and designated sites from light pollution.</p>	<p>Have these conditions been suggested by the Council’s ecological adviser? If so, where is this correspondence?</p> <p>Do any of the measures specified in Condition 18 need to be carried out before the development commences?</p> <p>Does Condition 26 secure the proposed Biodiversity Net Gain? If so, should this be made explicit? Should the final sentence be reworded to say that the development shall be carried out in accordance with the approved LEMP?</p>	<p>As above – the suggested text provides additional detail to the basic condition set out by the Council’s ecologist. The appellant has no concerns with the changes made to make the condition precise.</p>	
<p>19. Hibernation survey results-</p> <p>Prior to the commencement of the development hereby approved, the bat Hibernation Surveys results shall be submitted to, and approved in writing, by the Local Planning Authority. In the event the Hibernation Surveys’ findings confirm the presence of a lesser horseshoe bat hibernation roost within the underground parking area, a detailed replacement underground lesser horseshoe bat hibernation roosts area strategy, in conjunction with amended Ecological Impact Assessment report, shall be included in the bats Hibernation Survey report required by this condition in accordance with the recommendations for the mitigation, compensation and enhancement for bats set out in section 4.1.21 of paragraph 4 (Avoidance, mitigation, compensation and enhancement) of the Ecological Impact Assessment report dated November 2023 (and prepared by EAD Ecology) and Devon County Ecologist comments dated 1st March 2024. The development shall be carried out strictly</p>	<p>Have these conditions been suggested by the Council’s ecological adviser? If so, where is this correspondence?</p> <p>Do any of the measures specified in Condition 18 need to be carried out before the development commences?</p> <p>Does Condition 26 secure the proposed Biodiversity Net Gain? If so, should this be made explicit? Should the final sentence be reworded to say that the development shall be carried out in accordance with the approved LEMP?</p>	<p>As above</p>	

<p>in accordance with the approved details and shall thereafter be retained and maintained in perpetuity.</p> <p>REASON: To ensure the protection of endangered species on the site prior, during and after construction, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/DDC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with Policies S1, S9 and DM1 of the Mid Devon Local Plan 2013-2033. A pre-commencement condition is required to ensure that details are planned and considered at an early stage in the interests of amenity and to protect, preserve and enhance the protected species habitats.</p>			
<p>20. No vegetation clearance- nesting birds</p> <p>No vegetation clearance on site shall take place during the bird nesting season (01 March to 31 August, inclusive) unless written confirmation from a suitably qualified ecologist has been obtained that the clearance of the site would not disturb nesting birds in accordance with the recommendations detailed within the Ecological Impact Assessment report dated November 2023 (and prepared by EAD Ecology). A record of any works required to clear the site during the bird nesting season shall be kept and made available upon the Local Planning Authority's request.</p> <p>REASON: To ensure the protection of birds on the site during construction phase in accordance with the Wildlife and Countryside Act 1981 and the Countryside and Rights of way Act 2001 and Policies S1, S9 and DM1 of the Mid Devon Local Plan 2013-2033.</p>	<p>Have these conditions been suggested by the Council's ecological adviser? If so, where is this correspondence?</p> <p>Do any of the measures specified in Condition 18 need to be carried out before the development commences?</p> <p>Does Condition 26 secure the proposed Biodiversity Net Gain? If so, should this be made explicit? Should the final sentence be reworded to say that the development shall be carried out in accordance with the approved LEMP?</p>	<p>This is condition is fine, if considered necessary. Measures to avoid nesting birds are in the EclA (so already covered by compliance condition 17). They would also form part of the measures in a CEcoMP (Condition 24).</p> <p>As above, if it is considered to be necessary, suggest deletion of reference to specific paras of EclA – it should be read as a whole to ensure nothing is overlooked.</p>	
<p>21. Badger survey update</p> <p>No more than one month prior to the commencement of the development hereby permitted, including any clearance works on site, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation and compensation measures, shall be submitted to and approved in writing by the Local Planning Authority. Badgers surveys shall be undertaken in accordance with the recommendations set out within section 4.1.16 of part 4 (Avoidance, mitigation, compensation and enhancement) of the Ecological Impact Assessment report dated November 2023 (and prepared by EAD Ecology) and Devon County Ecologist comments dated 1st March 2024. The development shall be carried out in accordance with the approved mitigation and compensation measures.</p> <p>REASON: A pre-commencement condition is required to ensure that early consideration is given to the protection of badger species in</p>	<p>Have these conditions been suggested by the Council's ecological adviser? If so, where is this correspondence?</p> <p>Do any of the measures specified in Condition 18 need to be carried out before the development commences?</p> <p>Does Condition 26 secure the proposed Biodiversity Net Gain? If so, should this be made explicit? Should the final sentence be reworded to say that the development shall be carried out in accordance with the approved LEMP?</p>	<p>This is condition is fine if considered necessary. A pre-start badger survey specified in the EclA (so already covered by compliance condition 17). It would also form part of the measures in a CEcoMP (Condition 24).</p> <p>.</p>	

accordance with Policies S1, S9 and DM1 of the Mid Devon Local Plan 2013-2033. .			
<p>22. Contaminated land</p> <p>Unless otherwise agreed by the Local Planning Authority, development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.</p> <p>Part 1. Site Characterisation</p> <p>An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:</p> <p>(i) a survey of the extent, scale and nature of contamination.</p> <p>(ii) an assessment of the potential risks to: Human health; Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; Adjoining land; Groundwaters and surface waters; Ecological systems; Archeological sites and ancient monuments.</p> <p>(iii) an appraisal of remedial options, and proposal of the preferred option(s).</p> <p>This must be conducted in accordance with DEFRA and the Environment Agency's <i>Model Procedures for the Management of Land Contamination, CLR 11</i>.</p> <p>Part 2. Submission of Remediation Scheme</p> <p>Where identified as necessary as a result of the findings of the investigation above, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and submitted for approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed</p>	Could these (22-24) be merged into one condition to avoid confusion about application?		23 – 25 Can be combined into a single condition, the separation out is probably intended for clarity to avoid an excessively long condition however we have provided this wording as an option for one single condition.

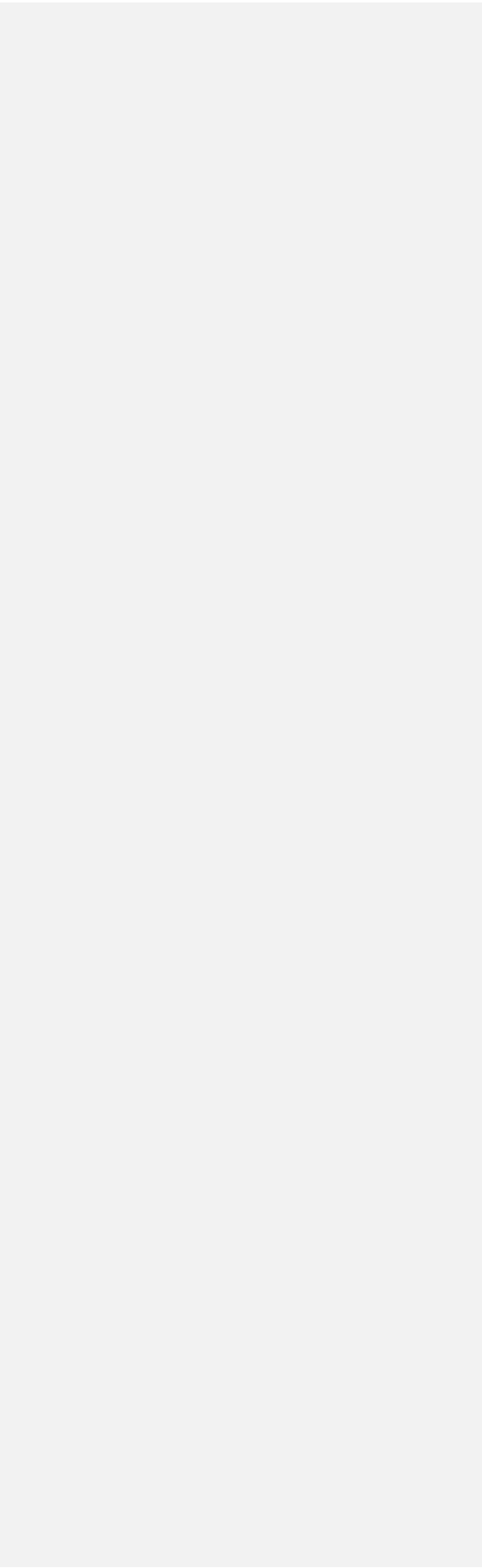
<p>remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>Part 3. Implementation of Approved Remediation Scheme</p> <p>The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than any part of the development required to carry out remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.</p> <p>Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and will be subject to the approval in writing of the Local Planning Authority.</p> <p>Part 4. Reporting of Unexpected Contamination</p> <p>In the event that contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of part 1 above and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of part 2. This must be subject to the approval in writing of the Local Planning Authority.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.</p> <p>Part 5. Long Term Monitoring and Maintenance</p> <p>Where identified as necessary, a monitoring and maintenance scheme to include monitoring the long term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of reports on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority.</p> <p>Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance</p>			
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<p>carried out must be produced, and submitted to the Local Planning Authority.</p> <p>This must be conducted in accordance with DEFRA and the Environment Agency's <i>Model Procedures for the Management of Land Contamination, CLR 11</i>.</p> <p>Reason: This is a pre-commencement condition to ensure that the extent of any contamination is understood and mitigation proposals approved before any risk that pollution pathways may be impacted by initial groundworks and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policy DM4 of the adopted Mid Devon Local Plan Review 2013 – 2033</p>			
<p>23. Landscape and Ecological Management Plan (LEMP)</p> <p>Prior to the commencement of development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall be based on the submitted Ecological Impact Assessment report dated November 2023 (and prepared by EAD Ecology). It shall include, but not be limited to, the location and design of biodiversity features, including the newly planted and enhanced hedgerow planting, maintaining functional ‘habitat corridors’, the creation of ‘dark corridors’ over the new access road, the creation of the wildflower meadow, native scrub, broadleaved woodland and orchard planting, and wetland and other features to be shown clearly on the submitted plans, the enhancement of the existing broadleaved woodland , and enhancement measures for bats, reptiles, insects/bees and hedgehogs, including permeable fencing with gaps measuring 13cm x 13cm to allow for continued use of the site by hedgehogs. The content of the LEMP shall also include the following:</p> <p>a) Description and evaluation of features to be managed.</p> <p>b) Ecological trends and constraints on site that might influence management.</p> <p>c) Aims and objectives of management.</p>	<p>Could these (22-24) be merged into one condition to avoid confusion about application?</p>	<p>Suggest separate BNG condition as set out later.</p> <p>Dr Cowley would suggest minor amendment to list of details the LEMP contains (see track change). Some enhancement measures (e.g. providing gaps in fencing between gardens for hedgehogs, installing bat/bird/insect boxes into walls of new residential properties, etc.) are measures for the construction phase and therefore will be the CEcoMP (to be implemented by construction manager). The LEMP would be implemented by the landscape contractor / management company post-construction. The dark corridor point is relevant to the lighting condition, rather than this condition.</p> <p>Overlap between this and HMMP requirement under Condition 25.</p>	<p>Suggested wording amended to include reference to biodiversity net gain provisions.</p> <p>Agree with suggestion that last sentence is amended.</p>

<p>d) Appropriate management options for achieving aims and objectives.</p> <p>e) Prescriptions for management actions.</p> <p>f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 10-year period).</p> <p>g) Details of the body or organization responsible for implementation of the plan.</p> <p>h) Ongoing monitoring and remedial measures.</p> <p>i) It will include long-term objectives and targets (as required by submitted Defra Metric Calculation), to deliver the specified net gains in biodiversity.</p> <p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives in line with the submitted Ecological Impact Assessment report.</p> <p>The development shall be carried out in accordance with the approved LEMP.</p> <p>REASON – A pre-commencement condition is required to ensure that the development provides ecological mitigation, enhancement and management measures in accordance with a prior evaluation of features to be managed in accordance with Policies S1, S9 and DM1 of the Mid Devon Local Plan 2013-2033.</p>			
<p>24. Construction Ecological Management Plan (CECoMP)</p> <p>Prior to the commencement of the development hereby approved (including ground works), a Construction and Ecological Management Plan (CECoMP) shall be submitted to, and approved in writing, by the Local Planning Authority. The CECoMP shall be based on the submitted Ecological Impact Assessment report dated November 2023 (and prepared by EAD Ecology). The CECoMP shall include, but</p>	<p>Could these (22-24) be merged into one condition to avoid confusion about application?</p>	<p>I would advise against merging the CEMP and LEMP because the CEMP is best kept as a more concise document that is given to contractors and adding the LEMP will cloud the issues the construction and operational phases that the separate plans deal with. The LEMP is for the landscape contractor/management company.</p>	

<p>not be limited to, detailed measures for the protection of habitat and species during the pre-construction and construction phases. The content of the CEcoMP shall also include the following:</p> <p>a) Risk assessment of potentially damaging construction activities, to include an invasive species management plan to prevent the spread of non-native plant species during the works. This is to include a pre-construction check a minimum of 6 weeks prior to commencement of works.</p> <p>b) Identification of "biodiversity protection zones".</p> <p>c) 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).</p> <p>d) The location and timing of sensitive works to avoid harm to biodiversity features.</p> <p>e) The times during construction when specialist ecologists need to be present on site to oversee works.</p> <p>f) Responsible persons and lines of communication, including reporting compliance of actions to the Local Planning Authority.</p> <p>g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements.</p> <p>h) Use of protective fences, exclusion barriers and warning signs to ensure the protection of priority and other habitats on site.</p> <p>i) Mitigation, compensation and enhancement measures for insect/bees, reptiles and amphibians, including a Reptile Mitigation Strategy (the strategy shall include, but not be limited to, details of the proposed translocation of reptiles and amphibians from the site to a reptile receptor site and the location of reptile receptors), birds, Hazel dormice, badger, bats, and Hedgehog.</p> <p>The approved CEcoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.</p> <p>REASON – A pre-commencement condition is required to ensure that the development has no adverse effect on protected and notable species, the designated sites and provides ecological mitigation and</p>			
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enhancement measures further to a pre-construction risk evaluation of potentially damaging construction activities and the agreement of appropriate management measures, where necessary, in accordance with Policies S1, S9, DM1 and DM28 of the Mid Devon Local Plan 2013-2033.			
<p>25. BNG</p> <p>No development shall take place unless- a Biodiversity Gain Plan (BGP) has been submitted to the Local Planning Authority with the submission of the first Reserved Matters application and approved in writing by the local planning authority.</p> <p>The BGP must include:</p> <ul style="list-style-type: none">(a) revised biodiversity net gain calculations(b) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;(c) the pre-development biodiversity value of the onsite habitat; and(d) the post-development biodiversity value of the onsite habitat which should be at least 4.73% for Habitat units and 10.24% for hedgerow units. <p>The approve measures shall be implemented as approved and maintained as agreed.</p>		<p>As our evidence sets out the appeal proposals will deliver BNG on-site and this additional condition is required to secure its delivery.</p> <p>The condition has been based on both a condition found acceptable elsewhere on a similar scaled application and also guidance provided by PAS.</p> <p>A condition is considered to be appropriate because the BNG is to be delivered on-site (no off-site enhancements are proposed or required) and the areas of the site that will deliver the BNG will form part of the strategic green infrastructure that will be subject to management by a future ManCo – the management requirement is covered by the LEMP condition.</p>	
<p>26. Building Heights</p> <p>No development on the site, with the exception of the conversion works to Tidcombe Hall, shall exceed 10m in height to the buildings ridge.</p>		<p>Given Council’s concerns regarding the accuracy of the AVRS, which have been produced on the basis of 9m heights to ridge, we suggest this condition is applied to ensure that maximum two storey development comes forward as part of RMs. 10m is suggested to allow for local cut fill of site levels to equalise the landform for each individual housing plot.</p>	
<p>27. No more than 100 dwellings shall be provided via new build or conversion on the site pursuant to this planning permission.</p>		<p>Added as set out above.</p>	

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