



Appeal Decision

Site visit made on 23 February 2023

by S Hunt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2023

Appeal Ref: APP/Y2003/W/22/3307310

**Land to the West of Brigg Road and to the South of Horkstow Road,
Barton upon Humber**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Banks Property Ltd against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/2151, dated 22 November 2021, was refused by notice dated 9 June 2022.
 - The development proposed is outline application for residential development of up to 390 dwellings and associated infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 390 dwellings and associated infrastructure at Land to the West of Brigg Road and to the South of Horkstow Road, Barton upon Humber in accordance with the terms of the application, Ref PA/2021/2151, dated 22 November 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was submitted in outline form with all matters reserved for future approval except for access, which is detailed on plan references PA08, PA09 and PA10. I have considered the Indicative Masterplan (ref. PA05) as an indication of how the site could accommodate the proposed development.
3. The Humber Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site, and Site of Special Scientific Interest (SSSI) is situated nearby. As the competent authority, I have a duty under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) to consider whether the proposal would be likely to have a significant effect on the integrity of its interest features.
4. A shadow Habitats Regulations Assessment (HRA) was submitted by the appellant with the application, and further information to support their case submitted as part of this appeal. In coming to my decision, I have had regard to the Council's assessment, and I consulted Natural England under Regulation 63(3) of the Habitats Regulations in relation to the appellant's additional information including their proposals to secure mitigation measures. I return to this matter later in this decision.
5. The appeal submission includes a Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act 1990. The Council were given the

opportunity to comment on it, and I make further references to the UU later in this decision.

6. The Council screened the proposed development under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and I agree with their conclusions that it does not constitute EIA development.

Main Issues

7. The main issues are:

- Whether the appeal site is in an appropriate location for housing having regard to the development plan and its strategy for the distribution of new development;
- The effect of the proposed development on the character and appearance of the area; and
- The effects on the integrity of the Humber Estuary SPA and Ramsar site.

Reasons

Location for Housing

8. The appeal site comprises an arable field situated adjacent to the southern extent of the existing built-up area of the town of Barton upon Humber. A large area of housing is located immediately to the north of the site around Tofts Road and Bowmandale, including a number of dwellings which directly front Horkstow Road. The A15 dual carriageway skirts the western edge of the town and leads towards the nearby Humber Bridge. Barton upon Humber is classed as a market town in the North Lincolnshire Core Strategy 2011 (CS), the second tier in the settlement hierarchy as defined in policy CS1.
9. Barton upon Humber is a relatively compact settlement, with the town centre and a number of other local services within reasonable distance of the appeal site as detailed on the submitted plans¹. These include bus and rail services, primary and secondary schools, supermarkets, and leisure and recreation facilities. There is a large manufacturing works (Wren) to the east side of the town.
10. Notwithstanding the accessible location of the appeal site on the edge of a market town which is well served by existing facilities, its countryside location would conflict with the spatial strategy set out in CS policy CS1. It also fails to meet the sequential approach to development in policy CS2, and any of the criteria within CS policies CS3 and CS8 and North Lincolnshire Local Plan 2003 (LP) policy RD2 regarding exceptions to the control of residential development in the countryside.
11. Nonetheless, whilst at the time of the publication of the committee report the Council could demonstrate a five year deliverable housing land supply, the Council have since confirmed in their statement of case (following a recent appeal decision² in the district) that they can no longer do so. A great deal of evidence has been supplied by the appellant regarding an updated position on

¹ Sustainability Plan PA Drawing 13 HJB/4142/19 and Movement Framework Plan PA Drawing 15 HJB/4142/32

² APP/Y2003/W/21/3278257 Land at Brigg Road, Messingham 20 July 2022

housing land supply, with an overall calculation of 4.07 years³. This has not been disputed by the Council therefore I do not consider the details of any shortfall any further.

12. It is a matter of dispute, however, whether the presumption in favour of sustainable development as set out in paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged. The Council contend that both parts are applicable; part i) regarding footnote 7 in respect of Framework policies relating to habitats sites, and part ii) in relation to adverse impacts arising from effects on landscape character. I return to such matters later in this decision.
13. I understand that the appeal site was assessed as part of the preparation of the draft North Lincolnshire Local Plan 2022 (NLLP), and was discounted for a number of reasons. I have been notified that the Proposed Submission version of the NLLP was submitted for Examination in November 2022. Whilst the NLLP is at a relatively advanced stage of preparation, there appears to be a number of unresolved matters, and numerous modifications are sought by the panel, with a consequent delay to forthcoming hearing sessions. Therefore, having regard to paragraph 48 of the Framework, the weight I give to the NLLP is limited.

Character and Appearance

14. The appeal site comprises gently rolling farmland typical of the 'Lincolnshire Wolds' landscape character area (LCA) as described in the North Lincolnshire Landscape Character Assessment and Guidelines 1999. Detractors in the landscape include the adjacent A15 dual carriageway and associated bridges and embankments. Whilst the main body of the site does not contain any trees, they line its boundary with the A15 and around Horkstow Road. Here, a regular line of two storey detached dwellings form a stark urban edge to the town of Barton upon Humber.
15. Glimpses of the site are possible from the A15, and from the bridge where Horkstow Road crosses the dual carriageway. The appeal site can be clearly seen from Horkstow Road where the boundary adjoins Brigg Road, but as one travels further south along Brigg Road views are restricted by both field hedges and landform. The town of Barton upon Humber is dominant in views to the north, with the striking backdrop of the Grade I listed Humber Bridge forming an important focal point for the town's location adjacent to the Humber Estuary.
16. The appellant's Landscape and Visual Appraisal (LVA) appropriately assesses the landscape and visual effects in accordance with GLVIA3. It includes a number of visuals taken from key viewpoints around the site, which are sufficiently representative of sensitive receptors. The LVA considers the landscape value of the site to be 'medium' and the effect of the proposed development on the Lincolnshire Wolds LCA to be 'minor adverse' overall. Although I concur with the Council that the appeal site forms an attractive setting to the edge of the town, I do not agree that there is an ample green boundary transition, given the existing hard edge formed by the existing dwellings which line Horkstow Road. The proposed development would provide

³ Paragraphs 10.2 to 10.52 and Appendix 6, Statement of Case on behalf of the Appellant, and Johnson Mowat Assessment of the North Lincolnshire Five Year Housing Land Supply

an opportunity to incorporate green spaces and landscaping to soften a new edge to the town and a more gradual transition to the open countryside beyond.

17. The scale of the site and the number of dwellings is significant and there is no doubt that the proposed development would have an urbanising effect on the landscape causing a degree of harm. Nevertheless, such effects would be localised. Subject to appropriate layout, design and landscaping at reserved matters stage, the harm to the character and appearance of the area would not necessarily be significant. I acknowledge that the submitted plans are indicative, but they provide comfort that notwithstanding the significant number of dwellings proposed, ample space would remain within and around the site for open spaces and landscaping. Additional vegetation on a field currently largely devoid of such features would result in visual and environmental benefits in terms of screening and providing a buffer between the town and the open countryside.
18. Although the towers of the Grade I listed Humber Bridge are clearly visible from a number of directions on and around the appeal site, this is true of much of the town and its surroundings. The Bridge would remain a dominant feature in the landscape, and following development of the site its setting could still be appreciated. Nonetheless, as this is an outline proposal only, consideration of key views of the Bridge within the layout would be of importance at reserved matters stage.
19. The topography of the appeal site makes a positive contribution to the character of the area and the gently rolling landscape would provide some visual interest to the proposed development as well as a degree of screening from a southerly direction. On my site visit I viewed the adjacent housing development between Tofts Road and the A15. This large area of housing has been successfully assimilated into a similar landscape with appropriate use of landscaped buffers. The appeal site would be visually contained both by existing and proposed vegetation together with the natural topography of the site and its surroundings. Although the dwellings would inevitably be readily visible, over time the implementation of a high quality landscaping scheme would reduce residual effects.
20. There would be moderate adverse visual effects of the proposals, particularly on the outlook of residents of Horkstow Road. I also concur with the LVA that effects upon users of the nearby public right of way 37 and users of adjacent roads would be moderate adverse, reducing to minor adverse in the long term as landscaping matures. I acknowledge that local residents, in particular those who have direct views over the site, value the site and the wider landscape. However, I am not satisfied that the site is part of a 'valued' landscape in the context of paragraph 174 a) of the Framework. It is not identified as such in the development plan nor does it have any statutory designation.
21. The nearest part of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) is situated over 20 kilometres from the appeal site. I understand that there is a proposal to extend the AONB boundaries to include a wider area, including the appeal site. However, after seeking an update, the proposed extension appears to only be an aspiration of the Council at this stage, and there are no fixed timescales for its potential designation. The existing AONB boundary is a significant distance from the appeal site and I am not aware of

any direct interrelationship with it. There is insufficient evidence before me to indicate the likelihood of its designation therefore I do not consider this matter any further.

22. I conclude on this main issue that the scale and location of the proposed development would inevitably result in urbanisation of the countryside to the southern edge of Barton on Humber, resulting in a moderate level of harm to landscape character and the visual character and appearance of the area. I therefore find conflict with policies CS2, CS5 and CS8 of the CS and policies H5, RD2, LC7 and DS1 of the LP which, together and amongst other things, expect development to reflect or enhance the character, appearance and setting of the immediate area, the local character of the landscape and the settlement as a whole. Paragraph 130 of the Framework includes a number of criteria which aim to ensure the creation of well-designed places. Such aims could be met within the future design, layout and landscaping of the proposed development, which would be the subject of future reserved matters applications subject to approval by the Council.

Humber Estuary Habitats Sites

23. The evidence indicates that the nearest point of the appeal site lies around 1.7km from the Humber Estuary SPA, Ramsar and SSSI, and some 2.3km from the Humber Estuary SAC. The qualifying features of the Humber Estuary comprise extensive wetland and coastal habitats as set out in section 3 and Appendix 2 of the Appellant's shadow HRA. The SAC qualifying features include sandbanks, mudflats and sandflats, coastal lagoons and dunes. A sizeable range of waterbirds make up the qualifying features of the SPA, which are largely repeated in the Ramsar designation. The proposal is not directly connected with or necessary for the conservation management of the designated sites. Potential impact pathways include water quality, loss of supporting habitat, and recreational disturbance.
24. The shadow HRA does not anticipate a likely significant effect on the qualifying features of the more distant SAC, by virtue of the lack of direct connection between the qualifying features of the SAC and the appeal site, and the presence of the intervening settlement of Barton upon Humber. I agree with these conclusions, noting that Natural England and the Council also have no concerns in this respect. The likely significant effects of the development are therefore limited to the SPA and Ramsar habitats sites.
25. The shadow HRA and the drainage strategy⁴ establish that there are no direct hydrological connections to the habitats sites, and do not anticipate impacts on the water quality of the Humber Estuary through foul and surface water management. Again, I note that Natural England have not raised concerns in this regard and I would agree with the appellant's assessment in this respect.
26. In terms of potential loss of supporting habitat, both the appellant and the Council's Ecologist have adequately explained that the records data mentioned by Natural England is not up-to-date nor sufficiently detailed to contribute to the assessment. The appellant's own surveys are comprehensive, with the results of a suite of 14 targeted surveys completed in 2021 and 2022 on the site and surrounding land not recording the presence of any SPA birds. The

⁴ APP1.5.11 Flood Risk Assessment and Drainage Strategy, Wardell Armstrong November 2021

Council have therefore confirmed that the site does not comprise functionally linked land, and I have no reason to disagree with these conclusions.

27. The proposed housing development would result in an increase in the local population, who have the potential to generate increased recreational disturbance to qualifying features of the Humber Estuary SPA and Ramsar, and likely significant effects in relation to recreational disturbance therefore cannot be ruled out. The appellant's shadow HRA, their appeal statement and further supporting information⁵, provide suitable information for me in my role as the competent authority to carry out an appropriate assessment of the potential impacts in relation to recreational disturbance.
28. The requirement for an appropriate assessment is notwithstanding that the appeal site is geographically separated from the Humber Estuary by the town of Barton upon Humber, and the limited extent of public right of ways between the appeal site and the Humber Estuary and nearby functionally linked land. The appeal site lies within the 4.42km zone of influence identified by the Council⁶, and significant residential development within this zone could result in increases in visitor pressures to the area around the Humber and impacts on sensitive habitats. Where impacts cannot be avoided, appropriate mitigation would be required to ensure no adverse effects on integrity. The Council's shadow HRA for the NLLP indicates that the provision of open space and recreational facilities as part of a proposed development allocation could meet the requirement for mitigation. The parties have not contested that the appeal site should be subject to the same considerations as those sites being assessed as part of the examination of the NLLP, given its location within the zone of influence of the Humber Estuary.
29. I am also aware that Natural England's proposed England Coast Path between Maplethorpe and Easington was subject to HRA in 2021⁷. The route is part of a National Trail which aims to improve public access to the coastline, including alongside the Humber Estuary. Whilst this is an entirely different development to that before me, it has relevance in that the effects relate to recreational disturbance on the same habitats sites at the Humber Estuary, and it incorporates avoidance and mitigation measures at Appropriate Assessment stage to rule out adverse effects on integrity.
30. Mitigation is proposed via a package of on-site measures comprising Suitable Alternative Natural Greenspace (SANG) to include extensive areas of greenspace as indicated on the masterplan⁸ which shows a range of public open spaces, green corridors, swales and basins for sustainable drainage systems, and a landscape buffer. Together, these open spaces would comprise approximately 12 hectares of the 26 hectare site (around 46%). Footpath routes of around 2.5km in length are indicated, enabling a circular walk of around 2km within the appeal site. When combined with the local public right of way network through farmland and nearby streets this would allow a dog walking route of 3km to be achieved, a good distance away from the habitats

⁵ APP6.1 to APP6.8 and Response of the Appellant to the Statement of Case of North Lincolnshire Council, the consultation responses to the appeal, and to the representations of third parties paragraphs 2.25 to 2.45 and Outline PAMMS, Appendix 5

⁶ Appendix 3, Response of the Appellant to the Statement of Case of North Lincolnshire Council, the consultation responses to the appeal, and to the representations of third parties: North Lincolnshire Local Plan Publication Draft Addendum Shadow Habitats Regulations Assessment (May 2022)

⁷ APP6.6 Natural England England Coast Path Stretch: Mablethorpe to Easington HRA (12 May 2021)

⁸ PA Drawing 06: Annotated Indicative Masterplan HJB/4142/30

sites. A large area of additional public open space opposite is also easily accessible around Horkstow Road/Tofts Road.

31. I have had regard to the consultation response from Natural England regarding long term management of the open spaces and measures to secure them in perpetuity⁹. The UU before me provides for the formation of a Management Company. It includes provision for the agreement of their role and responsibilities and for management, maintenance and monitoring in perpetuity and includes the transfer of all types of open space to be subject to a covenant which prohibits their use for any other purpose (Schedule 3 of the UU). The obligations require details of the management to be agreed by the Council as part of a Landscape and Ecological Management Plan (LEMP). I am therefore satisfied that the appellant's proposals to provide SANG as part of a LEMP, and having regard to Natural England's guidance¹⁰, would meet the aims to divert recreational pressure away from the Humber Estuary habitats sites. Full details would need to be agreed by the Council both at reserved matters stage and within the LEMP.
32. Any residual harm would be satisfactorily addressed by the Project Access Monitoring and Management scheme (PAMMS) put forward by the appellant. This would include information sheets to be distributed to occupiers of the new dwellings (and on a regular basis thereafter), setting out local access routes and recreational facilities and responsible use of the coastal habitats. Installation of several information boards and implementation of a regular visitor survey are also proposed as part of the PAMMS, which would be appropriately secured by condition. The condition also specifies that Natural England should be consulted. Whilst I acknowledge that surveys alone are not mitigation in themselves and leaflets would be insufficient to sufficiently change the behaviour of residents, I appreciate that such measures would be in addition to the LEMP and provision of SANG.
33. Natural England's previous consultation response¹¹ referred to the need to secure Strategic Access, Management and Monitoring (SAMM) relative to the level of residential development. However, the Council have confirmed that there is no such scheme operating in the North Lincolnshire district at present. Neither Natural England's own HRA for the aforementioned England Coast Path, nor the Council's shadow HRA for the submission NLLP, refer to the need for SAMM to be in place to address potential recreational impacts. Furthermore, there is no evidence before me which indicates any imminent plans to develop a SAMMS. Given the lack of a current scheme in place, which is the responsibility of the Council, this is not a matter which is within the control of the appellant. Instead, the aforementioned PAMMS would achieve similar aims.
34. In-combination effects have been assessed with other plans and projects which include the proposed allocations in the draft NLLP, which are expected to include their own mitigation as set out in the Council's own shadow HRA. In the absence of evidence to the contrary, I am satisfied that there would be no residual impacts to the habitats sites that could combine with other plans or projects.

⁹ Natural England email to PINS 18 May 2023

¹⁰ APP6.8 Natural England Guidelines for Creation of SANG (August 2021)

¹¹ Natural England application consultation response dated 20 May 2022

35. Natural England have not made comments in relation to the specific wording of the conditions or UU, and the Council have not raised any concerns with the UU. In the absence of evidence to the contrary, and having regard to Natural England's correspondence which clarifies that they do not object to the scheme and that there were errors in their previous consultation response¹², I am able to conclude on the appropriate assessment. Taking into account the proposed mitigation coupled with other measures secured by both conditions and a UU, I conclude that the development would not adversely affect the integrity of the Humber Estuary habitats sites, either alone or in combination with other plans or projects.
36. Consequently, I find that the proposed development is compliant with policy CS17 of the CS and policy LC1 of the NLLP which require an assessment of implications on nature conservation sites and use of conditions or planning obligations to secure mitigation or compensation measures. Nor do I find conflict with the relevant policies within the Framework that protect areas of particular importance relating to habitats sites, specifically paragraphs 174, 180 and 182. Consequently, there is no clear reason for refusing the development proposed in respect of such matters, and footnote 7 of the first limb of paragraph 11 d) is not applicable. I return to this in the planning balance.

Other Matters

37. A number of other matters have been raised in representations by local residents and other interested parties, and I do not underestimate the strength of feeling raised in relation to this sizeable proposal. Some issues have been raised that do not relate to planning merits or planning policy relevant to this case, including property values, and the financial motives and background of the appellant. Consequently, these have no bearing upon my deliberations on this appeal.
38. In respect of highway safety and additional traffic generated by the proposed development, a Transport Assessment has been submitted which concludes that it would have a negligible effect on the operation of the local highway network and that safe and suitable access is achievable. The location of the site means it can be accessed from various directions thus dispersing the impact of traffic on the existing highway network. Improvements to nearby footpaths are also proposed to facilitate safer pedestrian access and connectivity to local services, and there would be provision to extend the 30mph speed limits on Horkstow Road and Brigg Road. Neither National Highways nor the Highway Authority have any outstanding concerns in respect of traffic or highway safety subject to appropriate conditions and highway agreement and/or planning obligations, and I have received no substantive evidence which causes me to disagree. The evidence demonstrates that the proposed development would not have an unacceptable impact on highway safety in compliance with paragraphs 110 and 111 of the Framework.
39. Whilst it is inevitable that a proportion of occupiers would use their private cars to access local shops, employment and services, there are existing bus and rail services in the town with connections to the wider rail network and numerous measures have been put forward by the appellant to assist in reducing vehicle movements and increase access to sustainable modes of transport. The UU

¹² APP6.7 Email from Natural England to appellant 13 June 2022

secures a significant contribution to enable delivery of a new bus route loop via the appeal site which would enable connections with the existing bus routes and the railway station. This, together with the appointment of a travel plan co-ordinator, a bus ticket contribution for new residents, and provision of travel information packs and promotion of car sharing would assist in sustainable travel aims. In this context there is a lack of evidence to persuade me that the appeal site is in a location which is inaccessible or remote from local services, nor is there any evidence from the Council that parking provision in the town centre is insufficient to support the increase in population. In terms of walking routes used currently by local residents, existing public rights of way would be retained in the vicinity of the site, and new circular paths and open space on the site would also be publicly accessible. The implementation of a construction traffic management plan would assist in reducing effects on the local highways and pedestrian routes during construction.

40. Numerous third parties have referred to a potential relief road to serve the town's employment area. However there are no details of this road before me, nor any evidence to indicate that it is related to the proposed development, therefore it does not form part of my considerations.
41. The evidence before me suggests that the habitat conditions of the site and its surroundings including the presence of existing vegetation have potential for the presence of protected species. I have a duty under the Wildlife and Countryside Act 1981 (WCA Act) and the Habitats Regulations to consider the extent to which the presence of protected species may be affected by the proposed development before planning permission is granted¹³. Surveys should be carried out where there is a reasonable likelihood of species being present and affected by the development. The appellant has submitted a range of documents to support their proposals in this respect. These include an Ecological Assessment which provides a comprehensive survey and assessment of features of ecological value within the site itself, with particular potential for bats and nesting birds. The existing intensive arable use of the site and lack of other habitat features would limit the presence of other protected species.
42. The majority of the trees and hedgerows are able to be retained within the development, and there is significant potential for biodiversity enhancement with the creation of new habitats. The appellant calculates that a net gain of 21.7% habitat units and 112.13% hedgerow units could be achieved, and this represents a significant increase above that which would be expected. Significant areas of open space of different types are proposed which would include comprehensive landscaping, and have the potential to attract a wider range of species which may currently populate the arable field. Overall, I am satisfied that there is sufficient information at this outline stage and appropriate steps have been taken to establish the presence of protected species. I am satisfied that conditions can appropriately secure the biodiversity net gain and a management plan in accordance with mitigation measures set out in section 6.3 of the Ecological Assessment, which would minimise disturbance to existing species during construction in accordance with the relevant legislation and local and national planning policy.
43. The appeal site is currently in use for intensive farming of crops. The appellant's Agricultural Land Classification Report provides an up-to-date and

¹³ Natural Environment and Rural Communities Act 2006 and Circular 06/2005, paragraph 99

detailed assessment of the quality of the land, taking into account the relevant guidelines. It assesses around 9.75ha is graded at 3a which is good quality agricultural 'best and most versatile' (BMV) land, with the majority of the land (around 15.58ha) being classed at grade 3b, moderate quality land capable of supporting a more narrow range of crops. The loss of BMV agricultural land is an important consideration but I note that the Council nor Natural England do not raise concerns in this respect, with the Council stating that there are vast amounts of BMV farmland in the locality. The loss of BMV land would overall represent a very small proportion of the land available for growing food.

44. Whilst a number of representations refer to the site being within a Green Belt, the Council has not designated the land as such. Accordingly, the site does not carry those restrictions which relate to such a designation and I have assessed the proposal on the basis of its status as open countryside, as in the first main issue above. Furthermore, I am not aware of the availability of previously developed 'brownfield' land within the town which may be suitable for major residential development. Whilst the Local Plan housing chapter and policy RD1 refers to a prioritisation of re-use of previously developed land, the plan was adopted in 2003 and the housing policies were produced in the context of now out-dated national policy (Planning Policy Guidance note 3). The current Framework does not seek a sequential approach to the location of housing akin to that which is suggested by interested parties. Notwithstanding the current housing land supply position, the inconsistency of the Local Plan with the Framework significantly limits the weight which I can give to the relevant housing policies in my decision.
45. The addition of new housing can add pressure on local infrastructure and services including schools, leisure facilities, and healthcare. I acknowledge the pressures faced by the existing health facilities in the town, however this in itself does not justify rejection of the proposals, because there is an expectation that the health service would provide the necessary facilities to meet the needs of the local population. The UU secures significant contributions to both primary and secondary education and to local leisure facilities. Furthermore, as previously noted, the proposals include significant areas of public open space and contributions to an additional bus service as well as improvements to highways and local pedestrian links.
46. I accept that 2011 census data has been used for some of the submitted assessments and that the 2021 census has since been published. However I am satisfied that the assessments are robust in providing the evidence to enable me to make a decision. I also acknowledge that there has been a reduction in Humber Bridge tolls and subsequent changes in commuting and shopping patterns into and out of Hull and the East Riding. This has limited bearing on my decision as there is little to suggest that such matters alter Barton upon Humber's position in the settlement hierarchy of the district.
47. Reference has been made to sewage and drainage issues in the locality. There are no objections from the Lead Local Flood Authority or Anglian Water, and I have not been provided with evidence that the development would exacerbate any existing drainage conditions. I acknowledge the reservations of some interested parties and the past issues that have been experienced, but that does not mean that a suitable scheme cannot be achieved. Indeed, appropriate drainage provision that controls surface water run-off may assist in improving the current situation. The scheme is currently in outline with much of the detail

yet to be designed. The site is capable of hosting a sustainable drainage scheme, details of which could be submitted at reserved matters stage and controlled by conditions.

48. Air quality and CO² emissions were not raised by the Council's Environmental Protection team as matters of concern, and their climate change targets are not before me for consideration as part of the appeal. I acknowledge that a development of this scale will take place over several years. The submission of a construction environmental management plan to be agreed by condition, would assist in minimising effects during construction on nearby occupiers in relation to construction dirt, dust, noise and air pollution. The new homes would need to meet energy efficiencies set out in the relevant building regulations at the time, and the integration of low carbon technologies would be agreed at reserved matters stage. A lighting scheme is also capable of being agreed as part of future detailed proposals.
49. I am aware that the site location plan¹⁴ indicates large areas of land adjacent to the appeal site which are also within the control of the appellant. The 'blue line' land simply indicates land ownership and does not include land for development as part of this appeal. Any potential future proposals would be considered by the Council on their own merits having regard to relevant planning policies in place at the time.

Planning Obligations

50. The UU, under section 106 of the TCPA 1990 was signed and completed on 3 January 2023 and forms part of my decision making. It relates to the provision of affordable housing, education and leisure contributions, locally equipped areas of play, a Traffic Regulation Order and public transport contributions, and submission of a LEMP to include SANG as discussed in the main issues above. The Council were given the opportunity to assess the contents of each obligation against Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) and paragraph 57 of the Framework. The Council accepted each of the obligations and provided appropriate reasoning for doing so. The payments reflect the consultation responses provided by the relevant Council departments and external consultees for housing, education, highways, sport and open space, with calculations provided where required.
51. I have already commented on many of the obligations in the main issues and other matters. I consider that each of the contributions are necessary, directly related to the development and fairly related in scale and kind. Importantly, the UU appropriately secures the open spaces and management of them which enabled me to complete my appropriate assessment in respect of the Humber Estuary habitats sites. I am therefore satisfied that the obligations meet the tests in paragraph 57 of the Framework and Regulation 122(2) of the CIL Regulations.

Conditions

52. I have considered both the wording and reasons for the conditions suggested by the Council in accordance with the tests set out in paragraph 56 of the Framework. I have made minor amendments to some of the conditions in the

¹⁴ Other Land in Applicant's Control PA Drawing 03 HJB/4142/28

interests of clarity, precision and consistency. All pre-commencement conditions have been accepted by the appellant in writing and are consequently compliant with the necessary legislation. Conditions requiring the approval of reserved matters and the relevant time limits, and in accordance with the approved plans, are necessary to ensure development is implemented as approved [1 to 4]. I have considered the longer timings suggested by the appellant but I consider the standard three year/two year time limits recommended by the Council to be appropriate given the local and national need for housing.

53. A site-wide phasing plan [5] is necessary to ensure the development is brought forward in a coherent and planned manner. The appellant's condition is preferred to that suggested by the Council in being more precise. A condition is required limiting the number of dwellings [6] to that stated on the application and description, as this is the number of dwellings assessed in the relevant documentation including the contributions for planning obligations, and my appropriate assessment for the Habitats Regulations. Any increase in dwellings may necessitate further assessment therefore it is reasonable to impose a limit. Provision of a minimum of 20 bungalows as part of the reserved matters housing mix [7] is reasonable in seeking to ensure a balanced mix of housing which meets a range of local needs.
54. Highway conditions [8 to 15] requiring details of junction and highway improvement works, bus stops, footways and street lighting and visibility splays to Horkstow Road, Brigg Road and Tofts Road, access roads, private drives, and limiting development in service strips are required in the interests of highway safety and improving accessibility by non-motorised users. I have simplified and amalgamated some of these conditions for clarity and to avoid repetition. I have amended condition [16] from the Council's suggested wording to make it more precise in terms of the completion of the access roads to each phase. The appellant's suggested amendments are not accepted, given the penultimate dwelling on this large site could take several years to complete, and it is necessary in terms of highway safety for internal access roads for each phase to be completed before that time. I have not imposed conditions requiring details of cycle and vehicle parking and storage, driveway surfacing and on-site street lighting at this outline stage as these are standard requirements for major housing developments which would be dealt with at reserved matters.
55. A finalised travel plan [17] is necessary in accordance with the framework travel plan to ensure that the measures contained within are implemented and monitored for a reasonable period. A construction traffic management plan condition [18] is necessary to minimise effects on the living conditions of nearby residents and the new occupiers of the ongoing residential development throughout the construction period, as well as in the interests of reducing pollution and highway safety.
56. Drainage conditions [19 to 22] are necessary to ensure satisfactory and sustainable drainage and to prevent increasing flooding elsewhere, together with confirmation that sewage capacity would be made available by the relevant water authority. They have been simplified to require submission of a scheme, which would need to be in accordance with the relevant regulations at that time.

57. Given the agricultural use of the land a contamination condition [23] is required to ensure that any unexpected contamination is properly assessed and remediated in the interests of public health. A noise mitigation scheme [24] is necessary given the proximity of the site to the A15 and Brigg Road, to minimise impacts to living conditions of future residents. Electric vehicle charging points [25] are required to encourage use of such vehicles and reduce pollutants.
58. A Construction Environmental Management Plan [26] including measures to control and monitor pollution is necessary to reduce the impacts on the living conditions of existing residents and those occupying the new development. I have included a requirement to agree working and delivery hours to give the Environmental Protection team an opportunity to consider what hours would be appropriate.
59. There are a number of trees and hedges worthy of protection on and around the site which should be considered with reserved matters applications, and a condition requiring measures to protect them during construction and potentially be replaced would be reasonable and necessary [27]. The masterplan includes allotments and a community orchard, which represents a desirable social and environmental benefit of the proposals therefore details are required for their provision and management [28].
60. Submission of an updated Biodiversity Metric [29] and a biodiversity management plan [30] are necessary to ensure that there would be a biodiversity net gain, biodiversity enhancements and protection of existing wildlife in accordance with submitted proposals and the WCA. I have split the Council's suggested condition and included the appellants suggested amendments to ensure the tests are met and that biodiversity net gain and enhancement are dealt with separately.
61. Submission of a PAMMS [31] is necessary to address any residual recreational impact arising from the development on the Humber Estuary habitats sites. I have made it more specific by including measures set out in the appellant's outline PAMMS included at Appendix 5 of the appellant's final comments. The condition that the Council suggested to Natural England¹⁵ is unnecessary (apart from those measures included in the PAMMS condition 31) because such open space details would be secured in perpetuity as part of the LEMP in the UU.
62. The site lies in an area of archaeological interest. Archaeology trial trenching and a geophysical survey have already taken place in accordance with an agreed programme. Conditions are required for any additional investigations relating to the finds as well as recording and assessment, mitigation and management strategies [32 and 33]. I have simplified the wording to prevent repetition whilst ensuring all stages are carried out.

Planning Balance and Conclusion

63. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is such a material consideration. It is common ground between the parties that paragraph 11 d) of the Framework and the 'tilted balance' is

¹⁵ APP.6.3 Email from Andrew Taylor to Natural England, 9 May 2022

applicable, and that the policies most important for determining the application are out-of-date given that the Council is unable to demonstrate a five-year supply of deliverable housing sites.

64. As a result of my conclusions on the first two main issues, I give moderate weight to both the harm caused by the development plan policy conflict resulting from the site's location in the countryside and the harm caused to area character and appearance, in particular to landscape character at the southern edge of the town of Barton upon Humber.
65. There would be several benefits arising from the proposed development. The provision of up to 390 dwellings would assist in the Government's objective of significantly boosting the supply of homes and would make a considerable contribution to meeting the current shortfall and beyond, and to this I attach significant weight. Affordable housing would be provided via submission of an Affordable Housing Scheme which would deliver a policy compliant 20% affordable units in a phased manner across the site. Given the uncontested stated need for affordable housing in the district, this is a substantial benefit of the proposals. There is limited evidence before me about the proposed housing mix which would be considered at reserved matters stage, however I acknowledge that the provision of bungalows within the development would assist in meeting a local need for a range of occupiers, and I give this moderate weight.
66. The UU secures a range of contributions including towards education provision and sports facilities (which could be enjoyed by both existing and new residents). These are necessary to mitigate the pressure on local services by reason of the increase in population created by the development, and as such they attract neutral weight in the planning balance. The contribution to a new bus route, also secured by the UU, is a benefit which may not arise without the proposed development and is not one which is specifically required by development plan policies. I acknowledge that this is supported by both the Council and the bus operators and that it would also benefit the existing population to the south of the town. Consequently, I give it significant weight. The proposed footpath links and improvements to existing footways and highways would assist in encouraging non-motorised methods of travel and provide safer access to the town centre and other facilities within the town, and I give these improvements moderate weight.
67. The proposed open spaces and recreational walking routes within the site would not only assist in reducing recreational pressure on the Humber Estuary but would provide a number of other benefits. These include visual and biodiversity enhancements as well as promoting outdoor activity which would benefit both the new residents and occupants of nearby housing areas. In particular, the stated biodiversity net gain would be well in excess of the requirements arising from the Environment Act 2021 which come into force later this year. Provision of a community orchard and allotments would promote sustainable local food growing as well as social integration. Overall, I apply significant weight to the benefits relating to open space, recreation and biodiversity within the site.
68. Finally, moderate economic benefits would arise from the development including employment during construction and additional local spending both during construction and by future residents.

69. In considering the first limb of paragraph 11 d) of the Framework and the associated footnote 7, I find that the application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed. It is not triggered having regard to paragraph 182 of the Framework, in that my appropriate assessment under the Habitats Regulations found that the development would not adversely affect the integrity of the Humber Estuary habitats sites, either alone or in combination with other plans or projects.
70. Overall, I find that the adverse effects of the proposed development in relation to harm to the character and appearance of the area and the conflict with the development plan as a whole would not significantly and demonstrably outweigh its benefits, when assessed against the policies in the Framework as a whole. The proposal therefore benefits from the presumption in favour of sustainable development.
71. In view of the above I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

Susan Hunt

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved plans listed: PA Drawing 2 – Site Boundary Plan, PA Drawing 8 – Proposed Detailed Site Access Arrangement Overview, PA Drawing 9 – Proposed Detailed Site Access (Brigg Road), PA Drawing 10 – Proposed Detailed Site Access (Horkstow Road) and PA Drawing 14 – Open Space and Landscape Framework.
- 5) No development shall commence (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) until a phasing plan setting out the proposed phasing of the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved phasing plan.
- 6) The residential development hereby permitted shall not comprise more than 390 dwellings (use class C3).
- 7) The development hereby approved shall provide a minimum of 20 bungalows as part of the detailed housing mix. Where a phase of the development is to contain any bungalow, the reserved matters submission for that phase must include details of such provision.
- 8) No development shall commence until details of junction improvement works proposed for site accesses at Brigg Road and Tofts Road/Horkstow Road have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved works shall be implemented as approved and prior to occupation of any dwelling.
- 9) No development shall commence until the following details for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority:
 - a) Proposed bus stop infrastructure within the site;
 - b) The provision of a footway on the northern side of Horkstow Road as identified on plan PA11 (Pedestrian Connectivity to Local Facilities Proposed Enhancements);
 - c) The provision of a footway along the site frontage on Brigg Road and details of how it will connect into existing facilities on Brigg Road;

- d) Proposed improvements to Tofts Road including details of carriageway widening, drainage and footways as identified on plan PA10 (Proposed Detailed Site Access, Horkstow Road); and
- e) Details of the drop kerb crossings on key routes as identified on plan PA11 (Pedestrian Connectivity to Local Facilities Proposed Enhancements).

Thereafter the approved works shall be implemented as approved and in accordance with the Phasing Plan approved under Condition X.

- 10) No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - a) The provision of additional street lighting on Brigg Road across the site frontage, up to and including the point where the 30mph speed limit is to be positioned; and
 - b) The provision of signage and lining, including gateway features on Brigg Road, to facilitate the development and amended 30mph speed limit.

Thereafter the approved works shall be implemented as approved and in accordance with the Phasing Plan approved under Condition 5.

- 11) Nothing shall at any time, whether permitted by the Town and Country Planning (General Permitted Development) Order or not, be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 90 metres to the north and 215 metres to the south from the highway boundary across the site frontage as identified on plan PA09 (Proposed Detailed Site Access, Brigg Road).
- 12) No development, even if otherwise permitted by the Town and Country Planning (General Permitted Development) Order, shall take place within any service strip adjacent to any Shared Surface Road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the Local Planning Authority prior to planting.
- 13) No dwelling served by a private driveway shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority.
 - a) the proposed method of forming access from the highway, including the required visibility splays;
 - b) the method of constructing/paving the drive;
 - c) the provision of adequate drainage features;
 - d) the provision of suitable bin collection facilities adjacent to the highway;
 - e) the provision of suitable lighting arrangements; and
 - f) the provision of street name plates that shall include the words 'Private Drive'. Thereafter the approved works shall be implemented as approved, unless otherwise agreed with the Local Planning Authority.

The works shall be implemented as approved.

- 14) No dwelling on the site shall be occupied until the access roads have been completed to at least base course level and adequately lit and the footways have been constructed up to base course level from the junctions with the adjacent highway to the access to the dwellings.
- 15) No other works on any phase of development shall be commenced on the site until the access road junctions serving that phase, including the required visibility splays, have been set out and established.
- 16) The penultimate dwelling on each phase of the site as approved by condition 5 shall not be occupied until the access roads serving that phase have been completed to wearing course level as agreed in advance with the Highways Authority.
- 17) A final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within six months of the development being brought into use. The Travel Plan shall be based upon the measures set out within the submitted Framework Travel Plan and should include provisions for annual monitoring for up to three years. The Travel Plan shall be implemented as approved.
- 18) No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:
 - a) pre and post construction condition surveys of the relevant carriageways to identify any damage caused as a result of the development and how they will be rectified;
 - b) all associated traffic movements, including delivery vehicles and staff/construction movements;
 - c) any abnormal load movements;
 - d) the parking of vehicles of site operatives and visitors;
 - e) location of welfare facilities;
 - f) loading and unloading of plant and materials;
 - g) traffic management requirements; and
 - h) construction vehicle wheel washing facilities and methods of cleaning the highway.

The approved CTMP shall be adhered to throughout the construction period for the development.
- 19) No development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) shall commence until a scheme for the provision of surface water drainage for the whole site, including a timetable for its implementation for each phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise sustainable urban drainage systems, unless comprehensive justification for other methods is agreed. Thereafter the drainage scheme shall be implemented and maintained in accordance with the approved phasing under the approved scheme.
- 20) No development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement

works) shall commence until details of a method of preventing surface water run-off either from hard paved areas within the site onto the highway or from the highway onto the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

- 21) No development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) shall commence until a scheme for the provision of foul drainage for the whole site, including a timetable for its implementation for each phase of the development, has been submitted to and approved in writing by the Local Planning Authority. Such details shall be accompanied by written confirmation from the sewerage undertaker that sufficient capacity exists to accommodate the foul water drainage or that an agreement is in place for necessary works to ensure such capacity. Thereafter the foul drainage scheme shall be implemented and maintained in accordance with the approved phasing under the approved scheme.
- 22) Prior to the occupation of any dwelling for any phase of the development, written confirmation of the sewerage undertaker that sufficient sewage capacity exists at Barton upon Humber Water Recycling Centre to accommodate the relevant foul water drainage, and that any necessary works to ensure this capacity have been completed, shall be provided to the Local Planning Authority.
- 23) No development shall commence, other than that required to be carried out as part of an approved scheme of remediation, must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: - human health; - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes; - adjoining land; - groundwaters and surface waters; - ecological systems; - archaeological sites and ancient monuments;

(ii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM) guidance October 2020.

Part 2: Submission of Remediation Scheme

Subject to the findings of part 1, and confirmation that contamination either on or off site exists which requires remediation, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part 3.

- 24) No development shall commence until a Noise Mitigation Scheme has been submitted to and approved in writing by the Local Planning Authority. As a minimum, the Noise Mitigation Scheme shall include:
- a) Details of noise mitigation measures;
 - b) Predicted noise levels to be achieved at sensitive locations as a result of the Noise Mitigation Scheme; and

- c) Details of how the Noise Mitigation Scheme will be maintained for the lifetime of the development.

The Noise Mitigation Scheme shall be implemented as approved and before occupation of the development and mitigation measures shall be retained thereafter.

- 25) Prior to occupation of the development details of the location and specification for the provision of an Electrical Vehicle Charging Point for each home shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to take account of good practice guidance and building regulations. The approved scheme shall be implemented as approved.
- 26) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for:
 - a) Details of construction working and delivery hours;
 - b) Measures to control and monitor noise and vibration;
 - c) Locations for contractors' compounds, welfare facilities and materials storage areas;
 - d) Location and type of temporary lighting and methods to prevent light nuisance;
 - e) Measures to control the emission of dust and dirt, including monitoring of such measures;
 - f) Provision of water to the site;
 - g) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - h) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - i) Details of complaint recording and investigation procedures

The approved CEMP shall be adhered to throughout the construction period for the development.

- 27) No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved landscaping plans submitted at Reserved Matters stage, without the written consent of the Local Planning Authority. Any existing tree, shrub or hedge or any tree, shrub or hedge planted as part of the landscaping scheme or any replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species.
- 28) No dwelling shall be occupied until details of the allotments and community orchard to be provided as part of the development have been submitted to and agreed in writing by the Local Planning Authority. The details shall be based on Drawing PA14 (Open Space and Landscape Framework) and shall confirm the number and location of allotments and orchard, as well as the method and timing of their creation and their

future management. Thereafter the approved allotments and community orchard shall be implemented and retained as approved.

- 29) No above ground development shall take place until an up-to-date biodiversity metric and strategy for achieving a minimum of 10% biodiversity net gain fully within the site has been submitted to and agreed in writing by the Local Planning Authority. The details shall be based on the Ecological Impact Assessment (Appendix 3 to the Planning Statement) and Drawing PA14 (Open Space and Landscape Framework) and shall confirm the quantum of biodiversity net gain to be delivered. Thereafter, the approved strategy shall be implemented as approved.
- 30) No above ground development shall take place until a Biodiversity Management Plan has been submitted to and approved by the local planning authority including the following:
- a) Details of at least two different designs of bat boxes or bat bricks to be installed on at least 15% of houses, targeted close to proposed woodland and wetlands;
 - b) Details of swift boxes and sparrow terraces to be installed on at least 15% of houses combined;
 - c) Details of nesting sites to be installed to support a variety of other species including starling, house martin and house sparrow;
 - d) Details of restrictions on lighting to avoid impacts on bat roosts, bat foraging areas bird nesting sites and sensitive habitats;
 - e) Provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
 - f) Prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
 - g) Details of wetland, calcareous grassland and orchard habitats to be created and managed;
 - h) Appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
 - i) Procedures for monitoring and on-going management of created habitats;
 - j) Measures to avoid light, noise and water pollution, fly tipping and other factors that would harm habitats and species;
 - k) Prescriptions for the provision of a wildlife gardening leaflet for each new resident; and
 - l) An implementation timetable for the above works in relation to the completion of the dwellings.

The Biodiversity Management Plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter. Prior to the occupation of the 100th, 200th and 300th dwellings hereby approved, a report shall be submitted to the local planning authority, providing evidence of compliance with the Biodiversity Management Plan.

- 31) No dwelling within the development shall be occupied until the Local Planning Authority (in consultation with Natural England) has approved the details of a Project Access Monitoring and Management Scheme (PAMMS) to address any residual recreational impact (taking account of other site specific measures such as the Suitable Alternative Natural Greenspace) arising from the development on the Humber Estuary Special Protection Area. The approved PAMMS shall be fully implemented in accordance with its terms, which shall include:
- a) Details of leaflets providing information about the open space facilities on site and the importance of the Humber Estuary biodiversity sites, to be distributed to the residents of every dwelling on initial occupation and every five years thereafter;
 - b) The locations, designs and content of four or more information boards to be placed around the development to describe the recreational facilities and encourage responsible recreation around the Humber Estuary, together with details of long term maintenance;
 - c) Details of a regular visitor survey to gain an understanding of use of the open spaces within the development and offsite within the vicinity of the Humber Estuary, including methodology and reporting methods, with recommendations for any further facilities that may be required; and
 - d) a timetable for its implementation.
- 32) No development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions and:
- a) the programme and methodology of site investigation and recording;
 - b) the programme for post-investigation assessment;
 - c) the provision to be made for analysis of the site investigation and recording;
 - d) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - e) the provision to be made for archive deposition of the analysis and records of the site investigation; and
 - f) the nomination of a competent person(s) to undertake the works set out within the Written Scheme of Investigation.

Thereafter the Written Scheme of Investigation shall be implemented as approved. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 33) Prior to the submission of reserved matters, an Archaeological Management Plan shall be submitted to and agreed by the Local Planning Authority. The document shall include:

- a) A copy of the final archaeological evaluation report;
- b) Details of methods of protection of any archaeological remains proposed for in situ preservation;
- c) Details of protection measures to be put in place prior to and during all construction;
- d) Details of proposed management of the archaeological area throughout the construction period including time periods and methods of funding;
- e) Details of provision of on-site interpretation of the archaeological remains;
- f) Demonstration of the overall compatibility of the Archaeological Management Plan with the landscape and biodiversity proposals for the development site; and
- g) A timetable for implementation and maintenance with identification of personnel involved.

The Archaeological Management Plan shall be implemented in accordance with the approved details and timings, and the approved features shall be retained and maintained thereafter. Prior to the occupation of the 100th, 200th and 300th dwellings hereby approved a report shall be submitted to the local planning authority providing evidence of compliance with the Archaeological Management Plan, and thereafter for the period as set out in the approved timetable.

End of Conditions Schedule