Appendix

The pre-commencement conditions.

The pre-commencement conditions imposed on the 2020 Appeal decision included (but are not necessarily limited to) the following:

Condition 13

13) Prior to any works commencing (including demolition, ground works, vegetation clearance) a construction environmental management plan for biodiversity (CEMP: Biodiversity) shall be submitted to and be approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

a) Risk assessment of potentially damaging construction activities.

b) Identification of "biodiversity protection zones".

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

Thereafter the CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

The inspector stated in paragraph 54 of the decision letter in relation to the need for the CEMP as follows:

54. Conditions relating to a construction environmental management plan (CEMP) and bat enhancement measures are necessary to safeguard and enhance biodiversity and the environment. **It is essential for the CEMP to be provided before development is commenced as construction, without agreed safeguards, could harm biodiversity and the environment.**

In addition, the inspector commented in paragraph 56 of the decision letter that condition 20 should also be a pre-commencement condition.

56. Although the appellant has also queried whether the two-way passing and site access and turning area condition (20) needs to be a pre-commencement condition, given that larger vehicles are likely to be entering the site during the construction period and beyond, I consider that it does.

The condition was worded as follows:

20) Prior to any works commencing, including demolition and site clearance, full details for allowing two-way passing of the largest expected vehicles inside the site access, including inter-visible passing between the site access and onsite turning area including vehicle swept path tracking shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the approved site access and turning area shall be completed prior to commencement (including demolition) of any further works and be permanently maintained.

No such details were provided to and approved by the Council prior to the planning permission expiring.

Similarly, the inspector advised that conditions 18 and 19 also need to be pre-commencement conditions, *as 'it is essential that a construction and demolition method statement and appropriate road surface are agreed and in place prior to those works commencing.'*

These conditions were worded as follows:

18) Prior to any works commencing, including demolition and site clearance, a Construction and Demolition Method Statement shall be submitted to and be approved in writing by the local planning authority. The Statement shall:

i. specify the type and number of vehicles;

ii. provide for the parking of vehicles of site operatives and visitors;

iii. provide for the loading and unloading of plant and materials;

iv. provide for the storage of plant and materials used in constructing the development;

v. provide for wheel washing facilities;

vi. specify the intended hours of construction operations;

vii. specify measures to control the emission of dust and dirt during construction

Thereafter the approved Method Statement shall be fully adhered to throughout the construction period.

19) No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 20m of the proposed access road, including the junction with the existing public road, has been completed to at least binder course level.

The Application reference DF7530 P0033/23/DISCON)

On 27 March 2023 an application was submitted (reference DF7530 P0033/23/DISCON) to fully discharge of Condition 11 (Odour Management Plan), Condition 13 (Construction Environmental Management Plan), Condition 16 (Landscaping Scheme), Condition 18 (Construction and Demolition Method Statement) and Condition 20 (On-site vehicle passing) relating to planning permission P1291/18/FUL

No application to discharge planning condition 19 has, to date, been lodged.