



Appeal Decision

Inquiry held on 7 – 9 and 15 October 2025

Site visit made on 9 October 2025

by **Andrew McGlone BSc MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th November 2025

Appeal Ref: APP/C1625/W/25/3366140

Land west of A4135 Draycott, Cam GL11 5LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a failure of the local planning authority to give notice within the prescribed period of a decision on a hybrid application for full and outline planning permission.
 - The appeal is made by Persimmon Homes Severn Valley against Stroud District Council (SDC).
 - The application Ref is S.21/1875/OUT.
 - The development proposed is hybrid application for residential development up to 795 dwellings, with 226 in full application, and the balance in the outline application, with supporting infrastructure and enabling works including: new vehicular access off the A4135, public open space, landscaping and drainage infrastructure.
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Decision

1. The appeal is allowed, and planning permission is granted for hybrid application for residential development up to 795 dwellings, with 226 in full application, and the balance in the outline application, with supporting infrastructure and enabling works including: new vehicular access off the A4135, public open space, landscaping and drainage infrastructure at land west of A4135 Draycott, Cam GL11 5LN in accordance with the terms of the application, Ref S.21/1875/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

Background

2. The application for planning permission is for 226 dwellings (phase 1), and the application for outline planning permission with all matters reserved for future consideration is for the remaining balance of the dwellings, potentially up to 569 dwellings, with a total maximum of 795 dwellings (phases 2 and 3). Phase 1 would see a mix of two, three and four bed properties accessed from the A4136. Phases 2 and 3 would use the access proposed from phase 1, which is shown indicatively through phases 2 and 3. The outline application also includes a safeguarded space for a primary school. It is unclear if Gloucestershire County Council (GCC), a Rule 6 Party to the Inquiry, will require the primary school or not. So, scenario 1 would see a total of 715 dwellings delivered alongside the primary school. Scenario 2 would see 795 dwellings developed with no primary school. In either scenario, 226 dwellings would be delivered in phase 1.
3. A suite of detailed plans for phase 1 and several illustrative plans for phases 2 and 3 have been submitted. The latter show potential ways that phases 2 and 3 could be developed. I have considered the appeal based on the plans for which the appellant has sought approval, which do not include the illustrative plans.
4. The appeal stems from SDC's failure to determine the planning application within the prescribed time limit. Nevertheless, SDC's Development Control Committee

came to the view after the appeal was lodged to not contest the appeal or the principle of housing on the appeal site, subject to the satisfactory resolution of several matters. These include mitigation to respond to the proposal's effect on the Severn Estuary Special Area of Conservation (SAC) and a satisfactory Appropriate Assessment (AA); a District Level License (DLL) to mitigate the proposal's effect on Great Crested Newts (GCN); a range of technical highway matters following objection from GCC; and a series of planning obligations that SDC seeks.

5. The appeal site relates to a draft allocation within the Stroud District Local Plan Review (emerging plan) that is currently being Examined in Public (EiP). The draft allocation seeks to provide approximately 900 dwellings and land for a two-form entry primary school. The draft allocation covers an area of land roughly 40 hectares in size¹. The scheme before me relates to 29.42 hectares of that land, with the remaining balance subject of a separate planning application for up to 235 dwellings (the Hitchins scheme), which is with SDC to determine².
6. Although the planning applications for the proposal and the Hitchins scheme were prepared jointly and there is common documentation associated with both schemes, each scheme can proceed independently.

Amended plans

7. Before the Inquiry, the Appellant submitted a package of amended plans that seek to respond to matters raised by SDC, GCC and SGC. The changes principally relate to revisions to the proposed access arrangement from the A4135, the provision of a suitable emergency access, works to the A38 / B4509, alterations to the proposed site layout, and improvements to junction 14 of the M5 Motorway. There are also consequential changes to numerous plans because of the principal changes proposed. The amended plans have come about through discussions between the relevant parties ahead of the Inquiry, and they were subject to public consultation for 10 days prior to the Inquiry opening. The extent of the changes is described by the Appellant in their letters, dated 17 and 24 September 2025.
8. I have considered the views of SDC and GCC and the two tests to determine whether to accept the amended plans. Substantively, the amended plans do not fundamentally change where or how the proposal would be accessed, and the overall scale, distribution and layout of the development proposed would remain, save for minor alterations. The changes in the amended plans flow from matters identified in appeal documents which have been in the public domain. With the public consultation that took place before the Inquiry, I consider both tests are satisfied. I have determined the appeal based on the amended plans.

The evolution of the main issues

9. The amended plans mean that the dispute between GCC and the Appellant has considerably narrowed. As such, the matters that informed provisional main issues 2, 3, and 4 as identified in the CMC Summary Note are no longer in dispute save for narrow points about highway modelling and an alternative emergency access.
10. ID15 and ID16 confirm that, if planning permission is granted with the suggested conditions, and the appellant is able, having been issued a certificate from NatureSpace, to submit a certificate to SDC, and monies paid, then the proposed development can proceed under a DLL. Thus, I am satisfied that, upon the grant of

¹ CD A1, Appendix 3

² S.21/1913/OUT, CD A1, Paragraph 1.7

the DLL, the necessary mitigation would be in place to adequately address the proposal's impacts on GCN. As such, subject to the imposition of the suggested planning conditions, I will not consider provisional main issue 9 any further.

11. Provisional main issue 10 related to the proposal's effect on the SAC, but given Natural England's (NE)³ response, the effect is also in relation to the Severn Estuary Special Protection Area (SPA)/Ramsar Site and the Sites of Special Scientific Interest (SSSI) at Frampton Pools, Stinchcombe Hill, and Upper Severn Estuary. The Appellant responded to the NE's concerns through ID9 and proposes an increased level of mitigation to reflect the Severn Estuary Recreation Mitigation Strategy 2024-2029 (Mitigation Strategy) not the Strategy for Avoidance of Likely Significant Adverse Effects on the Severn Estuary SAC, SPA and Ramsar site, December 2017 (2017 Strategy), that was in place when the planning application was submitted. I consulted NE after the Inquiry closed to help inform my AA, but this is no longer a main issue because of my analysis.
12. The main parties agreed that the updated version of provisional main issue 11 outlined in this decision reflects the evidence now available. I have also reordered the main issues based on the central matters in dispute or that are determinative to my decision and moved matters previously identified as provisional main issues to other parts of my decision, while still considering the points raised.

S106 agreements

13. Two signed and dated agreements under s106 of the Act were submitted shortly after the close of the Inquiry. The first agreement (SDC s106 agreement) between the Appellant and SDC contains obligations in respect of affordable housing, self-built plots, on-site public open space (POS), mitigation towards the SAC, SPA and Ramsar, and monies sought by GP and the NHS. The second agreement (GCC s106 agreement) between the Appellant and GCC contains obligations for public transport, highway improvement works to the A38, primary and secondary education, libraries, traffic regulation orders (TROs) and monitoring fees.

Environmental Statement

14. During the appeal it was considered that the Environmental Statement (ES) was not satisfactory in terms of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). A Regulation 25 request for further information was issued and responded to with updates to the EA and an Addendum. The ES was produced in accordance with the EIA Regulations. A range of consultation bodies, including statutory consultation bodies, have had, and taken, the opportunity to comment on the ES and the proposed development's environmental effects. I have had regard to these, the responses provided to the Regulation 25 requests, and the overall body of evidence submitted in writing and heard orally at the Inquiry. Following receipt of the further information, the ES is now considered satisfactory.

Main Issues

15. The main issues are:
 - 1) whether the proposal would accord with the spatial strategy in the development plan;
 - 2) whether the proposal would make adequate provision for affordable housing, self-build plots, public open space, education, libraries, highway

³ CD F43

improvements, public transport, travel plan, health facilities, policing, TROs and monitoring fees in respect of highway improvements, libraries, education, public transport, travel plan, and TROs;

- 3) the effect of the development proposed on the character and appearance of the area, having regard to density, layout and the scale of the dwellings; and
- 4) whether the proposed development would offer suitable green infrastructure and connectivity.

Reasons

16. For clarity I used the following terms to express my opinion of the weight that different matters carry: very substantial, substantial, significant, moderate, limited, and neutral. They will be expressed either in the context of a harm or benefit.

Spatial strategy

17. Policies CP2, CP3 and CP15 of the Stroud District Local Plan (Local Plan) jointly comprise the spatial strategy for the district. They seek to meet the objectively assessed needs of the district up to 2031 and concentrate most development at a series of strategic locations which are the principal settlements within and adjoining the district or in accordance with the settlement hierarchy. Settlements are ranked in the settlement hierarchy according to their size and their range of facilities and services. The aim is to prioritise growth at sustainable locations.
18. Cam is a First Tier settlement according to Local Plan Policy CP3, but the appeal site lies outside of Cam's settlement limits, and the proposal does not accord with any of the principles listed in Local Plan Policy CP15 that apply to proposals in such locations. Therefore, the proposal would conflict with the spatial strategy and Local Plan policies CP2, CP3 and CP15.
19. That said, the appeal site's location adjacent to Cam's settlement limits and the range of facilities and services that it offers would mean that the proposed development would be broadly consistent with the Local Plan's objective to deliver growth at sustainable locations. I agree with SDC and the Appellant that the proposal would result in a sustainable pattern of development.
20. SDC is currently unable to demonstrate a five-year supply of deliverable housing sites as required by paragraph 78 of the National Planning Policy Framework (the Framework). I shall come to the consequences of this later in my decision, but the spatial strategy found in the Local Plan does not cater for or provide for the district's Local Housing Need. As such, the current settlement limits affect the district's ability to deliver the full extent of that need.
21. The appeal site is proposed as a draft allocation (PS24) in the emerging plan, but this matter carries limited weight because the emerging plan is being EiP, and it is unclear whether there are any unresolved objections and what the outcome of that examination may be given the concerns raised by the Examining Inspectors or the timescales associated with the emerging plan.
22. I conclude, on this issue, that the proposal would conflict with the spatial strategy in the development plan. This brings the proposal into conflict with Local Plan Policies CP2, CP3 and CP15 for the reasons explained. However, due to the proposal's broad consistency with the spatial strategy and the district's ability to deliver the housing needed, limited material harm would arise from this policy conflict, particularly as those policies are agreed to be out of date.

Planning contributions

23. The Appellant says that the monies sought by GCC in respect of the primary and secondary education and libraries should not come from the GCCs106 agreement and should instead be funded through the Community Infrastructure Levy (CIL) receipts that would be collected by SDC ('the principle'). The Appellant holds the same view about the monies sought by GP and the NHS. The Appellant further considers that the mechanism for securing the public transport money sought by GCC should be split between CIL and s106 and disputes the amount.
24. Notwithstanding the principle, the Appellant disputes the amount of money sought for primary and secondary education by GCC and for healthcare by the NHS. However, the Appellant and GCC agree that the GCC s106 agreement should secure the sum of monies sought for the A38 improvement works, the TROs, the travel plan deposit and various monitoring fees. Further, the contributions sought by SDC are agreed between the SDC and the Appellant in terms of the suitability of them being secured by the SDC s106 agreement.
25. Despite the disputes set out, it is common ground that Local Plan Policies CP6 and CP7 as well as Framework paragraphs 100 and 101 require new development that generates a requirement for additional infrastructure to make provision for the delivery, and, where necessary, the funding of that infrastructure. It is also agreed that, if necessary, there is a requirement for there to be a mechanism by which to secure that provision; otherwise, there would be conflict with Local Plan Policies CP6 and CP7 and Framework paragraphs 100 and 101. It is also agreed that, so long as the provisions detailed within the GCC s106 agreement and the SDC s106 agreement relating to contributions sought by SDC, GCC, GP and the NHS are secured, there would not be a reason to dismiss the appeal.

Contributions sought by GCC, GP and the NHS

Contributions in dispute between the Appellant and GCC, GP, and the NHS

The amount

26. Before I determine what mechanism should be used to secure the various contributions that are sought by GCC, GP and the NHS, I shall reach findings where necessary on the amount that is justified, having regard to the three tests outlined in Framework paragraph 58 and Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations). This will help determine the question of whether there would be sufficient monies within the strategic CIL fund to address the infrastructure needs of the proposed development and other infrastructure needs in the district.

Primary and secondary education

27. The proposal would give rise to an agreed number of additional primary and secondary school pupils, and the parties agree that the forecast years of 2027/28 and 2031/32 should be used for the primary and secondary education contribution based on when completions are expected. They also agree that an operating margin of 2% is appropriate and the area to assess capacity in primary and secondary schools. That leaves two matters of dispute. The first is whether an adjustment should be made to the pupil forecasts; the second is that, if an adjustment should be made, what the extent of that adjustment should be.

Whether an adjustment should be made

28. GCC as the Local Education Authority (LEA) has a statutory duty to provide

sufficient school places for all 4- to 19-year-old young people in its area. To assist with achieving this, GCC produces three distinct pupil forecasts based on different data and uses them for different purposes. The base forecasts are calculated annually for schools across GCC using a range of data sources⁴, but they do not factor in any development, so they are not adjusted in any way, but they do assume that historical trends will continue.

29. The second forecast is the Schools Capacity Survey (SCAP) forecast, which GCC compiles annually for all schools. The SCAP forecast uses the base forecast and adds all pupils forecast to be generated by every potential future housing development outlined in five-year housing land supply reports. The SCAP forecast is prepared and submitted to the Department for Education (DfE), and it is not used by GCC for the purposes of calculating the extent of any education contribution. The DfE uses the SCAP forecast to assess the likely demand for school places, assuming that all the developments in the five-year housing land supply assessments are completed and mature. In practice that does not happen for a variety of reasons, such as slower build-out rates, unforeseen delays to commencing a development, and developments not being implemented.
30. The third forecast is the s106 forecast which is prepared for individual planning applications based on the relevant school planning areas. They use the base forecast and then add on pupil yield from the proposed development and any pupil yield from unfunded committed developments in the area. These are schemes that benefit from planning permission (not any allocated sites without planning permission), which have not made any school place contributions and are benefiting from any space capacity within the school place planning area. The S106 assessment does not include any pupil yield from potential development.
31. As the SCAP forecasts are not used to determine whether any contribution is necessary and the extent of that, they are not relevant to my assessment. Instead, the base forecast and the s106 forecast are.
32. The Updated SoCG on Schools and Libraries Infrastructure and GCC's Education Rebuttal are inconsistent in GCC's explanation of whether the base forecasts include an allowance for future migration or not. Given that the former document addresses the point specifically, I have taken that to be GCC's stance. Therefore, the base forecasts do not include an allowance for future migration, which is instead factored into the agreed 2% operating margin. Even so, the base forecasts still assume the continuation of cohort progression rates (relative popularity and intake patterns) that have occurred over the last five years.
33. It is conceivable that the historic rates of cohort progression could change upwards or downwards based on the rate of housing delivery. The Appellant says that as the rate of housing completions is forecast to take a significant downturn, it would be appropriate to adjust the forecasts and refer to the DfE SCAP Survey 2025 (SCAP Survey) in support of that approach to avoid double counting so that only the expected pupil yields from housing developments that have a high probability of being delivered within the period of the forecasts are included, i.e., those with full planning permission or sites that will yield pupils in the forecast period.
34. That is all well and good to produce GCC's SCAP forecast, but it would not be appropriate to adjust the base forecast based on the rate of housing delivery, as

⁴ CD C11, Paragraph 3.7

the base forecast is 'child based', not 'development based'. The adjustment talked about in the SCAP Survey is to the amount of development and thus the pupil yield that will take place in the five-year period, not to the baseline forecast, which is known child-based. In other words, following the Appellant's approach would result in an adjustment of something not within the base forecast.

35. Regardless, there is no reliable data about the level of housing delivery in the district. The Appellant's expectation that it will decrease sharply to zero by 2027/28 simply will not happen, as housing development will not stop altogether and it would still come forward irrespective of the proposal. I do, however, say that the level at which it comes forward is uncertain. The emerging plan's progress will likely affect the rate of housing delivery, as a plan-led system provides certainty and a clear strategy for development to take place within. But conversely, the proposal would aid the rate of new homes being delivered and thereby avoid the sharp decline to a non-existent rate of new homes being delivered suggested by the Appellant. Given the doubt, I cannot be sure that GCC's approach to annually considering any recent changes to the trends as part of producing the base forecasts is not appropriate, given they are best placed to respond to those and reflect any changes in the forecast.
36. Therefore, by using the base forecasts and using the pupil yield from the proposal and any unfunded committed developments in the area, it means that allocated or speculative developments are not factored in, along with schemes that are already making pupil place contributions. Thus, the s106 forecasts are appropriate to use.
37. I note the Newent appeal decision, and while the base forecasts will not ever be completely accurate as they are assumption based, GCC have explained the make up of each forecast, why the base forecast does not consider development, and that the SCAP forecast is not used for the basis of determining any education contribution. I have considered that stance having regard to the SCAP Survey rather than the 2024 version cited in that decision, which is not before me. While there is a need for consistent decision-making, I have reached a different conclusion than my colleague based on the evidence before me, which does not include all the documentation that was before him.
38. In any event, the level of accuracy of GCC's pupil forecasts against actual numbers of pupils on roll provides a strong indicator that they are experienced and able to forecast with a high degree of accuracy the number of pupils in primary and secondary schools in the County. GCC performs far better than the bulk of LEA's.

What should be the extent of any adjustment

39. The Appellant says that there are 86.7 primary school pupils and 76.146 secondary school pupils arising from unfunded developments. GCC says that there are 126.36 primary school pupils and 91.14 secondary school pupils.
40. The Updated SoCG on Schools and Libraries Infrastructure offers an agreed list of sites with planning permission for residential development that informs the basis of this dispute. As a matter of principle, I concur with the parties that no adjustment should be made for developments which have secured financial contributions towards additional school places. There are several sites that have secured financial contributions towards education places on the list, but they have not been taken into account by GCC in its adjusted figures.
41. The other factor is whether the adjustments have been made using an incorrect

number of dwellings on the basis that the base forecasts already include pupils from completed dwellings. GCC disagree with the finding in the Newent decision⁵, but did not challenge the decision. They say that the dwellings would not be 'fully formed' when they are 'completed' which the Newent Inspector determined was reasonable to assume to mean 'occupied'. GCC's reason for this is that the homes would not have their full complement of children as subsequent children come along, and other children in the house go onto secondary school.

42. Forecasts are not a perfect science, and circumstances between each dwelling will vary in terms of the number of children and when they come along. Subsequent children will not always come along, as families may have already had them, though at the other end of the spectrum, children can be born after people move into the homes. However, sites deliver houses at different rates and not neatly in accordance with the start and end of the base forecast period. Further, some of the sites would have multiyear buildouts due to the quantum of dwellings involved. Therefore, people will have already occupied homes by the time the base forecasts are done, and some sites may cover multiple base forecast periods. Any children in those homes would be known to GCC and picked up in the base forecast. Consequently, the full adjustment suggested by GCC is not appropriate, as it would result in additional pupil yield.
43. Hence, I prefer the Appellant's analysis on the extent of any adjustment. This means that the justified sums of money are Primary Education Contribution Option 2 and Secondary Education Contribution Option 2.

Public transport

44. A sum of £1,286,000 is sought to fund a new bus as part of an amalgamated route of services 60 and 62. The existing services run between Dursley and Thornbury, and they are subsidised by GCC.
45. The sum sought by GCC is for a five-year period, so the amount per year would be £257,200, which is made up of a £40,000 vehicle cost per annum, driver insurance, and fuel and maintenance cost of £60 per hour, with the bus operating for 10 hours per day and 362 days per year. The Appellant does not dispute the yearly figure of £257,200 but contends that the amount should be reduced year on year by 20%, which would result in a total sum of £771,600.
46. The combined service, including the new bus, would offer a better frequency of service than the current one bus per hour. There is no dispute that this enhanced service is necessary to achieve the sustainable travel objectives that development needs to make provision for. It is therefore necessary and reasonable for the Appellant to fund the new bus to operate as part of the combined service for a five-year period, bearing in mind the build-out time for the whole development.
47. A development quantum between 1,600 and 2,200 dwellings is needed so an additional bus service becomes commercially viable in the long term. GCC based the sum of money sought on the lower end of that range as the breakeven point.
48. Service 60 is currently operating with an £181,000 deficit per year, and service 62 is operating with a £159,958 deficit per year. Combined, GCC is footing the approximate £340,000 deficit of operating these services.
49. However, patronage is expected to increase with increased development, which would typically increase the revenue of the service. While the Appellant says 1,605

⁵ CD G1, Paragraph 27

new dwellings are likely to be completed or close to being completed in Cam, Dursley and Thornbury by 2031 when the public transport contribution would end, this figure assumes all the identified sites will come forward by then and the building rates will not change. Those assumptions have not been tested with any of the developers or landowners involved in these sites, nor has SDC's Housing Land Availability assessment been interrogated for its robustness.

50. An element of those 1,605 dwellings will be complete by 2031, but it is optimistic to think all of them will, given that the Hitchins site has not yet obtained planning permission, and pre-commencement planning conditions are likely to be required given the approach adopted in this case. Those would need to be discharged, and similar issues may arise insofar as the requested contributions and mechanisms to secure highway mitigation. Further, the Appellant's evidence is in stark contrast to its own education evidence, where it says delivery rates through to 2028 will dramatically decline to 2028. Both cannot and will not be right, so I cannot be certain what level of extra patronage will happen.
51. In any event, whatever the level of increased patronage is, it would likely gradually build over time as developments complete. That would be reflected in revenue changes, but the public would not distinguish between an existing bus and a new bus; they would simply get on the first available bus. Therefore, not every pound received in revenue would be attributable to the new bus; an element would go towards addressing the existing operating costs, which are not expected to change any time soon. So, while the contribution sought by GCC does not directly consider any revenues generated by the new bus in the five years that the contribution is sought for, the money would be used to get the new bus in place and pay for its cost. Any revenues generated in this time would then be used towards funding the bus for a further two years, though it could be more. GCC do not expect the new bus to be self-funding after year seven, albeit they expect a lower level of subsidy to be necessary, but one that GCC can absorb.
52. Given that future residents of the appeal scheme would build over a thirteen-year period, GCC's assessment is more likely to be correct. Conversely, the Appellant's tapered approach, whilst understandable in logic, is not appropriate given the uncertainty around exactly how much development will be completed by 2031. Hence, I consider the amount sought by GCC satisfies the three tests, as the sum would encourage the use of sustainable transport and help achieve carbon net zero targets. Public Transport Contribution Option 1 is the justified amount.

Libraries

53. I consider Libraries Contribution Option 2 is the justified sum for library provision.

Healthcare

54. The appeal scheme would fall within two practice boundaries, namely those at Cam and Uley and May Lane, but the demand for, and impact on, services would be most likely felt at the Cam and Uley practice. There is insufficient capacity at these practices for the existing population, yet the money sought by the NHS is to form additional primary care floor space to serve future occupiers of the proposal.
55. The NHS considers that VAT costs should be included in the amount of money sought to account for the capital works and procurement required to deliver the health infrastructure mitigation. I do not have details of those costs. Nor is there any substantive taxation evidence before me to explain why VAT should be included given that it is commonly understood to be recoverable on projects such as that identified here. So, while the NHS may say a funding gap will arise if VAT

were excluded, its inclusion has not been justified having regard to the three tests.

56. Notwithstanding this, the new dwellings will in some form lead to additional demand on health services. To calculate the additional floor space required, the NHS suggests the use of the projected average household figure of 2.19 people per household in 2043. While this figure originates from ONS data recommended for use by NHS England guidance, that guidance was withdrawn on 17 September 2025. Thus, I do not prefer this figure.
57. An alternative figure is 2.13 people per dwelling as derived from the 2021 Census. Using a figure per dwelling is more accurate, as not all the dwellings will be occupied by a household. But using this figure would assume every new dwelling proposed would be occupied by residents who are new to the area. That won't be the case, as people will also move from existing households. So that any contribution would be fairly and reasonably related in scale and kind to the proposal, the net additional population figure should be used to avoid double counting and thus inflating the demand placed on local practices.
58. The net additional population per dwelling figure proposed by the Appellant derives from the increase in dwelling stock in Gloucestershire between the 2011 and 2021 Census and the additional number of household residents. This means that 1.69 people were additional to the local population out of the 2.13 people per dwelling figure from the 2021 Census. I prefer the use of this figure for the reasons outlined. Applying this figure would result in an increase of 1,345 people for 795 dwellings and 1,209 people for 715 dwellings.
59. Applying these figures along with the NHS's floorspace requirement methodology means that there would be a need for 112m² costing £517,883.52 (795 dwellings) and 101m² extra floorspace costing £467,019.96 (715 dwellings). When a proportionate contribution towards the NHS's community-based services that are attached to primary care buildings is factored in, £172,08.48 (795 dwellings) at 18% or £15,467.14 (715 dwellings) at 16% of the room would be justified towards the cost of a new community health room. Therefore, I find that a total sum of £535,092.00 is justified for 795 dwellings and a sum of £482,487.10 is justified for 715 dwellings (NHS Contribution Option 2).

Policing

60. GP seeks a sum of £122,474.90 for 795 dwellings for staffing, equipment and vehicle costs towards policing based on a prorated sum of £154.06 per dwelling. Hence, for the scenario with 715 dwellings, the sum sought would be £110,152.90.
61. GP have explained that the proposal would create additional crime and increase the likelihood of other incidents occurring, which would increase the demand for policing over and above what is currently necessary in the area even with part of the future population moving within the district.
62. It is for GP to determine what its resource requirements are based on the geographic area it serves and the incidents and demands that arise within it. Comparisons drawn by the Appellant to other police forces are not helpful as their resource requirements will vary according to the relevant geographic area and the incidents and demands that are placed on the relevant force. I am therefore satisfied that The Police Contribution Option 2 is the justified amount.

What is the justified collective amount?

63. I consider the monies sought by GCC, GP and the NHS to be as that shown in the

Table below, based on either 715 or 795 dwellings.

	Amount (£) 795 Dwellings	Amount (£) 715 Dwellings
Public transport	£1,286,000.00	£1,156,591.19 ⁺
Libraries	£155,820.00	£140,140.00*
Primary education	£1,173,617.28	£1,055,112.71 ⁺
Secondary education	£1,079,137.73	£970,545.25 ⁺
Healthcare	£535,092.00	£482,487.10*
Policing	£122,474.90	£110,152.90*
Total	£4,352,141.91	£3,915,029.15

Note: the cost for * is a proportionate cost worked out using the SDC/GCC 106 agreements of the per unit cost then multiplied by 715. The cost for ⁺ is a proportionate cost for 715 dwellings based on the per dwelling cost for 795 dwellings multiplied by 715.

The principle

64. SDC is the charging authority for the purposes of CIL. SDC adopted its CIL Charging Schedule Policy (CIL Schedule) in February 2017. It sets out that CIL is one of the mechanisms to facilitate and pay for necessary infrastructure provision.
65. The appeal site is not allocated in the Local Plan, and while it is a proposed allocation in the emerging plan, for the purpose of my decision, SDC would collect CIL receipts arising from the proposal, as it would be chargeable development.
66. Local Plan Policy CP6 states that SDC will work with partners to ensure that infrastructure will be in place at the right time to meet the needs of the District and to support the development strategy. The CIL Schedule sets out the level of developer contributions towards new or upgraded infrastructure to support the overall development strategy and includes an indicative list in Appendix 2 of the areas of infrastructure to be funded or part-funded through CIL.
67. That said, Local Plan Policy CP6 states that section 106 legal agreements will not be completely replaced and will be used for affordable housing and anything required to make site-specific developments acceptable in planning terms. However, the policy explains that it is very important that there is a clear distinction between what CIL and what s106 payments are used for. This is to avoid duplication of payments made through CIL.
68. The Planning Obligations Supplementary Planning Document (SPD) reflects the approach of not paying twice. The SPD offers guidance on what s106 payments will be sought for once the CIL was put in place by SDC. The subsequent intention was that these types of infrastructure were not to be funded through s106 planning obligations. SDC published a Regulation 123 list of infrastructure that SDC intended to be, or may be, wholly or partly funded by CIL. The SPD explains the reasons why and includes the provision of new facilities and improvements to existing facilities where proposals create an increased population and pressure on education and social infrastructure such as schools, GP surgeries and libraries. The SPD says the exception to this is where developments can provide their requirements on-site. Further, transport infrastructure, including highway improvement schemes, cycling and walking infrastructure and public transport, is

- to be funded through CIL except for development-specific highway infrastructure.
69. Having regard to the broad categories of infrastructure listed in the CIL Schedule, the infrastructure sought by GCC, GP and the NHS could all fall into those.
70. The Infrastructure Delivery Plan (“IDP”) was prepared for and to support the emerging plan. As the site is a proposed allocation, the IDP identifies a need for a new primary school with contributions being made to primary and secondary education. However, the IDP adds little to the issue as it is a document prepared to support the site’s proposed allocation. It does not address the situation before me.
71. Regulation 123 of CIL Regulations was repealed in 2019. This regulation prevented the use of a planning obligation for the provision or funding of infrastructure which was to be funded, wholly or partly, by CIL, to ensure that a developer did not pay twice for the same infrastructure in connection with a particular development; and by restricting the pooling of planning obligations to no more than five where they were funding a single piece of infrastructure. Hence, infrastructure can be funded through s106 agreements and/or CIL.
72. While the CIL Schedule and SPD were published before the repeal of regulation 123, SDC has produced an Infrastructure Funding Statement (IFS) as required by s121A(1)(a) of the CIL Regulations. The current IFS⁶ reports all the developer contribution activity in the relevant financial year, as well as requiring information on unspent money collected in previous years. The IFS states that s106 agreements are used for either site-specific measures required to make the development acceptable, specific agreed affordable housing requirements, on-site POS and social provision, or major allocated schemes. Section 12 of the IFS outlines identified areas of prioritisation for infrastructure funding – CIL. The table found here replicates that found in Appendix 2 of the CIL Charging Schedule Policy, and it reflects the SPD’s approach. As such, the infrastructure sought by GCC, GP and the NHS could all fall into the broad categories listed in the IFS. There is also no suggestion from any party that any previous version of the IFS has set out a different prioritisation list for infrastructure funding. This casts doubt on GCC’s point that the prioritisation list in any future IFS could change.
73. The policy framework set by the CIL Charging Schedule Policy and supported by the SPD, IDP and IFS are consistent, in that they set an expectation about what infrastructure is to be primarily funded through CIL receipts unless that infrastructure is at a strategic site allocation. The terminology found in section 12 of the IFS broadly reflects that found in s121A(1)(a) of the CIL Regulations. SDC confirmed at the Inquiry that it has not nor intends to abandon the CIL Charging Schedule Policy, SPD or IFS. As such, even though the CIL Charging Schedule Policy and the SPD were published prior to the repeal of Regulation 123, the IFS has reaffirmed the clarity that the Planning Practice Guidance (PPG)⁷ advocates.
74. Section 12 of the IFS includes the term ‘prioritisation’. To my mind this means the type of infrastructure that will be a priority for SDC to deliver to meet its needs. Those areas identified do need to be broad and flexible to respond to situations as they arise, and while ‘prioritisation’ is not a certainty, it does, still, provide a clear framework and an expectation that CIL monies are to be spent on those areas. If the monies were not spent on the types of infrastructure listed, then SDC would

⁶ CD D8 as required to be published by section 121A(1)(a) of the CIL Regulation: *a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL*

⁷ PPG, Paragraph: 169 Reference ID: 25-169-20190901

potentially not be spending the money responsibly and in line with its own priorities. That is not in their interests or the community it serves.

75. However, the IFS does not mean that every type of infrastructure listed must be met by CIL. The PPG says that the latter “is not intended to make individual planning applications acceptable in planning terms...there is still a legitimate role of development specific planning obligations, even where the levy is charged, to enable a local planning authority to be confident that the specific consequences of a particular development can be mitigated.”⁸ The PPG also says that the levy cannot be expected to pay for all the infrastructure required, but it is expected to make a significant contribution.”⁹
76. The DfE document Securing developer contributions for education¹⁰ reflects this approach, though it advises LEAs to work with local planning authorities to consider the most appropriate mechanism to secure contributions from developers towards education facilities alongside other infrastructure funding priorities. Given the dispute between GCC and the Appellant, and SDC’s reluctance to state its view as the local planning authority and charging authority, it strikes me that there is not a clear agreed approach between SDC and GCC, when in fact there ought to be, and it would be in everyone’s interests for there to be so that the necessary infrastructure is delivered as part of the district’s development strategy.
77. Notwithstanding this, I consider that there is a policy framework in place that provides sufficient clarity on what types of infrastructure CIL monies should be used for. The list is wide-ranging. I consider, in line with the PPG, that a nuanced approach is appropriate in that s106 agreements are suitable to secure site-specific mitigation so that a development addresses its direct impacts. CIL is the mechanism that could and should be used for non-site-specific mitigation based on the policy framework in place. To do otherwise would run contrary to that.

Process for CIL monies and the certainty.

78. After a bid process, SDC’s Environment Committee determines whether CIL monies are directed to a particular infrastructure type using a robust assessment procedure. Hence, the allocation of CIL monies lies outside the scope of this appeal; however, there is a framework, and an expectation of what types of infrastructure CIL monies should be used on, and these include some or all of the infrastructure that GCC, GP and the NHS seek. In practice, that is what is expected, and it would be a matter for SDC to responsibly address if planning permission is granted given s59(1) of the CIL Regulations which says SDC must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.
79. The CIL monies directed by SDC to GCC for physical improvement works at Gastrells Community School illustrate that the mechanism can work. Although it may have only been on one occasion since 2017, it is, as per the DfE guidance, for GCC and SDC to work together as public bodies to secure contributions towards education alongside other infrastructure funding priorities and then fund that necessary infrastructure. It is not the Appellant’s role to duplicate funding, and Local Plan Policy P6 makes that clear.
80. Therefore, I consider that, subject to the strategic CIL pot being sufficient, CIL

⁸ PPG Paragraph 167 Reference ID: 25-167-20190901

⁹ PPG Paragraph: 169 Reference ID: 25-169-20190901

¹⁰ CD D24

receipts should be used for the primary and secondary education and library contributions sought by GCC (Option 1 for each contribution respectively). I also conclude that they should also be used for the contributions sought by the NHS (The NHS Contribution Option 1) and GP (The Police Contribution Option 1) because they are infrastructure demands which arise from a population increase and are not site-specific infrastructure necessary to make the development acceptable in planning terms.

81. The concerns and fears of GCC, the NHS and GP about whether they would actually secure those monies and mitigate the proposed development's effects are genuine. However, it is for those parties to bid and make their case for the necessary monies from SDC's Environment Committee. While that will involve further work for those parties, the CIL receipts are not just hypothetical money, and there is a process in place to seek them and for SDC to responsibly allocate them to address the infrastructure demands in the district arising from the proposed development. Until a bid has been made and monies allocated, the infrastructure identified by GCC, the NHS and GP would not be an identified project in the IFS. Thus, they do not need to be a project identified now.
82. While I understand the Appellant's rationale behind the proposed split approach to the public transport contribution given that the new bus service would also benefit the existing or growing population, this proposition is not supported by any substantive evidence; it is purely an estimate. However, I disagree with this approach because the necessity for a new bus derives directly from the proposed development. This is not altered by the wider benefit to the local population, as the same knock-on benefits point would equally apply to the A38 improvement works and the POS without changing the necessity for those provisions in the first place. So, while I will take the wider public transport benefit into account as part of my planning balance, I consider that this contribution should be secured through the GCC s106 agreement (Public Transport Contribution Option 1).

What would be the available CIL Pot?

83. Projected potential and secured CIL contributions to the strategic fund amount to £1,390,931.84¹¹. It is agreed the proposal would add £4.1 million to the strategic CIL fund. Together this amounts to £5,490,931.84. The Appellant says that the total strategic CIL fund should include a further £1,561,196.42 based on IFS's executive summary of the 'available CIL on account to 31 March 2024'. If correct, that would lead to a total strategic CIL pot of £7,052,128.26. However, if the 'total amount retained in 23/24' figure from the IFS is used¹², which would consider already committed funds, the total would be £6,417,616.19.

Contributions agreed between the Appellant and GCC

84. Improvements are necessary to the A38 corridor to mitigate the effects of additional traffic generated by the proposed development. Without the mitigation there would be increased congestion, which would likely affect highway safety, and mean that carbon net zero targets may not be met. There would also be an effect on the ability to bring forward future developments without the mitigation in place. The contribution sought directly relates to the proposal's traffic effects albeit the contribution would be part of a wider cumulative impact. As such, the A38 Corridor Contribution Option 1 is necessary, directly related to the development, and fairly

¹¹ £407,878.09 add £983,053.75 CD D8, p23

¹² £926,684.19 CD D8, P23

and reasonably related in scale and kind to the development. The GCC s106 agreement secures the contribution.

85. The GCC s106 agreement secures a contribution of £25,000 towards the costs of two TROs for waiting prohibitions and a 30mph speed limit. The latter is necessary to ensure road safety and the free flow of traffic around the proposed site access. The former is necessary to protect the signalised junction at the proposed entrance to the site to prevent parking on the junction and its approaches. These measures would ensure the free flow of traffic at the junction and a reduction in conflict and road safety issues. The TRO Contribution satisfies the three tests.
86. The travel plan would encourage future occupiers to use sustainable and active modes of travel to reduce single occupancy vehicle journeys, to improve road safety and congestion and to help achieve carbon net zero targets. The Travel Plan Deposit is necessary should the owner default in any way and GCC step in to carry out any steps to deliver the travel plan. The Travel Plan Deposit has been calculated based on the upper quantum of dwellings, so it is directly related to the development and fairly and reasonably related in scale and kind to it.
87. The GCC s106 agreement includes provision for monitoring fees in respect of the A38 corridor, libraries, primary and secondary education, public transport, travel plan, and the TROs. There is a charge per trigger for each obligation. Due to the number of clauses within the GCC s106 agreement, I consider that the contributions insofar as the A38 corridor, public transport, travel plan, and the TROs are necessary to enable the ongoing monitoring of the trigger points and administration of the obligations by officers. The monitoring fees relating to libraries and education are not necessary given my findings that CIL receipts should be used for these types of infrastructure.
88. The proposed development makes land available for a primary school, which can be taken up at GCC's election. The provision is necessary in the interests of delivering adequate education provision in the area. The GCC s106 agreement secures this provision, and depending on whether the option is taken up, the proposed development would comprise of either 715 or 795 dwellings.

Is there a funding gap?

89. Once the public transport contribution is removed from the sums of money that I have determined to be justified for primary and secondary education, libraries, policing and healthcare, they total £3,066,141.91 for 795 dwellings and £2,758,437.96 for 715 dwellings¹³. Therefore, whichever total strategic CIL pot figure I were to use, there would be surplus monies available beyond the contributions sought by GCC, the NHS and GP, whether that be for 715 or 795 dwellings (this would still be the case if the public transport contribution for 795 dwellings were applied to 715 dwellings). Effectively, the CIL receipts arising from the proposal would exceed the infrastructure demands that the development would create regardless of the quantum of dwellings, which would mean that there would be monies available to SDC to put towards other infrastructure even after fully mitigating the proposal's effect. Therefore, no funding gap would exist in the strategic CIL pot, though the actual amount would vary depending on which total CIL pot figure is correct and the number of dwellings that come forward.
90. Even if I am wrong about the level of adjustment for the primary and secondary

¹³ £4,352,141.91 - £1,286,000.00 = £3,066,141.91 (795), £3,915,029.15 - £1,156,591.19 = £2,758,437.96 (715)

education contribution, the strategic CIL pot would still be greater than all the infrastructure sought by GCC, the NHS and GP¹⁴ and there would be around £2,267,831.27 remaining in the strategic CIL pot if the IFS total amount retained in 23/24 figure were used. Or as a worst-case scenario, if I just used the projected potential and secured CIL contributions along with the proposal's CIL receipts, there would be £1,341,146.92 remaining in the strategic CIL pot. Hence, there would still not be a funding gap regardless of any other potential funding sources.

91. It is unclear who may in the end deliver the M5 motorway improvements. It could be another developer, it could be the Appellant, or it could be a combination of people. It is possible that if the Appellant delivers the improvements, or part of them, they could seek to reduce their CIL liability. Yet, there is no certainty that this will happen or any detail of the sum of money involved in delivering them so I cannot reach a view on whether all or a good proportion of the proposal's CIL receipts would not be payable, even if the Appellant delivered the works.

Contributions sought by SDC

92. The SDC s106 agreement would secure a quantum of affordable housing compliant with Local Plan Policy CP9, which seeks at least 30% of net units proposed on residential proposals of 4 or more dwellings to be affordable dwellings, where viable. The SDC s106 agreement also secures a mix of dwelling sizes, tenures and types following discussion with SDC and consideration of the Strategic Housing Market Assessment as required by Local Plan Policy CP8.
93. Although the appeal site is not an allocated strategic site in the Local Plan, the proposal would secure 5% of the total dwellings proposed for self or custom build plots. The supporting text to Local Plan Policy HC3 explains the intention behind the policy, which chimes with the Framework's objective in paragraphs 62 and 63 to deliver the housing needed, which includes self or custom build homes. So, while the 5% is not necessarily required by Local Plan Policy HC3, the proposal is consistent with the objective to increase the provision of this type of housing, provided there is an identified demand. SDC confirmed that there is an ongoing demand for this form of housing¹⁵.
94. Without any POS on the site, there would be increased demand placed on existing infrastructure due to the number of residents who would occupy the appeal site. As such, it is necessary to create a range of POS that connects throughout the site and to the existing public rights of way (PRoW) network and highways so that it is accessible to all and it offers a range of outdoor play space, allotments and scope for a community orchard. Although the emerging plan refers to the provision of an on-site community building, I agree that there is adequate provision already in the area, and the proposal would deliver a new car park in connection with Jubilee Fields that could be used by future residents as well as existing residents.

Conclusion on main issue

95. I have decided what the appropriate amount of money is in respect of the education, public transport, policing and healthcare contributions sought by GCC, the NHS and GP, having regard to the tests in Framework paragraph 58 and Regulation 122 of the CIL Regulations. I have also concluded that CIL receipts are the appropriate mechanism to secure those contributions, save for public transport, along with the library contribution.

¹⁴ £4,149,784.92 based on £1,928,493.40 + £1,407,904.62 + £155,820 + £122,474.90 + £535,092 (795)

¹⁵ ID11

96. I have also concluded that SDC and GCC have explained the relevant policy justification together with how the affordable housing, self-build plots, POS, highway improvements, public transport, travel plan, TROs and monitoring fees for them have been calculated and how the monies would be spent. Hence, I conclude that they meet the statutory tests set out in Framework paragraph 58 and in Regulation 122 of the CIL Regulations. Each would be secured either through the SDC s106 agreement or the GCC s106 agreement. They are material considerations in this appeal.
97. Bringing both strands together, I conclude on this issue that the proposal would make adequate provision for the various matters sought by SDC, GCC, the NHS and GP either through the SDC or GCC s106 agreements or through CIL receipts. The proposed development would accord with Local Plan Policies CP6, CP7, CP8, CP9, and HC3; Local Transport Plan 2020-2041 Policies PD0.3 and PD0.4; emerging plan Policy PS24; Framework paragraphs 58, 63, 96, 98, 100, 101, 103, 115, 116 and 118, and the PPG.

Character and appearance

98. Detailed proposals of phase 1 are before me, whereas detailed proposals for phases 2 and 3 are not before me, and would be for determination later should the appeal be allowed. I do, nevertheless, need to consider whether those parts of the site could accommodate the development proposed in a manner that could respond to the area's character and appearance.
99. When considering density, it is not just as simple as an arithmetical number; factors such as scale, massing and layout, but also the locality in which the development would be situated, should be considered. Taking that point, Framework paragraph 135 c) requires developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). Therefore, repeating what has gone before is not necessarily the answer. Nor is just increasing densities to maximise the use of land. Instead, the Framework seeks developments to make effective use of land, taking into account the desirability of maintaining an area's prevailing character and setting and securing well-designed, attractive and healthy places.
100. A varied approach to density is proposed across phase 1 with three different character areas. Indicatively, a similar approach is proposed across phases 2 and 3, with the higher-density homes clustered around the access road and key nodal points before dropping down to medium-density homes and then lower-density homes towards the edge of the development.
101. Cam has distinct character areas with development of a varied scale, massing, layout, appearance, form and type that contributes to a mixture of densities. Thus, the principle of a varied approach would respond to local character and history.
102. The appeal site straddles the 'Draycott' and 'Manor Avenue' character areas in the Cam Parish Neighbourhood Development Plan 2019 – 2031 (NP). Within these areas there is a range of densities, but phase 1 would be more readily experienced in connection with the Manor Avenue density given that it is characterised by more recent housing development set around cul-de-sacs or highways. It is typically two storeys high, though there are examples of two and a half and three storey high development. The general scale, massing and layout of the development in most of this area creates an impression of a relatively dense pattern of built form.

103. The development proposed in phase 1 would reflect the suburban layout found locally with dwellings arranged around internal roads and cul-de-sacs. The width and alignment of the spine road and active travel corridor influence the layout of phase 1, particularly given the point of access onto the A4135. Consequently, green infrastructure and POS would be on the outskirts of phase 1. However, they would enable connections to the PRoW network, and given the size and extent of those areas, and the potential to extend those areas throughout phases 2 and 3, the layout proposed in phase 1 would be an acceptable design response. This is because it would create a buffer to nearby development, or the playing fields and houses would be grouped with treed edges and set within landscaped garden plots with reasonable separation distances.
104. The overall varied approach proposed to scale and massing would also be a suitable design response, whilst achieving an appropriate balance between being sympathetic to local character and history and not preventing or discouraging appropriate innovation or change. This is because the three storey dwellings proposed would be located within the urban core character area of the site and the spine road, where they would help with placemaking and defining key nodes. This is consistent with the Cam Design Code, as there would be a clear layout and townscape created, bearing in mind the changing topography in the area.
105. Although the Cam Design Code suggests that three storey homes may be suitable on lower parts of the site adjacent to the properties on Draycott Crescent, I consider the three storey homes proposed on plots 5, 6, 10, and 11 would not create a suitable transition between the two-storey development on that road and phase 1 given the proposed siting and proximity to those properties. A planning condition would overcome this harm and enable a more suitable design response to be considered and approved by SDC.
106. While there are only indicative details of how phases 2 and 3 may be laid out and designed, the size of the land is large enough to achieve a satisfactory balance between the density of development, the effective use of land, accessibility requirements, and green infrastructure provision, among other things. While the spine road's alignment would influence that, it does not need to result in the same layout or density of development, though indicatively more green infrastructure is shown more centrally and alongside corridors to connect respective spaces. That could create a welcome and attractive place with a clear hierarchy of spaces that provides a suitable setting for the proposed homes in a sylvan character.
107. Overall, I conclude on this issue that the proposal would and could have an acceptable effect on the character and appearance of the area, having regard to density, layout and the scale of the dwellings. Hence, the proposal would accord with Local Plan Policies CP8 and ES12 as well as NP Policy CAMCD1 and Framework paragraphs 130 and 135. Jointly, among other things, these policies seek new housing development to be well designed and high quality, built at an appropriate density that is acceptable in townscape, local environment, character and amenity terms, and have a layout that is appropriate to the site and its surroundings. Further, proposals should demonstrate how the design principles in the Cam Design Code have been taken into account.

Green infrastructure and connectivity

108. The NP explains that the neighbourhoods making up the local distinctiveness of Cam are bound together by their distinct and embedded relationship with the landscape setting, trees and other green infrastructure elements. Green threads

criss-cross Cam with the many 'snickets' and public footpaths that link people, places and habitats. The green network helps to define the landscape structure within the built area and creates links with the surrounding countryside, enabling walking and cycling and enhancing connectivity not only for people but also for wildlife and between different habitats. Collectively, the routes are central to active travel and how people go about their day-to-day lives.

109. Phase 1 would provide four opportunities to enter and exit this part of the site other than by vehicle. That would be a numeric uplift compared to the existing situation (phase 1 only) which has PRowS providing entry and exit points onto Draycott Crescent and Everside Lane. The former would be retained, while the latter would be moved further up the lane to facilitate the primary school. However, should scenario 1 not take place, then further consideration could be given to connections between the lane and this parcel of land that would be used for housing.
110. An active tree-lined travel corridor would also run alongside the spine road, providing a dedicated space for non-vehicular traffic to use, thereby linking phase 1 with the existing settlement and providing links from the existing settlement to the other routes within phase 1 and the existing PRow and snicket network beyond the site's boundaries. In doing so, it would provide an attractive and safe route. The proposal would likely see the alignment of the existing PRowS diverted, but the proposed routes through the site would utilise existing boundary features and intersect with roads at suitable points that would enable people to make use of the routes through the site for short and longer journeys as part of their daily lives.
111. Detailed designs for phases 2 and 3 are not before me, but there is opportunity to incorporate existing PRow routes into the design and layout of these parts of the appeal site and to add attractive new routes in the manner described by the Cam Design Code to connect people to the landscape and everyday destinations. This could be achieved alongside landscaping, suitable surfacing and lighting to maximise pedestrian and cycle movement.
112. CPC raises a point about a pinch point of a PRow at the railway bridge, and while I understand the issues raised here, that lies outside of the appeal site.
113. I conclude that the proposal would offer suitable green infrastructure and connectivity and would comply with Local Plan Policies CP8 and ES12 together with NP Policies CAMES1, CAMCD1 and CAMCD2 and Framework paragraphs 115 b) and 117 a). Among other things, these policies jointly seek development to have legible and well-planned routes, blocks and spaces; accessible and safe pedestrian and cycle routes without traffic conflict; enhanced network of green infrastructure with trees and hedgerows retained and new planting.

Other Matters

Heritage assets

114. I have a duty under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) that requires special regard to be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
115. The Grade II listed building of Woodend Green Farmhouse is 350 metres to the south-west of the site. The building has historical and architectural interest as an example of a local late 17th century farmhouse within an arable rural context. Its immediate setting includes several outbuildings and barns which, while converted to residential use, still evoke the farm complex layout. The rural setting of the

former farmhouse, especially to the south and west, contributes to its significance by allowing its historical function and arable setting to be understood. However, the proposal would not affect this due to the higher ground to the northeast and mature vegetation, and as the appeal site does not have a historical association with the former farmhouse. As such, the proposal would have a neutral effect on the designated heritage asset.

116. The former Grade II listed industrial structure of the Goods Shed at Coaley Junction is now a dwelling and within a modern housing estate. The building has architectural interest, but due to the intervening distance, the proposal would not give rise to a harmful effect, and so a neutral effect would arise.
117. There is a range of archaeological potential and significance on the site. These include Romano-British settlement activity, Medieval ridge and furrow cultivation, post Medieval field boundaries, and isolated later prehistoric cremation burial. Full or partial excavation and recording has already taken place for the settlement activity and cremation burial, but further work could and should be carried out to aid the understanding of both and to identify if there are any further features that ought to be excavated, with the results published. While the proposal would affect these features due to construction activities, a suitable scheme of archaeological work could be secured to mitigate that adverse impact.
118. The ridge and furrow are visible remains of medieval and later farming practice. They are generally two metres wide and are orientated north/south and northeast/southwest. They hold archaeological and historic interest but are a widespread and common feature. This would be lost by developing the site; however, their presence and character are recorded, so this would mitigate the proposal's effect. There are several post-Medieval field boundaries that hold archaeological and historic interest, albeit that is limited. Most of these features are to be preserved in the proposal. While some would be removed, their presence and character have already been recorded. This mitigates the proposal's impact.
119. There are three Scheduled Monuments in the wider area around the site: Uley Bury Camp, West Hill Roman-Celtic Temple, and Nympsfield long barrow. Each holds archaeological interest and holds an elevated position in the landscape. That helps inform their significance and thus their setting. I agree with the assessment of their contribution in the Heritage Note¹⁶ and about the proposal's neutral effect on each designated heritage asset.
120. The proposal would not therefore affect the historical and architectural significance of Woodend Green Farmhouse and the Goods Shed at Coaley Junction, thereby preserving their special interest. No effect would also be caused in respect of the three Scheduled Monuments, and with the mitigation and recording programme, the proposal would not result in an adverse impact on the site's archaeological significance. Thus, the proposal would accord with Local Plan Policy ES10.

Highway modelling and phasing

121. South Gloucestershire Council considers that the first phase of the proposed development at Sharpness (1,000 dwellings), which is currently subject of a planning application and a proposed allocation in the emerging plan, should be included in the modelling and proposed mitigation at junction 14 of the M5 Motorway with the B4509 and the A38. This is because of the potential queuing from the junction from the eastbound approach of the B4509 and the subsequent

¹⁶ CD B5

impact on the A38/B4509 junction. I have no reason to disagree with the Appellant's rationale for excluding this site from the assessment of the proposal's cumulative effects given that there is not a reasonable degree of certainty of the Sharpness development proceeding in the next three years¹⁷ due to the Examining Inspectors comments and the emerging plan's progress. Hence, I am satisfied with the scope of the modelling undertaken of the cumulative effect of development on the road network and the proposed mitigation.

Alternative emergency access

122. If the carriageway of the proposed spine road were blocked or unable to be used, alternative provision using the active travel route alongside the spine road is proposed. That alternative provision would serve the whole development and is an acceptable alternative emergency access solution, so the dispute about the use of Everside Lane as another emergency access is a moot point.

Community infrastructure provision

123. While the allotments are shown to the north of the site next to the motorway, this location is not fixed and could be subject to further consideration as part of any reserved matters application. However, the principle of their location is acceptable in air quality terms and with the provision of noise mitigation measures. The SDC s106 agreement requires precise details of how the allotments are designed and managed to come forward with the first reserved matters application for phase 2.
124. The indicative location of the community orchard would fall within phase 2 and be situated broadly in the centre of the appeal site. It would be the reserved matters application(s) to provide satisfactory and final details of the community orchard. Although the community orchard would not be delivered as part of phase 1, not everything can be, but the timing of when the community orchard is delivered could be controlled by a planning condition on a subsequent reserved matter.
125. The SDC s106 agreement secures the delivery of the proposed car park before the 150th dwelling in phase 1 is occupied so that it could be used in conjunction with Jubilee Fields at a suitable point in the construction of phase 1. Details of the car park itself will also be provided to SDC. The SDC s106 agreement also secures the delivery of the POS and play area within phase 1 before half of the dwellings in that phase are occupied. I consider the design and location of the play area to be suitable for future occupiers and the existing community to use. A similar trigger would apply to phases 2 and 3 in terms of POS and play areas in those parts of the site. Collectively, this will ensure that POS and a mix of play areas are delivered in a phased manner as the development is occupied, with the first POS and play area to be delivered closest to the existing community to use.
126. It will be for GCC to decide whether to take up the primary school option in due course and whether to deliver a new primary school. That is their role as LEA, but the proposal provides the opportunity for a new primary school as proposed in the emerging plan. While a new school would change the existing noise environment for some residents at certain parts of the day across the school year, this would be during the daytime and not harmful to residents' living conditions. The school site is also capable of accommodating a primary school set away from residential properties to ensure that any out of typical school hours activities do not cause harm to residents' living conditions. However, there are no details of how the school may be used, and in any event, SDC confirmed before the Inquiry that it

¹⁷ PPG, Paragraph: 014 Reference ID: 42-014-20140306

was not seeking an indoor leisure contribution.

Flood risk

127. The appeal site lies within Flood Zone 1 and is at a low risk of fluvial flooding, and it is not subject to flooding from any rivers. However, there is a likelihood of surface water flooding across the site. I agree that SuDS will help manage surface waters on the appeal site at a suitable rate of discharge into the nearby watercourse. A planning condition can ensure that satisfactory details can come forward. As such, the proposal would not increase flood risk. The Appellant has also demonstrated that the appeal site is the most sequentially preferable and available site for the type of development proposed in Cam and the wider district.

Best and most versatile (BMV) agricultural land

128. Most of the site is classified as subgrade 3, though within this most of it comprises subgrades 3A with smaller parcels of subgrade 3B, and subgrade 4 is located at the western boundary of the site. The Framework defines BMV as land in grades 1, 2, and 3a. As such, the proposal would result in the loss of the subgrade 3a BMV land. This loss carries limited weight against the proposal, having regard to Framework paragraph 187 b).

Appropriate Assessment

129. The appeal site is around 3.7 to 3.9 km from the SAC, SPA and Ramsar sites and within the Zone of Influence for recreational pressure on the SAC. Regulation 63(1) requires a Competent Authority ("CA") to make an AA of the implications of any plan or project potentially affecting a site with regard to the site's conservation objectives. Regulation 63(5) says that the CA may, in light of the conclusions of the AA, agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site. I have, therefore, in carrying out the AA, considered the information provided by the Appellant through a shadow Habitats Regulation Assessment¹⁸ (shadow HRA) and ID9, and the views of SDC and NE, who provided responses before and after the Inquiry closed¹⁹.

130. The SAC is designated for its estuaries, subtidal sandbanks, reefs, intertidal mudflats and sandflats, saltmarsh and populations of sea lamprey, river lamprey and twaite shad. The SPA is designated for supporting populations of European importance of wintering Bewick's swan, curlew, dunlin, pintail, redshank and shelduck and passage ringer plover, together with supporting various species of wintering waterfowl each year. The Ramsar site is designated for the same habitat features as the SAC, along with unusual estuarine communities, its diverse fish and migratory fish population and various waterfowl populations.

131. The proposed development is not directly connected with or necessary for the nature conservation of the SAC, SPA or Ramsar site. Given the type, scale and proximity of development proposed, increased visitor pressure during the proposal's operating phase and waterborne pollutants from the construction and operational phases of the development (run-off and groundwater discharge into the River Cam, which flows into the Severn Estuary) could both adversely affect the qualifying habitats and species, identified in the shadow HRA, of the SAC, SPA and Ramsar site without mitigation. Further, in-combination effects with other projects could also adversely affect those qualifying habitats and species because of increased visitor pressure and waterborne pollutants, without mitigation. Hence,

¹⁸ CD E54

¹⁹ ID23

- I consider the proposal could result in a significant impact and likely significant effect on the integrity and qualifying features of the SAC, SPA and Ramsar site during the construction and operational phase of the development.
132. I need to determine the appeal based on the Mitigation Strategy, as it is the current approach following the input of numerous organisations. To determine the appeal based on the 2017 Strategy, which was applicable when the planning application was submitted to SDC, would result in a lower quantum of monies that would not mitigate the proposal's effect. NE concurs with my approach.
133. Compared to its predecessor, the Mitigation Strategy increased the Zone of Influence, further detail about on-site Suitable Alternative Natural Greenspace (SANG) and an increased financial contribution per dwelling to help fund the Strategic Access Management and Monitoring Measures (SAMM). Option 1 of the SDC s106 agreement would reflect the amount of mitigation per dwelling that ID11 and the Mitigation Strategy seeks for SANG and SAMM. NE concurs.
134. On-site POS and links to the wider area would also be provided or diverted, which would in overall terms improve accessibility to the land for leisure and recreational activities. Together with the approach to landscaping, future residents would be encouraged to use these spaces and connections. Despite the Mitigation Strategy's approach to on-site SANG, I consider, owing to the passage of time since the planning application was submitted, that these would, in tandem with the SANG contribution, effectively mitigate the proposal's extra recreational pressure.
135. Best practice management and controls during the construction phase as set out or referred to in the shadow HRA would be secured by imposing a planning condition for a construction environment management plan (CEMP). These, together with suitable foul and surface water drainage provision during the operational phase, would ensure that the proposal would not cause a significant effect on the River Cam and no likely significant effect on the SAC, SPA and Ramsar site from downstream flooding.
136. I consider that the same measures to be secured through the CEMP, together with ground levels and the anticipated SuDS, would minimise the interaction between ground and surface waters and enable surface waters to be directed away from the River Cam, which will mean that an adverse effect on groundwater quality and the river itself would not arise. Therefore, I conclude that there would be no likely significant effect on the SAC, SPA and Ramsar site from groundwater pollution impacts on the River Cam during the construction and operational phases of the proposed development.
137. It is expected that the nearby wastewater recycling works, and existing infrastructure improvement works will enable foul drainage flows from the proposal to be accommodated. However, additional loading from the proposal on the existing point source pollution from the works in the CAM catchment could potentially result in an increased polluting effect on the River Cam. But that may be affected by the site's current land use. Given this, together with the proposed SuDS design, use of rainfall harvesting and low water consumption appliances, and the distance between the site and the SAC, SPA and Ramsar site, I consider that a likely significant effect from foul drainage will not occur.
138. Various other developments for residential development which benefit from planning permission or are a proposed allocation in the emerging plan would, in combination with the proposal, create an increased surface water runoff. However, adequate mitigation and control measures, including suitable SuDS designs to

maintain runoff rates to greenfield levels, would negate an in-combination effect. Furthermore, best practice construction methods and design, including the use of low-water appliances and water recycling, could minimise any increased loading on the wastewater recycling works and potable water supplies for the region. Again, this would negate an in-combination effect.

139. Therefore, I conclude that Option 1 of the SDC s106 agreement would satisfy the statutory tests, and the required mitigation would be secured through that agreement and planning conditions. Accordingly, I concur with NE, who do not object to the proposed development on this basis. This leads me to conclude that there are mitigation measures capable of reducing the adverse effect identified to the extent that there would be no likely significant effects on the integrity and qualifying features of the SAC, SPA and Ramsar site either alone or in combination. As such, the proposal would accord with Local Plan Policies ES3 and ES6, the Mitigation Strategy Article 6(3) of the Habitats Directive and Regulation 63(5) the Regulations. Collectively they seek development alone or in combination not to have a significant effect on the SPA, SAC and Ramsar site, and if so, provide adequate mitigation to avoid and mitigate any potential adverse effect.

Other

140. The proposal would, despite the sustainable transport measures that would be secured through planning conditions and the GCC s106 agreement, result in additional vehicle movements. Even so, the proposed access arrangements would provide satisfactory access for all and not create any cumulative impacts on the local road network following mitigation, having regard to Framework paragraphs 115 and 116.
141. Residents criticise the Appellant for not including any solar panels or heat pumps to help achieve zero-carbon targets. The detailed designs for phase 1 do not include these measures, but they could be included in phases 2 and 3. However, the Appellant proposes to use other methods to help meet the target in phase 1. These include orientating the dwellings to maximise natural lighting and passive solar gain to reduce energy costs, making the best use of sustainable travel routes, SuDS to control surface water runoff, and low water use sanitary features. The dwellings will also need to comply with building regulations that require new homes to produce significantly less carbon dioxide.
142. I note the points about the scheme being advanced ahead of the emerging plan being found sound and adopted by SDC and that there are no retail facilities within the appeal scheme, but I have determined the development that has been applied for in this appeal on its planning merits.

Planning Balance

The development plan

143. I have found limited harm in respect of the proposal's conflict with Local Plan Policies CP2, CP3, and CP15 because of the proposed development's location.
144. The proposed development would, however, accord with Local Plan Policies CP6, CP7, CP8, CP9, and HC3, together with Local Transport Plan 2020-2041 Policies PD0.3 and PD0.4 in respect of the planning obligations sought by SDC, GCC, the NHS and GP notwithstanding my finding about the principle in respect of some of those. Further, the proposal would accord with Local Plan Policies CP8 and ES12 as well as NP Policies CAMCD1, CAMCD2, and CAMES1 in respect of character

and appearance and green infrastructure matters. The proposal would also comply with Local Plan Policies ES3 and ES6 insofar as its effect on the SAC, SPA and Ramsar site. In respect of the various heritage assets, the proposal would accord with Local Plan Policy ES10.

145. Taking these issues in the round, the proposal would be contrary to the development plan when taken as a whole. I shall now consider whether there are material considerations that would indicate that my decision should be made otherwise than in accordance with the development plan.

The benefits of the proposal

146. The current housing land supply position stands at 3.24 years, a shortfall of 1,461 dwellings over a five-year period which is significantly short of the Framework's minimum requirement. The proposal would contribute to the number of dwellings delivered in SDC in the next five years but only by a proportionate amount because not all the proposed dwellings (either scenario) would be delivered in this timeframe. The dwellings within the outline part of the scheme are not expected to deliver within the next five years, and a rate of 60 homes per annum is anticipated. Therefore, the proposal would not erase the shortfall, though it would help SDC to meet its ongoing housing requirement. While some of the dwellings may not meet the Nationally Described Space Standard, a matter that weighs against the provision of those dwellings, overall, the proposal would provide a suitable mix of house types and sizes to reflect what is required locally.
147. The proposal would help address the demand for custom and self-build housing, and 30% of the dwellings would be affordable homes. Given the cumulative shortfall of affordable homes in the district, the proposal would help address around 25% of the current shortfall, albeit it would be a staggered contribution. The proposal would therefore make a meaningful contribution to the supply of housing in the forms identified and help address the existing shortfalls on a site in an accessible location, albeit the proposal would not, on its own, result in an immediate change to the SDC's supply and the provision of good, affordable homes for people in need now, though it would in the future. However, given the quantum of development involved, I attach very substantial positive weight to the provision of market, affordable and self-build housing.
148. The proposal would result in economic benefits in the form of direct, indirect, and induced jobs from the construction of the development, and once it is fully occupied, future occupants would spend locally. As these benefits would be both short-and long-term, I give them moderate positive weight.
149. The POS would chiefly be mitigation for future occupiers of the appeal scheme, but it would be accessible to the wider population also given the proposed connections to the local community. The new car park could be used by the local community whilst using Jubilee Fields. Those connections and facilities would be accessible to all, which would be a betterment than the existing situation, but the appeal site is already publicly accessible through a network of PRoWs. Therefore, with these factors in mind, the POS provision carries limited positive weight.
150. There is no statutory requirement for BNG as the planning application was submitted before 12 February 2024. Local Plan Policy ES6 requires new development to conserve and enhance the natural environment. Framework paragraph 193 d) seeks proposals to secure measurable net gains for biodiversity. The 10% statutory requirement is a relevant consideration, but it is a matter of

planning judgement whether the stated gains are benefits and how much weight they carry. Here, a 12.79% (83.16 units) gain for habitats would arise along with a 10.66% gain (45.46 units) for hedgerows. While these gains may be relatively modest and their robustness not tested using the latest metric, they would still assist locally and help reverse the national decline in biodiversity. The gains carry moderate positive weight in my view.

151. As part of the landscape proposals in phase 1 and the strategy for phases 2 and 3, existing trees and hedgerows would be retained and incorporated into the site's layout. This is positive but the Framework expects this as trees make an important contribution to the character and quality of urban environments and have an ability to help mitigate and adapt to climate change. Further, large areas of landscaping are necessary to achieve an appropriate balance between the amount of built form proposed and a visually attractive development that is sympathetic to local character whilst making effective use of land. These matters carry neutral weight. The proposal would result in limited negative weight given the loss of BMV.
152. Although Council Tax receipts and New Homes Bonus payments would be created for SDC, they are not benefits, as they are collected or paid to mitigate the additional demand that the new homes would bring on services that SDC provides. These matters attract neutral weight.
153. Save for the affordable housing, custom and self-build housing, the A38 corridor improvements, and elements of the public transport contribution and the POS, the remaining obligations secured through the SDC s106 agreement, and the GCC s106 agreement unless where I have determined that CIL is the appropriate mechanism, mitigate the development's impact. They are not, therefore, benefits and carry neutral weight. The A38 corridor improvements are necessary to mitigate the proposal's impact on the road network, but the wider population would also benefit from those works, so carry moderate positive weight given the wider significance of those works to development taking place in the area. The public transport contribution is necessary to mitigate the proposal's impact, but there would be knock-on benefits to the existing community through a more frequent service, as they would not distinguish between an existing bus and the new bus funded by the appeal scheme. This benefit carries limited positive weight.

Conclusion on Planning Balance

154. The planning system should be genuinely plan-led. The development plan directs development to suitable locations to enable strategic growth and development to help meet the objectively assessed needs of the district by providing for the development of housing, employment, retail and other necessary development for the period 2006-2031. For the reasons outlined earlier, SDC's spatial strategy is not keeping pace with the housing needs of the district and while the appeal site is broadly in accordance with the Local Plan's settlement hierarchy, the proposal does not accord with it. Further, in developing the land for housing, the proposal would result in the loss of countryside and BMV even though the appeal site is part of a proposed allocation in emerging plan Policy PS24.
155. There would, however, be no conflict with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and the proposal would deliver a range of much-needed homes in an accessible location where safe and suitable access can be achieved for all and appropriate mitigation provided for the development's highway impacts. Furthermore, the development would and can respond to local character in its layout, form, density, scale and appearance to

achieve a well-designed place that includes appropriate landscaping and snickets whilst making effective use of land.

156. The proposal would result in benefits and harms, and weighing the two is not a mathematical exercise, but the harms mean that the proposal conflicts with the development plan as a whole. Yet, the adverse impact of granting permission would not significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework taken as a whole. The proposal would comply with Local Plan Policy CP1, despite its wording reflecting a previous version of the Framework. Hence, the material considerations indicate that planning permission should be determined other than in accordance with the development plan. Hence, I conclude that the appeal should be allowed.

Conditions

Full application

157. In the interests of certainty, along with the standard time limit (1), I have imposed an approved plans condition (2). I have imposed a ground levels condition (3) in the interests of the character and appearance of the area. A condition (4) is necessary for a programme of archaeological work to help understand any archaeological remains. Details of how surface water will be drained are necessary so that there is a satisfactory means of drainage (5). In the interest of highway safety, I have imposed a condition to secure full construction details of the approved access onto the A4135. In the interests of the character and appearance of the area, conditions requiring details of the materials and boundary treatments are necessary (7 and 8). For the same reason, and having regard to the NP, I have imposed a condition (9) requiring the submission of details for plots 5, 6, 10 and 11. A condition (10) to secure vehicular and cycle parking details is necessary in the interests of highway safety. To ensure the effective implementation of waste minimisation, I have imposed a condition (11) to secure refuse and recycling storage details. I have imposed a condition (12) so that the strategic landscaping comes forward at a suitable point.

Outline application

158. I have imposed the standard condition relating to outline planning permission (13) and conditions (14 and 15) setting out when the reserved matters application for phases 2 and 3 must be submitted by in the interests of certainty. It is also necessary to impose a condition (16) confirming when development in phases 2 and 3 must be commenced by. A plan's condition (17) is necessary to inform the reserved matters applications. I have imposed a condition (18) limiting the number of dwellings in the interests of certainty. So that the proposal responds to the district's needs I have imposed a condition (19) so that the reserved matters applications for phases 2 and 3 are based on the strategic housing market assessment at the time of the submission. A condition (20) is necessary to inform the landscape element of the reserved matters for phases 2 and 3 in the interests of the landscape and the visual amenity of the area. In the interests of biodiversity, I have imposed a condition (21) for an ecological design strategy.

159. A condition (22) is necessary to secure surface water drainage details as per the drainage strategy principles. I have imposed a condition (23) to secure details of vehicle and cycle parking provision in the interests of highway safety. A condition (24) is necessary in the interests of delivering a variety of housing types to ensure 5% of the total number of dwellings contribute to the district's supply of this type of housing. To ensure the effective implementation of waste minimisation, I have

imposed a condition (25) to secure refuse and recycling storage details with the reserved matters application.

160. A condition (26) to secure details of existing and proposed ground levels for phases 2 and 3 is necessary given the character and appearance of the area. I have imposed a condition (27) for a programme of archaeological work to aid the understanding of any archaeological remains. Conditions are necessary, in the interests of the character and appearance of the area, to secure details of the materials and boundary treatments (28 and 29). For the same reason, it is necessary to impose a condition (30) to ensure the strategic landscaping is delivered at a suitable point in the development. A self-build delivery strategy (31) is necessary to assist with the delivery of the self-build dwellings.

Both full and outline application

161. A construction method statement (32) is necessary in the interest of highway safety and amenity and residential amenity. To protect the health of future occupiers and users of the site, I have imposed a condition requiring a remediation scheme (33). In the interests of biodiversity, I have imposed conditions requiring the submission of a landscape and ecological management plan (34) and a CEMP (35). For the same reason, a condition to secure a lighting design strategy is necessary (36). So that adverse impacts on GCN are adequately mitigated, I have imposed conditions (37, 38 and 39) requiring development to take place in accordance with specific detail and not until a certificate has been obtained regarding GCN compensation measures.

162. To protect biodiversity and the character and appearance of the area, I have imposed a condition (40) to secure tree protection measures. To protect the living conditions of future residents, a condition (41) is necessary so that there are certain sound levels during different parts of the day. So that there are satisfactory foul drainage arrangements, I have imposed a condition so that further details are submitted (42). In the interests of highway safety, travel movement and sustainable modes of transport, I have imposed a condition (43) requiring details of the access roads, footways and footpaths for each phase to be submitted. Validation of the noise mitigation measures and the land remediation is necessary in the interests of future occupiers' living conditions (44 and 45).

163. To avoid flooding, management and maintenance details of the sustainable drainage are necessary, so I have imposed a condition to that effect (46). In the interest of the safe and efficient operation of the Strategic Road Network (M5 Motorway) I have imposed a condition (47) to ensure that the agreed improvement works are carried out by a certain point. To ensure the safe and efficient operation of the A38/B4509 road network, a condition (48) is necessary to ensure the identified works are carried out before a certain point in the development. I have imposed a condition to secure details of management and maintenance arrangements of the proposed streets to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic, cyclists and pedestrians is achieved (49). In the interests of promoting and encouraging sustainable modes of travel, I have imposed a condition (50) requiring the implementation of the travel plan and its subsequent monitoring and management for five years after the first occupation of each phase.

164. I have not imposed a condition concerning construction or delivery hours, as that detail will be secured through the construction method statement.

Conclusion

165. The proposed development would conflict with the development plan, but the material considerations in this case indicate that a decision should be made other than in accordance with it. For the reasons given above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

John Litton KC of Counsel

he called:

James Millard BA (Hons), MSc, MRTPI	Director, Blue Fox Planning
James Duffy BSc (Hons), MSc, MCIHT	Associate Director, Ridge Partners LLP
Gareth Howell BA (Hons), Dip Arch, RIBA	Director, EDP
Nikki Wood BSc (Hons), MSc, MCIWEM	Founder, Environmental Gain Ltd
Neil Tiley BSc (Hons), Assoc MRTPI	Senior Director, Pegasus Group
Chris Charlton*	Partner, Clarke Willmott

FOR STROUD DISTRICT COUNCIL:

Stephen Whale of Counsel

he called:

John Chaplin BSc (Hons), MSc	Majors and Environment Team Manager, SDC
Jeremy Patterson*	Principal Planning Lawyer, SDC

FOR GLOUCESTERSHIRE COUNTY COUNCIL:

Douglas Edwards KC of Counsel

he called:

Stephen Chandler BSc (Hons)	Place Planning Manager, GCC
Elizabeth Fitzgerald BA (Hons), DipTP, MRTPI	Managing Director, Barker Parry Town Planning
Thomas Martindale-Sheldon BEng (Hons), MCIHT, MTPS	Managing Director, Highways Development Planning and Management Consultancy Ltd/GCC
Krzysztof Kwiatkowski* MCILEX	Specialist Advisor, Legal Services, GCC

* s106 agreement session only

FOR ROUNDTABLE SESSIONS ON POLICING AND HEALTHCARE:

Oliver Neagle BA(Hons), MAURP, MRTPI

Associate Director (Planning) Strutt and Parker
/ BNP Paribas Real Estate UK

Andrew Hughes

Associate Director, NHS Gloucestershire ICB

INTERESTED PARTIES:

Tina Walker

Robert Green, Cam Parish Council

Steve Willetts, Cam Community Action Group

Councillor Ian Hamilton, SDC

Councillor Terri Kinnison, SDC

INQUIRY DOCUMENTS

- ID1 Appellant opening submissions
- ID2 SDC opening submissions
- ID3 GCC opening submissions
- ID4 Tina Walker submissions
- ID5 Robert Green of Cam Parish Council submissions
- ID6 Steve Willetts of Cam Community Action Group submissions
- ID7 Councillor Ian Hamilton, SDC
- ID8 Councillor Terri Kinnison, SDC
- ID9 Appellant note on Natural England response
- ID10 Gloucestershire Constabulary emails
- ID11 SDC Update Note
- ID12 SDC Updated CIL Compliance Statement
- ID13 GCC Updated CIL Compliance Statement
- ID14 Transport Planning Advice Sheet 7
- ID15 District License Report, 9 October 2025
- ID16 Impact Plan for Great Crested Newts District Licensing
- ID17 Email exchange on NHS contribution
- ID18 Community clinical room for new Cam population proportion
- ID19 Healthcare calcs
- ID20 GCC closing submissions
- ID21 SDC closing submissions
- ID22 Appellant closing submissions
- ID23 Natural England email, dated 10 November 2025

SCHEDULE OF CONDITIONS

Full application

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted in respect of Phase 1 shall be carried out in all respects in accordance with the following approved plans:

Site Location Plan edp6826_d016a; Play Equipment Plan 2104.291166; Tree Protection Plan 19250.505 Rev A; Proposed Site Plan 121 C; Materials Key Plan 102 B; Affordable Homes Key Plan 104 A; Storey Heights Key Plan 000 A; Street Scenes Key Plan 000 A; Character Areas Key Plan 000 A; Southern Site Access 20158 0040 P4; Fences & Enclosures Details 110-1; Proposed Wider Extent of Works 20158 0035 P2; Concept Drainage Plan WHS10234 001B; Detail POS Softworks Plan (Sheet 1 of 3) 10003-FPCR-ZZ-XX-DR-L-0007 P04; Detail POS Softworks Plan (Sheet 2 of 3) 10003-FPCR-ZZ-XX-DR-L-0008 P04; Detail POS Softworks Plan (Sheet 3 of 3) 10003-FPCR-ZZ-XX-DR-L-0009 P04; Detailed On-Plot Softworks Plan (Sheet 1 of 6) 10003-FPCR-ZZ-XX-DR-L-0001 P04; Detailed On-Plot Softworks Plan (Sheet 2 of 6) 10003-FPCR-ZZ-XX-DR-L-0002 P04; Detailed On-Plot Softworks Plan (Sheet 3 of 6) 10003-FPCR-ZZ-XX-DR-L-0003 P04; Detailed On-Plot Softworks Plan (Sheet 4 of 6) 10003-FPCR-ZZ-XX-DR-L-0004 P04; Detailed On-Plot Softworks Plan (Sheet 5 of 6) 10003-FPCR-ZZ-XX-DR-L-0005 P04; Detailed On-Plot Softworks Plan (Sheet 6 of 6) 10003-FPCR-ZZ-XX-DR-L-0006 P04; Arden 120.1 A; Danbury 121.1 A; Danbury 121.2 A; Delamare 122.1 A; Delamare 122.2 A; Saunton 123.1 A; Sherwood 125.1 A; Sherwood 125.2 A; Charnwood 126.1 A; Charnwood 126.2 A; Charnwood corner 127.1 B; Charnwood corner 127.2 A; Ashdown 128.1 A; Ashdown corner 129.1 A; Burnham 130.1 B; Burnham 130.2 A; Burnham 130.3 A; Whinfell 131.1 A; Whiteleaf 132.1 A; Whiteleaf 132.2 A; Stapleford 133.1; Apartments 140.1 A; Apartments 140.2 A; Apartments 140.3 A; 2A 142.1 B; 3A 143.1 B; and 4A 144.1 A; Garages Plans and Elevations 150.1.

Pre-commencement

- 3) No development within Phase 1 shall take place until a measured survey of that part of the site and a plan showing details of existing ground levels for the application site and proposed finished ground and floor levels (in relation to a fixed datum point) and finished roof levels for that phase shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 4) No development shall take place within Phase 1 of the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. The scheme of investigation shall then be implemented in accordance with the approved details.
- 5) No development shall take place within Phase 1 of the site until a detailed surface water drainage scheme that complies with the overarching drainage strategy principles contained in the Environmental Statement is submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include:
 - i) assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version)

- ii) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- iii) include a timetable for its implementation.

No above ground works hereby permitted shall be commenced in Phase 1 until the approved surface water drainage works for that phase have been implemented in accordance with the approved details.

- 6) Prior to the commencement of the development of Phase 1, full construction details of the proposed vehicular access on to the A4135 that accords with Ridge Drawing Southern Site Access Review of Design Standards Drg no: 20158 0040 Rev P4 and Ridge Proposed Wider Extent of Works Drg no: 20158 035 P2 shall be submitted to and approved by the Local Planning Authority. The access shall be formed and the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height prior to the first occupation of the development. The access shall be retained in accordance with the approved details and used for no other purpose and the land within the visibility splays shall be maintained clear of any visual obstruction exceeding 0.6 metres in height at all times.

Above ground work

- 7) No above ground work within Phase 1 to construct any building shall commence on site until details (including samples) of the walling, roofing and fenestration to be used in the construction of the external surfaces of the building works hereby permitted have been submitted to and approved by the Local Planning Authority. This shall include a schedule of which materials shall be used on each building. Development shall be carried out in accordance with the approved details.
- 8) No above ground development shall take place within Phase 1 until a plan showing full details, including elevations, of the type of boundary treatment to be erected has been submitted to and approved by the Local Planning Authority. The boundary treatment surrounding each dwelling hereby permitted shall be completed before first occupation of that dwelling. The development shall be carried out in accordance with the approved details.
- 9) Notwithstanding the house type details submitted for Phase 1, specific house type details in respect of plots 5, 6, 10 and 11 (the 3 storey units, on the southern edge of the spine road to the rear of existing properties serve by Draycott Crescent), including details on proposed dwelling heights and design shall be submitted and approved by the Local Planning Authority prior to above ground work on these plots. The development shall thereafter be implemented in accordance with the approved details.

Pre-occupation

- 10) No dwelling within Phase 1 shall be occupied until the vehicular accesses, driveways, parking, and turning areas (including any unallocated space) and secure, covered cycle storage/parking facilities for that dwelling have been provided in accordance with the approved details. The vehicle parking shall not be used for any purpose other than parking, and the turning areas shall remain available for turning at all times. The cycle storage/parking shall be permanently retained in the approved form and used for no other purpose.
- 11) Prior to first occupation of the dwellings within Phase 1 of the development hereby permitted, details of a scheme for the provision of refuse and recycling storage for those dwellings shall be submitted to and approved by the Local Planning Authority.

The approved provision for refuse and recycling storage for dwellings within Phase 1 shall be implemented for each dwelling prior to that dwelling first being occupied and thereafter maintained for the life of the development.

- 12) The approved strategic landscaping for Phase 1 of the development hereby permitted shall be provided no later than the first planting season following the first occupation of 75% of that phase of the development. Thereafter the strategic landscaping shall be retained as such. Any plants that die, become diseased or are otherwise removed for any other reason (either accidentally or deliberately) within the first 5 years of the first implementation of the planting shall be replaced on a like for like basis within the next available planting season.

Outline application

- 13) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved by the Local Planning Authority before any development (excluding Full element Phase 1) takes place in Phases 2 or 3 and the development shall be carried out as approved.
- 14) Application for approval of the reserved matters for Phase 2 shall be made to the Local Planning Authority no later than 4 years from the date of this permission.
- 15) Application for approval of the reserved matters for Phase 3 shall be made to the Local Planning Authority no later than 7 years from the date of this permission.
- 16) The development in Phases 2 and 3 hereby permitted shall commence not later than two years from the date of approval of the last of the reserved matters to be approved associated with that Phase.
- 17) The outline development hereby permitted shall be carried out in general accordance with the Design and Access Statement to ensure also that subsequent reserved matters applications are consistent materially with the Design and Access Statement, and the following approved Parameter plans: Site Location Plan edp6826_d016a; Density Parameter Plan edp6826_d008e; Land Use Parameter Plan edp6826_d005h; Access and Movement Parameter Plan edp6826_d006e; Scale and Building Heights Parameter Plan edp6826_d007d; and Illustrative Framework Plan edp6826_d002d.
- 18) The number of dwellings constructed shall not exceed 795 dwellings in total.
Submission at reserved matters stage
- 19) Notwithstanding the details submitted with this application, the applications for reserved matters shall include a schedule of the mix of type and size of market dwellings proposed within Phases 2 and 3 of the development that has regard to the relevant figures and requirements of the Strategic Housing Market Assessment for the area at the time of the submission.
- 20) The reserved matters application(s) for Phases 2 and 3 shall include a comprehensive and fully specified landscaping for consideration by the Local Planning Authority. For the avoidance of doubt this shall include a high-quality strategic landscape buffer in the northwestern area of the site, the POSs and SUDS features and the allotments as outlined on the approved masterplan.
- 21) The reserved matters applications for Phases 2 and 3 shall include an Ecological Design Strategy (EDS) for consideration by the Local Planning Authority. The EDS

shall include as a minimum the following information;

- a) full details of hedgerows to be retained and protected during construction.
- b) details of planting, such as hedgerows, wildflower planting and establishment.
- c) type and source of materials to be used where appropriate, e.g. native species of local provenance.
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- e) details for the erection and location of bird/bat boxes.
- f) details of enhanced reptile refugia and hedgehog friendly fencing
- g) details of initial aftercare and long-term maintenance and persons responsible for the maintenance.

The development shall be implemented in accordance with the approved details and thereafter retained as such.

- 22) The reserved matters applications for layout for Phases 2 and 3 shall include a detailed surface water drainage scheme, in accordance with the drainage strategy principles contained in the Environmental Statement. The drainage scheme shall include:
- i) an assessment for the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment.
 - ii) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - iii) include a timetable for its implementation.

No development within the relevant Phase hereby permitted shall be commenced until the approved surface water drainage works for that phase have been implemented in accordance with the approved details.

- 23) The reserved matters application(s) dealing with 'layout' for Phases 2 and 3 shall include details of car and cycle parking in accordance with the Council's adopted policies. No dwelling shall be occupied until the vehicular accesses, driveways, parking, and turning areas (including any unallocated space) and secure, covered cycle storage/parking facilities for that dwelling have been provided in accordance with the approved details. The vehicle parking shall not be used for any purpose other than parking, and the turning areas shall remain available for turning at all times. The cycle storage/parking shall be permanently retained in the approved form and used for no other purpose.
- 24) The reserved matters application dealing with 'layout' for Phase 3 shall include provision for self-build development to meet the minimum policy requirement of Local Plan Policy HC3 of 5% of the total number of dwellings within Phases 1-3 and as a minimum fix the layout and access arrangements. The self-build housing will be located in general accordance with the Figure 34 of the Design and Access Statement.
- 25) The application(s) for reserved matter(s) of layout for Phases 2 and 3 shall include details of a scheme for the provision of a refuse and recycling storage for the dwellings hereby permitted. The approved scheme shall be implemented for each dwelling prior to that dwelling first being occupied and thereafter maintained.

Pre-commencement

- 26) Each reserved matters application related to scale and layout shall include a measured survey of that part of the site and a plan showing details of existing ground levels and proposed finished ground and floor levels (in relation to a fixed datum point) and finished roof levels for that phase shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 27) No development shall take place within each phase following approval of reserved matters until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. The scheme of investigation shall then be implemented in accordance with the approved details.
- 28) No above ground work within each phase to construct any building shall commence on site until details (including samples) of the walling, roofing and fenestration to be used in the construction of the external surfaces of the building works hereby permitted have been submitted to and approved by the Local Planning Authority. This shall include a schedule of which materials shall be used on each building. Development shall then only be carried out in accordance with the approved details.
- 29) No above ground development shall take place within each phase until a plan showing full details, including elevations, of the type of boundary treatment to be erected has been submitted to and approved by the Local Planning Authority. The boundary treatment surrounding each dwelling hereby permitted shall be completed before first occupation of that dwelling. The development shall be carried out in accordance with the approved details.

Pre-occupation

- 30) The approved strategic landscaping for each phase of development hereby permitted shall be provided no later than the first planting season following the first occupation of 75% of that phase of the development. Thereafter the strategic landscaping shall be retained as such. Any plants that die, become diseased or are otherwise removed for any other reason (either accidentally or deliberately) within the first 5 years of the first implementation of the planting shall be replaced on a like for like basis within the next available planting season.
- 31) Prior to occupation of any dwelling (excluding within Phase 1 and 2) hereby permitted a self-build delivery strategy shall be submitted and approved by the Local Planning Authority. The self-build delivery strategy shall include a design framework/design code and details of the marketing and disposal timetable. Any application for approval of reserved matters for self-build plots shall be in accordance with the approved self-build delivery strategy.

Full and outline application

Pre-commencement

- 32) No works shall take place within each phase until a Construction Method Statement (CMS) has been submitted to and approved by the Local Planning Authority. For the avoidance of doubt the CMS shall include the following measures;
 - a) hours of operation for delivery and construction activities

- b) parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction)
- c) routes for construction traffic
- d) any temporary access to the site;
- e) locations for loading/unloading and storage of plant, waste and construction materials
- f) method of preventing mud being carried onto the highway
- g) measures to protect vulnerable road users (cyclists and pedestrians)
- h) any necessary temporary traffic management measures
- i) arrangements for turning vehicles
- j) arrangements to receive abnormal loads or unusually large vehicles
- k) methods of communicating the CMS to staff, visitors and neighbouring residents and businesses.
- l) dust and dirt management measures
- m) surface water pollution control measures
- n) a scheme for recycling and disposal of waste resulting from construction works.

The development in each phase shall be carried out in accordance with the approved CMS.

- 33) No works shall take place within each phase of the development hereby permitted until a scheme to deal with ground contamination, controlled waters and/or ground gas has been submitted to and approved by the Local Planning Authority. The scheme shall include all the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:-
- 1) a Phase I site investigation carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 - 2) if identified as required by the above approved Phase 1 site investigation report, a Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. Where required, the report shall include a detailed quantitative human health and environmental risk assessment.
 - 3) if identified as required by the above approved Phase II intrusive investigation report, a remediation scheme detailing how and when the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end-point of the remediation should be stated, such as site contaminant levels or a risk management action, as well as how this will be validated. Any ongoing monitoring should also be outlined.
- 34) No works shall take place within each phase until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved by the Local Planning Authority for that phase. of The LEMP shall include the following:
- a) description and evaluation of the features to be managed.
 - b) aims and objectives of management.
 - c) appropriate management options for achieving aims and objectives.
 - d) prescription for management actions.

- e) preparation of work schedule (including an annual work plan capable of being rolled forward over a 20-year period).
- f) details of body or organisation responsible for implementation of the LEMP.
- g) ongoing monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management regime responsible for its delivery. The LEMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP shall be implemented in accordance with the approved details.

- 35) No works shall take place within each phase (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall include, but not limited to the following:
- a) risk assessment of potentially damaging construction activities
 - b) identification of “biodiversity protection zones”
 - c) details of deep excavations to be infilled or ramped access provided to prevent pitfall danger to mammals.
 - d) 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)
 - e) the locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset)
 - f) the timing during construction when ecological or environmental specialists need to be present on site to oversee works
 - g) responsible persons and lines of communication
 - h) safeguarding measures to prevent pollution entering the local drainage network including details of equipment, materials and waste storage
 - i) the role and responsibilities on site of an ecological clerk of works (ECoW) or similar person, including prior to commencement checks for nesting birds.
 - j) use of protective fences, exclusion barriers and warning signs to ensure protection of badgers and otters.
 - k) ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works
 - l) soil management strategy that includes reasonably practical measures to minimise soil damage and where possible secure soil re-use on site.

The approved CEMP for each phase shall be adhered to and implemented throughout the construction period of that phase in accordance with the approved details.

- 36) No works shall take place within each phase of development until a lighting design strategy for biodiversity has been submitted to and approved by the Local Planning Authority for that phase. The strategy will:
- a) Identify the areas/features on site that are particularly sensitive for foraging bats;
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above

species using their commuter route.

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

- 37) No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR138, or a 'Further Licence') and with the proposals detailed on plan "Land West of A4135 Draycott Cam: Impact plan for great crested newt District Licensing (Version 1)", dated 8 October 25.
- 38) No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR138, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the Local Planning Authority and the Local Planning Authority has provided written authorisation for the development to proceed under the district newt licence.
- 39) No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR138, or a 'Further Licence') and in addition in compliance with the following:
- a) works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - b) capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
 - c) amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.
- 40) No development or other operation on site shall commence within each phase of the development hereby permitted until the retention and protection of trees, shrubs and hedges growing on or adjacent to that phase has been implemented in full in accordance with the tree protection measures as outlined in the Arboricultural Survey, Impact Assessment and Protection Plan by MHP V7 including Appendix 4 Tree Protection Plan Drawing number 19250.505 Rev A.

The protective fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works in that phase, including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has been sought and obtained.

- 41) No above ground development shall take place within each phase of the development hereby permitted until a noise mitigation scheme for that phase has been submitted to and approved by the Local Planning Authority. The scheme shall detail measures to ensure that all residential units meet the following:-
- a) sound levels within habitable rooms during the hours of 07:00 to 23:00 shall not exceed 35 dB LAeq,16hour, with windows closed but adequate alternative means of ventilation provided;
 - b) sound levels within bedrooms during the hours of 23:00 to 07:00 shall not exceed 30 dB LAeq,8hour, with windows closed but adequate alternative means of ventilation provided;
 - c) sound levels within bedrooms during the hours of 23:00 to 07:00 shall not exceed

- 45 dB LA_{max,F} on more than 10 occasions per night period, with windows closed but adequate alternative means of ventilation provided; and
- d) sound levels within garden areas during the hours of 07:00 to 23:00 shall not exceed 55 dB LA_{eq,16hour}.

The noise mitigation scheme for each phase shall include a plan identifying a representative sample of residential units and the dwellings it represents within that phase that will require a validation noise report. The development shall be implemented in accordance with the approved noise mitigation scheme.

- 42) No above ground works shall take place within each phase of the development until the proposed foul water drainage arrangements that accord with the submitted Outline Foul Drainage Strategy in Chapter 14 of the Environment Statement, including elevations of the proposed pumping station have been submitted to and approved by the Local Planning Authority. The approved foul drainage scheme for that phase shall be implemented prior to the first occupation of any dwelling within that phase of the development.
- 43) Prior to the commencement of development within each phase details of the access roads, footways and footpaths for that phase (including drainage, lighting, lines widths, levels, gradients, drainage, cross sections, tree planting areas, tree pits and measures to prevent vehicles from crossing from one turning head to another over soft landscaping) shall be submitted to and approved by the Local Planning Authority. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that before each dwelling is first occupied it shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. The development shall be carried out in accordance with the approved details.

Pre-occupation

- 44) Prior to the first occupation within each phase of the development hereby permitted, a pre-occupation validation noise survey of the representative sample dwelling which covers that dwelling identified within the approved noise mitigation scheme and carried out by a competent acoustic assessor, shall be submitted to and approved by the Local Planning Authority to demonstrate compliance with the requirements set out in the approved noise mitigation scheme.
- 45) No part of each phase of the development hereby permitted shall be occupied until:-
- a) any previously unidentified contamination encountered during the works has been fully assessed and an appropriate remediation scheme submitted to and approved the Local Planning Authority.
 - b) a verification report detailing the remediation works undertaken and quality assurance certificates to show that the works within that phase have been carried out in full accordance with the approved methodology has been submitted to and approved by the Local Planning Authority. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.
- 46) No dwellings within each phase of development shall be occupied until a sustainable drainage (SUDS) management and maintenance plan for all SuDS/attenuation features and associated pipework within that phase has been submitted to and approved by the Local Planning Authority. This shall include the provision of a management and maintenance plan for the lifetime of the development and arrangements for adoption by

any public authority or statutory undertaker or details of other arrangements (management company) to secure the operation of the scheme throughout its lifetime. The approved SUDS maintenance plan shall be implemented in accordance with the approved terms and conditions.

- 47) No more than 153 dwellings within any phase of development hereby permitted shall be occupied until the M5 Motorway Junction 14 Improvement Scheme identified to support South Gloucestershire applications P19/18237/O and P19/2452/O on Norman Rourke Pryme Drawing No. 7815-001 Revision 7.0 annexed hereto, has been completed and is fully operational.
- 48) No more than 200 dwellings within any phase of development hereby permitted shall be occupied until the A38 / B4509 works set out in Jubb Drawing No. 20158 0037 P1 annexed hereto, have been completed and are fully operational.
- 49) Prior to the occupation of each phase of the proposed development, details of the proposed arrangements for future management and maintenance of the proposed streets within that phase of the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the details as approved under the management and maintenance detail until such time as a dedication agreement has been entered with the Local Highway Authority. Those streets that remain unadopted shall continue to be managed and maintained in accordance with the approved details.
- 50) The travel plan strategy within the approved travel plan Jubb Ref: 20158-TP-01 V3 shall be commenced prior to first occupation of each phase of the development hereby permitted and shall be continued thereafter in accordance with the details therein with the monitoring and management continuing for 5 years after first occupation of the associated phase.

END OF SCHEDULE