

**APP/W4325/W/22/3313741**

Appeal by Leverhulme Estates Ltd

Land west of Barnston Road, north of Gills Lane, Barnston (SITE D)



## CONDITIONS RECOMMENDED BY THE LOCAL PLANNING AUTHORITY

|   | Condition                                                                                                                                                                                                                                                                                                                                         | Reason (with relevant policy)                                                                                                                                   | Appellant Comments    | LPA Comments         | Inspectorate Comments                                                                                                                                                                                                                                                         |
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| 1 | No development shall take place without the prior written approval of the Local Planning Authority of all details of the following reserved matters:<br>(a) Appearance,<br>(b) Landscaping,<br>(c) Layout, and<br>(d) Scale<br>Thereafter the development shall not be carried out otherwise than in strict accordance with the approved details. | To enable the Local Planning Authority to control the development in detail and to comply with Section 92(as amended) of the Town and Country Planning Act 1990 | Agree with Inspector. | Agree with Inspector | 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 three years from the date of this permission. The development hereby permitted shall be begun on or before the expiration of two years from the final approval of reserved matters or in                                            | To comply with Section 92 (as amended) of the Town and Country Planning Act 1990                                                                                | Agree with Inspector. | Agree with Inspector | 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.                                                                                                                       |

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|          | the case of approval on different dates, the final approval of the last such matter to be approved.                                                                                                                                                                                                                                                                                                                                                   |                                                                         |                                                                                                             |                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                 |
| <b>3</b> | <i>INSPECTOR'S NEW CONDITION</i>                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                         | Agree with Inspector.                                                                                       | Agree with Inspector                                                                                                                                                                                          | 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.                                                                                                                                                                          |
| <b>4</b> | <p>Unless modified by other conditions of this consent, reserved matters shall be brought forward in accordance with the following approved plans:</p> <p>1815/01/609 REV F (Parameter Plan) dated May 2022</p> <p>1815/01/604 Rev C (Illustrative Masterplan) dated May 2022</p> <p>M2738-PA-04-V3 (Illustrative Landscape Framework) dated February 2022</p> <p>78242 CUR 00 XX DR TP 75001 P02 (Proposed Access Arrangement) dated 27.08.2021.</p> | For the avoidance of doubt and to define the permission.                | Agree with Inspector. Parameter plan is listed, so RM scheme will need to be in accordance with parameters. | Need to secure reserved matters in accordance with parameters as well as development in accordance with access plans. Phrasing of Inspector does not require RM to be in accordance with the parameters plan. | The development hereby permitted shall be carried out in accordance with the following approved plans:<br>1815/01/1016 REV B (Location Plan)<br>1815/01/609 REV F (Parameter Plan)<br>78242-CUR-00-XX-DR-TP-75002-P03<br>78242-CUR-00-XX-DR-TP-75003-P01<br>078243-CUR-00-XX-DR-TP-75006-P01<br>78242-CUR-00-XX-DR-TP-75001-P02 |
| <b>5</b> | Reserved matters shall be brought forward in accordance with a detailed design code that has first been submitted to and approved in writing                                                                                                                                                                                                                                                                                                          | To ensure the development is well-designed in accordance with paragraph | Agree with Inspector.                                                                                       | In the event that Inspector agrees with the design approach set out                                                                                                                                           | The reserved matters submitted pursuant to condition 1 shall be in accordance with a Design Code that has first been submitted to and                                                                                                                                                                                           |

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|   | by the Local Planning Authority. The Design Code shall be structured to align with the structure of the National Model Design Code (June 2021), or any updates or revisions to this document. Thereafter the development shall be carried out in accordance with the approved design code.                                                                                                                                                                                                                                         | 130 of the National Planning Policy Framework.                                                                                                                                                                                                |                                                                                                                                                                                                                                                            | in the Leverhulme Design Charter, agree. But the wording suggested is unclear and cumbersome "structured to align with the structure" and "be informed by and adhere to the principles ..." Suggest minor deletions to aid clarity.                   | approved in writing by the local planning authority. The Design Code shall be structured to align with the structure of the National Model Design Code (June 2021), or any updates or revisions to this document, and must be informed by and adhere to the principles contained within the Leverhulme Design Charter (dated May 2022). The development shall be carried out in accordance with the approved design code.                       |
| 6 | <p>Any application for reserved matters shall be accompanied by an updated Biodiversity Accounting Assessment report and metrics utilising Biodiversity Metric 3.1 (or the latest metric available at the time of assessment if 3.1 has been superseded). The updated report and metrics shall demonstrate:</p> <p>That a net gain in biodiversity units of at least 10% can be achieved on site and, if so, how this net gain is to be achieved, or</p> <p>If a minimum 10% net gain in biodiversity units cannot be achieved</p> | To ensure the development takes the opportunities available to improve biodiversity in and around developments and secures measurable net gains for biodiversity, in accordance with paragraph 180 of the National Planning Policy Framework. | <p>Generally agree with Inspector's suggested wording, although it is very important that the words 'and off-site' are added after 'on site' as overall approach to BNG proposals requires both.</p> <p>Areas identified for off-site BNG measures can</p> | <p>Some sites require off-site habitat creation to meet the BNG set out in the original BAA report. Inspector's wording does not allow for this.</p> <p>Original condition proposal was to require at RM, updated metric and BAA report alongside</p> | The reserved matters submitted pursuant to Condition 1 must be accompanied by an updated Biodiversity Accounting Assessment (BAA) report and metrics utilising Biodiversity Metric 4.0 (or the latest metric available). The report and metrics should demonstrate on site biodiversity net gain (BNG) in line with, or exceeding, the BNG detailed in the original Biodiversity Accounting Assessment ('BAA') Report (Project No.: EB03242-4). |

**Commented [MK1]:** Is this necessary as the RM will be submitted in accordance with the Design Code, so do nothing but adhere to it when built out?

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|  | <p>on site, the report shall identify a location off-site but within the ownership of the applicant where an overall net gain in biodiversity units of at least 10% can be achieved and shall demonstrate detailed proposals to secure this measurable net gain.</p> <p>Thereafter development shall be carried out in accordance with the approved report and metrics.</p> |  | <p>be confirmed as part of S106, with plans already prepared for this purpose if required, along with Leverhulme committing legally to making this land available for BNG purposes if applicant at RM stage is not Appellant.</p> | <p>detailed habitat creation plans for both on-site habitats (red line) and off-site habitats (blue line) to give certainty on the actual habitats to be created and their location to meet the BNG stated. However, the off-site sites should be sufficiently identified as part of the blue edge plans agreed and conditioned under this application. The condition cannot and should not be applied to sites that are not known at the time of the determination of the appeal application.</p> |  |
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|  |  |  |  | <p>Appellant raises question of how to secure off-site BNG if at time of RM Leverhulme is not the applicant and applicant controls no other land. S106 could reference blue edge plans and commit Leverhulme to accommodating BNG arising from the application on that land, regardless of any change of ownership of the application site itself prior to RM?</p> <p><u>But</u> overall BNG and detailed habitat creation cannot be fixed at outline stage as baseline impact and proposed uplift will vary at RM once detailed on-site layout and</p> |  |
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| <b>7</b> | <p>Reserved matters shall be accompanied by an Energy and Climate Statement in accordance with the requirements of policy WS8 of the Wirral Local Plan. The statement shall include the following information to demonstrate that the requirements of policy WS8 have been met:</p> <ul style="list-style-type: none"> <li>i. How the development has addressed the energy hierarchy;</li> <li>ii. A passive design capacity assessment;</li> <li>iii. In the event of needing retrofit measures to achieve zero carbon an explanation of what those measures are and how they will be achieved;</li> <li>iv. An assessment of the proposal to minimise regulated and unregulated emissions, the embodied emissions and emissions associated with</li> </ul> | <p>In order to comply with the Council's strategy for sustainable construction and renewable and low carbon energy set out at policy WS8 of the Wirral Local Plan, to address the climate emergency and ensure that new development is planned to help reduce greenhouse gas emissions through design, in accordance with paragraph 154 of the National Planning Policy Framework.</p> | <p><b>10/05/23:</b><br/>Policy WS8 of the draft Local Plan is yet to be adopted, so must be deleted from this condition. In any case, the Appellant feels this condition is excessive and unreasonable given that the requirements of policy WS8 are yet to be tested at examination and, as a result, could be found unsound.</p> <p>Appellant requests that this condition is deleted in its</p> | <p>Agree that WS8 is not adopted. Hook of para154 (and para157) of Framework remains.</p> <p>Suggest:</p> <p>The reserved matters submitted pursuant to condition 1 must be accompanied by an Energy and Climate Statement that demonstrates how the development has taken account of landform, layout, building orientation, design and</p> | <p>Agree with deletion – if the policy is not adopted there is no 'hook' to require it.</p> |

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|  | <p>maintenance, repair and replacement of the new building (s), as well as its dismantling, demolition and eventual material disposal;</p> <p>v. A calculation of the energy and carbon emissions covered by the Building Regulations and, separately, the energy demand and carbon emissions from any other part of the development that are not covered by Building Regulations i.e. regulated and unregulated energy demand;</p> <p>vi. The proposal to reduce carbon emissions beyond the Future Homes Standard and current Building Regulations through the energy efficient design of the site, buildings and services, and preferably a design for performance approach;</p> <p>vii. The proposal to further reduce carbon emissions through the use of zero or low carbon decentralised energy where feasible;</p> |  | <p>entirety and that if a condition requiring the submission of an Energy Statement is deemed appropriate, that a better worded and evidenced condition be drafted.</p> <p><b>13/05/23:</b><br/>Alternative condition suggested by WBC is better worded, although we welcome further review by the Inspector, particularly as we feel the alternative condition is not measureable and could be</p> | <p>construction, massing, and landscaping to minimise energy consumption and help reduce greenhouse gas emissions. Thereafter development shall be carried out in accordance with the approved Energy and Climate Statement.</p> <p>Reason: To address the climate emergency and ensure the scheme contributes to reductions in greenhouse gas emissions and improved resilience to climate change, in accordance with paragraphs 154 and 157 of the</p> |  |
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|  | <p>viii. The proposal to further reduce carbon emissions by maximising opportunities to produce and use renewable energy on site, using storage technologies where appropriate;</p> <p>ix. The identification of residual carbon emissions for the purposes of carbon compensation;</p> <p>x. The proposal for a demand side response, specifically through installation of smart meters, minimising peak energy demand and promoting short term energy storage;</p> <p>xi. An analysis of the expected cost to occupants associated with the proposed energy strategy;</p> <p>xii. An assessment of the Land Use, Land Use Change and Forestry (LULCF - national inventory emissions reporting category) emissions arising as a result of development impacts to semi-natural habitats, and</p> |  | <p>difficult to discharge given somewhat vague wording of what 'helping' reduce carbon emissions consists of and what level of energy consumption would be acceptable.</p> | National Planning Policy Framework. |  |
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|   | <p>xiii. A Whole Life Cycle Carbon Emissions Statement, using a recognised methodology.</p> <p>Thereafter development shall be carried out in accordance with the approved energy and climate statement.</p>                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                               |                                                    |                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 8 | <p>Reserved matters shall be accompanied by an Arboricultural Survey, Impact Assessment, and Method Statement carried out by a qualified arboriculturist to British Standard 5837:2012 (Trees in relation to design, demolition, and construction).</p> <p>Where it is necessary to fell trees and remove hedgerows to accommodate development, reserved matters shall also be accompanied by a tree and hedgerow planting plan and specification demonstrating the re-planting of trees and hedgerows on site in accordance with the ratio set out at section 3.4 of the Wirral Tree, Hedgerow, and Woodland Strategy 2020-2030.</p> | <p>To ensure appropriate consideration is given in the final design to trees and their effect on living conditions at proposed dwellings, to ensure that adequate protection is given to retained trees during construction, and to ensure that appropriate replanting takes place to benefit the future amenity of the area, in accordance with saved policy GR7 of the Wirral Unitary Development Plan.</p> | <p>Agree with Inspector's suggested condition.</p> | <p>Can Arboricultural detail be required at RM stage?<br/>Detailed site layout will have implications for tree retention and protection, and for residential amenity in respect of retained trees.<br/>Need to secure an appropriate AIA and Method Statement alongside RM to allow Arboricultural impacts to be</p> | <p>Why necessary at RM as a separate requirement? Surely the landscaping plans will include all trees?</p> <p>Suggest following condition:</p> <p>No site clearance, preparatory work or development shall commence on site, until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (an Arboricultural Method Statement (AMS)) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837:2013 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. All works shall be</p> |

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|   | Thereafter, development shall be carried out in accordance with the approved details.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                            |                                                                                                                                                                                                                                                                                           | adequately assessed.<br><br>Could then condition 'in accordance with' on any RM consent?                                                                                                                                                                                          | carried out in accordance with the approved details. |
| 9 | <p>No development related to the formation of any highway to be retained upon completion of the development shall be carried out until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:</p> <p>(a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:</p> <p>(i) the proposed highway layout including the highway boundary</p> <p>(ii) dimensions of any carriageway, cycleway, footway, and verges</p> <p>(iii) visibility splays</p> <p>(iv) the proposed buildings and site layout, including levels</p> <p>(v) accesses and driveways</p> <p>(vi) drainage and sewerage system, including measures to prevent surface water from non-highway areas discharging onto the public highway</p> | To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users. | <p>Generally accepted, although it is recommended that the words 'to be retained upon completion of the development' be deleted as unnecessary and unclear as to meaning.</p> <p>Also, criterion (d) replicates drainage condition later on so should be deleted from this condition.</p> | <p>Access is not a reserved matter so need to secure the constructional detail of the on-site highway network at this stage to ensure that it is specified appropriately to allow adoption by the LHA.</p> <p>Agree to deletion of clause that replicates drainage condition.</p> | Would this not be part of the RM?                    |

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| <p>(vii) lining and signing<br/> (viii) traffic calming measures<br/> (ix) all types of surfacing (including<br/> tactiles), kerbing and edging.</p> <p>(b) Longitudinal sections to a scale of<br/> not less than 1:500 horizontal and not<br/> less than 1:50 vertical along the centre<br/> line of each proposed road showing:<br/> (i) the existing ground level<br/> (ii) the proposed road channel and<br/> centre line levels<br/> (iii) full details of surface water<br/> drainage proposals.</p> <p>(c) Full highway construction details<br/> including:<br/> (i) typical highway cross-sections to<br/> scale of not less than 1:50 showing a<br/> specification for all the types of<br/> construction proposed for<br/> carriageways, cycleways and<br/> footways/footpaths<br/> (ii) when requested, cross sections at<br/> regular intervals along the proposed<br/> roads showing the existing and<br/> proposed ground<br/> levels<br/> (iii) kerb and edging construction<br/> details<br/> (iv) typical drainage construction<br/> details.</p> |  |  |  |  |
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|    | <p>(d) Details of the method and means of surface water disposal.</p> <p>(e) Details of all proposed street lighting.</p> <p>(f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.</p> <p>(g) Full working drawings for any structures which affect or form part of the highway network.</p> <p>(h) A programme for completing the works.</p> <p>Thereafter, development shall be carried out in accordance with the approved details.</p> |                                                                                                                                                                                                                                |                                                       |                                                                                                                         |                                                                                                                                                                                                                |
| 10 | <p>No development for any phase of the development shall take place until a Construction Environmental Management Statement and plan for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for</p>                                                                                                                                                                                                                                    | <p>In the interests of highway safety, residential amenity, the avoidance of harm to biodiversity, the health and amenity value of retained trees, the sustainable use of resources, and to minimise the risk of flooding.</p> | <p>Agree with Inspector's alternative conditions.</p> | <p>Agree in principle with Inspector's simplification of condition however:</p> <p>Construction phase surface water</p> | <p>General issues with the scope and enforceability:</p> <p>Suggest:</p> <p>No development shall commence on site, including any works of demolition, until a Construction Method Statement (CMS) has been</p> |

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| <p>the phase. The statement shall provide for the following in respect of the phase:</p> <p><u>Highways</u></p> <p>a. location(s) for the parking of vehicles of site operatives and visitors clear of the public highway;</p> <p>b. location(s) for the loading and unloading of plant and materials;</p> <p>c. locations (s) for the storage of plant and materials used in constructing the development;</p> <p>d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate;</p> <p>e. measures to prevent the deposit of mud/grit/dirt on the public highway with wheel washing facilities where appropriate;</p> <p>f. management, routing and control of HCV construction traffic;</p> <p><u>Residential Amenity</u></p> <p>a. Measures to control the emission of noise, dust, and sub-surface vibration.</p> <p>b. Construction phase delivery and working hours not to exceed 08:00 to 18:00 Monday to Friday, 08:00 to</p> |  |  | <p>management arrangements sit better here as part of a CEMP than the general drainage condition that secures the permanent SW drainage network to be retained upon completion.</p> <p>A construction phase Site Waste Management Plan (SWMP) is a requirement of Merseyside and Halton Waste Local Plan policy WM8 (Waste Prevention and Resource Management) A CEMP is considered to be the appropriate place to secure that SWMP.</p> | <p>submitted to and approved in writing by the local planning authority. The approved CMS shall be complied with throughout the construction period for the development and shall include details of:</p> <p>a) site management arrangements including on-site storage of materials, plant and machinery; on-site parking and turning provision for vehicles for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;</p> <p>b) a programme of works, including measures for traffic management and details of temporary signage;</p> <p>c) wheel washing facilities;</p> <p>d) measures to control the emission of dust and dirt during construction; and,</p> <p>e) delivery, demolition and construction working hours.</p> <p>AND</p> <p>No site clearance, preparatory work or development shall commence on site until a Construction Environmental Management Plan</p> |
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| <p>13:00 on Saturday and not at all on Sunday or public holidays.</p> <p><u>Ecology and Arboriculture</u></p> <p>a. Tree, Hedgerow, and pond protection measures,<br/> b. Details of construction lighting designed to avoid light spillage onto retained habitats,<br/> c. Amphibian reasonable avoidance measures,<br/> d. Terrestrial Mammal reasonable avoidance measures,<br/> e. Measures to avoid harm to breeding birds.<br/> f. Measures to avoid the transfer of construction related pollutants into any adjacent watercourses.</p> <p><u>Drainage</u></p> <p>a. Construction phase surface water management proposals including detailed drawings as appropriate.</p> <p><u>Waste Management</u></p> <p>a. The anticipated nature and volumes of waste that the demolition and construction phases of development will generate,</p> |  |  |  | <p>(CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be complied with throughout the construction period for the development and shall include details of:</p> <p>a) Means of protection for ecological protection areas/buffer zones, including construction lighting and pollutants<br/> b) Working method statements for protected/priority species.<br/> c) Work schedules for activities with specific timing requirements to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.<br/> d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).<br/> e) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.</p> |
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|    | <p>b. The steps to be taken, where appropriate, to ensure that the maximum amount of waste arising from the development is incorporated into the new development,</p> <p>c. The steps to be taken to ensure effective segregation of waste at source including as appropriate, the provision of waste sorting, storage, recovery and recycling facilities, and</p> <p>d. Any other steps to be taken to manage the waste that cannot be incorporated into the new development.</p> |                                                                                                                                                 |                                                                                                  |                                                                                                                                      |                                                                                                                                                                                       |
| 11 | No development shall take place until a Soil Resource Management Plan has been submitted to, and agreed in writing by, the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved plan.                                                                                                                                                                                                                                             | To ensure the protection and conservation of soil resources on site in accordance with paragraph 174 of the National Planning Policy Framework. | No comments.                                                                                     | Noted                                                                                                                                | No comments                                                                                                                                                                           |
| 12 | There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:                                                                                                                                                                                                                                                           | In the interests of highway safety and amenity.                                                                                                 | <b>10/05/23:</b><br>i. Drawing reference has been superseded, correct reference is 78242-CUR-00- | This condition secures the detail and subsequent implementation of the site access works and off-site highway works that fall within | <p>Is this not part of the S278 and the planning obligations? Is the condition necessary?</p> <p>Or – could it not just read:</p> <p>No development shall commence on site until:</p> |

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| <p>(i) The details of the following off site required highway improvement works listed below have been submitted to and approved in writing by the Local Planning Authority,</p> <p>(ii) An independent Stage 1/2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 -Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.</p> <p>(iii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority</p> <p>The required highway improvements shall comprise:</p> <p>i. The provision of the site access junctions off Gills Lane and Barnston Road shown in Curtin's drawing reference no. <b>078242-CUR-00-XX-DR-TP-75001</b> and the dedication of the new carriageway and footway from Gills Lane to</p> |  | <p>XX-DR-TP-75002-P03</p> <p>iv. Drawing references are incomplete, correct references are 78242-CUR-00-XX-DR-TP-75002-P03 and 78242-CUR-00-XX-DR-TP-75003-P01. Drawing 78242-CUR-00-XX-DR-TP-75003-P01 is only required if not already delivered by Site B.</p> <p>v. not considered necessary as all internal matters are reserved matters.</p> <p>vi. whilst a form of improvement scheme had previously been</p> | <p>the adopted highway boundary. As they fall within the red edge and/or the public highway, they can be secured by condition on the planning side and a S278 agreement on the highways side.</p> <p>Agree that condition was an early draft and requires updating to address latest information.</p> <p>Agree to re-framing the condition along the lines of the Inspector's recommended modification.</p> <p>Where new/upgraded bus stop infrastructure is</p> | <p>(i) Details of the off site highway works have been submitted to and approved in writing by the local planning authority, as detailed on drawings XXXXX; and,</p> <p>(ii) An independent Stage 1/2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 -Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works; and,</p> <p>(iii) A programme for the completion of the proposed works has been submitted to and approved in writing by the local planning authority.</p> <p>The works shall be carried out in accordance with the approved details.</p> |
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|  | <p>Barnston Road as adopted highway.</p> <p>ii. A new footway to Gills Lane contiguous with/along the development site frontage to provide a continuous palette of material and the footway continuing along the full length of Gills Lane linking in with the existing footway as necessary.</p> <p>iii. The highway improvement of localised widening to Storeton Lane at Barnston as shown in Curtin's drawing reference no. <b>078243-CUR-00-XX-DR-TP-75006-P01</b> and the dedication of the land used for the highway improvement and for it to become adopted by the LHA.</p> <p>iv. The proposed pedestrian and cycle improvements to Gills Lane and Barnston Road along the site frontage as shown in Curtins drawing <b>078242-</b></p> | <p>raised by WBC, the specificity of advance stop lines is a new request. The provision of advanced stop cycle lines has not been modelled in any of Curtins' assessments. On that basis, Appellant's suggested position is a condition can be accommodated on the understanding that the delivery of such condition is not prejudiced by capacity modelling. The condition wording should be amended to be more specific on that basis '...controlled</p> | <p>required I propose to add to this condition on each relevant site as these works fall within the highway boundary.</p> |  |
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|  | <p><b>CUR-00-XX-DR-TP-75002</b> and the pedestrian enhancements as shown in Curtins drawing <b>078242-CUR-00-XX-DR-TP-75003</b>.</p> <p><b>v.</b> The introduction of a 20mph zone to the internal roads including associated traffic regulation orders, traffic calming and junction protection as deemed necessary.</p> <p><b>vi.</b> A highway improvement to the signal-controlled junction of Pensby Road / Fishers Lane / Gills Lane for cyclists including advanced stoplines.</p> <p><b>vii.</b> The provision of a signed and marked cycleway adjacent to the development and travelling along Gills Lane.</p> <p><b>viii.</b> The amendment of the existing 30mph speed limit on Gills Lane to 20mph including any necessary physical measures such as</p> |  | <p>junction of Pensby Road / Fishers Lane / Gills Lane for cyclists <i>comprising</i> advanced stoplines.'</p> <p>vii. item requires removal. This is an historic request superseded by traffic calming TRO amendments and chicanes with cycle by-passes on Gills Lane.</p> <p>viii. the amendment of the speed limit is not necessary as this is captured in the S106. The TRO amendment is also subject to a</p> |  |  |
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|  | <p>traffic calming and/or chicanes to help slow the traffic speeds along Gills Lane.</p> <p><b>ix.</b> Replacement/upgrade of street lighting necessary as part of the detailed design.</p> <p><b>x.</b> Drainage works necessary to facilitate the highway works.</p> <p>Thereafter, no dwelling shall be occupied until the highway works have been constructed in accordance with the details approved by the Local Planning Authority.</p> |  | <p>separate legal process.</p> <p>There is no reference to the provision of improved public transport infrastructure in the form of cantilever bus shelter stops with DDA kerbs and a pedestrian refuge island crossing points on Barnston Road. This should be included as an additional item.</p> <p>No reference to SCOOT or contributions to the 181. Curtins' view is this is correct as covered in the S106.</p> |  |  |
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|  |  |  | <p>General comment that the condition includes a number of highways elements that add a level of complexity not necessarily needed. Could the condition be split up into more manageable items?</p> <p><b>13/05/23:</b><br/> Agree with Inspector's alternative condition, although WBC Highways may wish to note comments made above by Curtins more generally. Specific drawing numbers can be provided upon</p> |  |  |
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|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                           | completion of discussions between Curtins and WBC Highways.                                                        |                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 13 | <p>Application for reserved matters shall be submitted alongside a 'Confirmed/Final Sustainable Drainage Strategy based upon the principles identified in the (Flood Risk Assessment and Surface Water Drainage Strategy; D) Land West of Barnston Road, North of Gills Lane, Barnston (dated April 2022 / SLR ref no: 406.10133.00002 / Version No: 3.0 / produced by SLR Consulting Ltd) The strategy shall comply with DEFRA's technical standards for sustainable drainage systems and the CIRA SuDS Manual, with the surface water discharge rate not to exceed greenfield runoff rate, and include the following plans calculations and evidence:</p> <p>A) Ground investigation report to evidence that the discharge hierarchy has been followed.</p> <p>B) Justification for final design.</p> <p>C) Drawings to include:</p> | To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraph 167 and 169 of the National Planning Policy Framework. | No comments originally, although Inspector's suggested alternative does seem simpler so is Appellant's preference. | <p>Condition has been worded to reflect the information required by the LLFA to enable them to adequately assess the final drainage strategy. No objections from appellant so request that condition remains.</p> <p>Considered appropriate to separate drainage design from its wider management and maintenance arrangements as such may not be fully agreed prior to</p> | <p>Would this be simpler – and address the other condition below?</p> <p>No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based upon the principles identified in the Flood Risk Assessment and Surface Water Drainage Strategy: D – Land West of Barnston Road, North of Gills Lane, Barnston (dated April 2022 / SLR ref no: 406.10133.00002 / Version No: 3.0 / produced by SLR Consulting Ltd) and incorporate sustainable drainage details, including any off-site works and any permissions for connections to private drainage systems/land drainage consents. The submitted scheme must include:</p> <p>a) Strategy to demonstrate how surface water will be managed throughout the construction phase.</p> |

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|  | <p>i) Final layout of roads, buildings, finished floor levels, external levels and boundaries.</p> <p>ii) Final layout of sewers; outfalls; SuDS; flow control details (must match flow control in calculations) hatched above ground storage areas with depths indicated.</p> <p>iii) Overland flow paths designed for exceedance of the 1 in 100 plus climate change event, system blockages, etc. An impermeability of 100% for the whole site area (including soft landscaped areas) should be used in all cases when determining exceedance flows.</p> <p>iv) Invert levels (to OS datum), manhole and pipe sizes; pipe gradients; SuDS; emergency overflows and annotation that correlates to the hydraulic calculations.</p> |  |  | <p>commencement of development. Trigger of prior to occupation is considered appropriate and enforceable to ensure the management and maintenance arrangements are in place before residents move in.</p> | <p>b) Detailed hydraulic modelling calculations, 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.</p> <p>c) A timetable for its phased implementation.</p> <p>d) The management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.</p> <p>The development shall be implemented in accordance with the approved details.</p> |
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|  | <p>D) Hydraulic modelling for final drainage strategy to include:</p> <ul style="list-style-type: none"> <li>i) System performance for following return periods; 1, 30, 100 plus appropriate climate change allowance</li> <li>ii) Demonstration of sufficient storage for the 1 in 100 year (plus climate change) critical rainfall event with a limiting discharge rate as stated in the above referenced drainage strategy</li> <li>iii) Design criteria summary, Full network details table, pipe and manhole schedules, contributing area summary, control/storage structure details, results summary print outs</li> <li>iv) Flow control device design calculations demonstrating compliance with limiting discharge rate as stated in the above referenced drainage strategy at the correct design head</li> </ul> |  |  |  |  |
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|  | <p>v) Volumetric runoff co-efficient (Cv) should be set to '1'</p> <p>vi) Urban creep allowance of 10% should be applied in the design criteria, and</p> <p>vii) Sensitivity checking for climate change at 40% if lower allowance used.</p> <p>E) Evidence that any communal components of the drainage network will be offered for adoption at adoptable standards or that any communal components of the drainage network which are not to be adopted must have a management and maintenance agreement in place in perpetuity for the lifetime of the development.</p> <p>F) Timetable demonstrating completed SuDS construction prior to occupation</p> <p>G) Secure means of access for maintenance and easements, where applicable</p> <p>H) Foul and surface water drained on separate systems.</p> |  |  |  |  |
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|    | Thereafter, development shall be carried out in accordance with the approved drainage strategy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                     |                                                                                                                                       |        |                                                                                                                                                                                                                                                                 |
| 14 | <i>INSPECTOR'S NEW CONDITION</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                     | Agreed.                                                                                                                               | Agreed | No development shall commence on site until a foul water drainage strategy, including any phasing, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details. |
| 15 | <p>No development or demolition shall take place until the applicant or their agents, has secured the implementation and submission of a report on a programme of archaeological works. That programme of archaeological works shall be undertaken in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority prior to works taking place. The WSI must include the following:</p> <ul style="list-style-type: none"> <li>• A phased programme and methodology of site investigation and recording;</li> <li>• A programme for post-investigation reporting to include production of a</li> </ul> | In accordance with saved policy CH24 of the Wirral Unitary Development Plan and paragraph 194 of the National Planning Policy Framework, as the site is of archaeological interest. | Unnecessary to impose this condition on the applicant's agents. Therefore, words 'or their agents' should be deleted from first line. | Agreed | No comments – no issue with deletion of 'agents'.                                                                                                                                                                                                               |

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|    | <p>final report of the significance of the below ground archaeological interest;</p> <ul style="list-style-type: none"> <li>• Provision for appropriate publication and dissemination of the archaeology and history of the site;</li> <li>• Provision for archive deposition of the report, finds and records of the site investigation; and</li> <li>• Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.</li> </ul> <p>Thereafter the programme of archaeological works shall be carried out in accordance with the approved Written Scheme of Investigation.</p> |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                           |                                                                               |                                                                                                                                                                |
| 16 | <p>NO DEVELOPMENT SHALL COMMENCE UNTIL a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:</p> <p>1. A preliminary risk assessment which has identified:</p> <p>a) all previous uses</p> <p>b) potential contaminants associated with those uses</p>                                                                                                                                                       | <p>To ensure the site is safe for its proposed use, and end users are not put at unacceptable risks from, or are adversely affected by, land contamination, in accordance with the objectives of saved policy PO5 of the Wirral Unitary Development Plan and paragraph 183 of the National Planning Policy Framework.</p> | <p>Appellant submits that there is no substantive contamination risk at this site, meaning this draft condition is unnecessary and should be deleted.</p> | <p>Following further review of the Phase I assessment, agree to deletion.</p> | <p>No need for any remediation if there are no contamination risks identified. There is also other legislation to control unexpected contamination. Delete</p> |

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| <p>c) a conceptual model of the site indicating sources, pathways and receptors</p> <p>d) potentially unacceptable risks arising from contamination at the site</p> <p>2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Thereafter the remediation strategy shall be implemented as approved.</p> |  |  |  |  |
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| 17 | <p>No development above ground floor slab level shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:</p> <p>a) A scheme demonstrating the type and location of electric vehicle charging points to serve the development hereby permitted at a minimum standard of one charging point per dwelling, and</p> <p>b) A scheme demonstrating the type and location of the secure, covered cycle storage for each dwelling.</p> <p>Thereafter, development shall be carried out as approved and no dwelling shall be occupied until its electric vehicle charging point(s) and cycle storage facility has been provided and made available for use.</p> | To ensure the development makes provision for plug-in and ultra-low emission vehicles, and sustainable travel choices in accordance with paragraph 112 of the National Planning Policy Framework. | No comments. | Request that condition remains. There is ambiguity over whether such matters can be reasonably controlled under a RM application but certainty that they can be controlled here. Note that appellant has no objection. | Why is this necessary? This will form part of the RM? |
| 18 | No development above ground floor slab level shall take place until detailed plan and elevation drawings demonstrating the equipment to be provided in the proposed Neighbourhood Equipped Area of Play (NEAP) have been submitted to, and                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | To ensure the development makes satisfactory provision for children's play in accordance with the objectives of saved policy RE11 of the Wirral Unitary Development Plan and                      | No comments. | The detail of the children's play areas, along with the timing of their construction are to be controlled here, with on-                                                                                               | Is this not in the s106?                              |

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|    | approved in writing by the Local Planning Authority, along with the timing of construction of the NEAP. Thereafter, development shall be carried out in accordance with the approved details and the NEAP shall be retained for its intended purpose.                                                                                                                                                 | paragraph 92 of the National Planning Policy Framework.                                                                                                                                                            |                                             | going management and maintenance arrangements (along with the wider on-site POS) to be secured in the S106.<br><br>Recommend an amendment to secure a safety audit alongside the details and a trigger for play areas to be made available for use in addition to the timing of their construction. |                                                                                                                                                                                                                                                                                                                                                                                   |
| 19 | No development above ground floor slab level shall take place until a detailed scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate on a suitably scaled plan and specification, the type, location, and luminance of all types of external lighting to be provided on-site and shall demonstrate how it has been | To protect biodiversity and to avoid significant harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 180 of the National Planning Policy Framework. | Agree with Inspector's alternative wording. | Agreed.                                                                                                                                                                                                                                                                                             | Suggest:<br>No development above ground floor slab level shall take place until an external Lighting Strategy has been submitted to and approved in writing by the local planning authority. The Lighting Strategy must contain information on the type(s) of lighting appliance(s) to be installed, the height and position of fittings, illumination levels and light spillage. |

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|    | <p>designed to protect ecology and avoid excessive light spill onto tree, hedgerow and pond habitats.</p> <p>Thereafter, development shall be carried out in accordance with the approved lighting strategy.</p>                                                                                                                                                                                                             |                                                                                                                                                                                                                                             |                                                                                                                                               |                                                                                                                                                                                                                       | <p>The Strategy will also demonstrate how it has been designed to protect ecology and avoid excessive light spill onto tree, hedgerow and pond habitats. Development shall be carried out in accordance with the approved lighting strategy.</p>                                                                   |
| 20 | <p>No development above ground floor slab level shall take place until details of bat boxes/bricks and bird boxes, to include their number, type, and location on a suitably scaled plan, as well as the timing of their installation, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the equipment shall be installed in accordance with the approved details and retained.</p> | <p>To protect biodiversity and to avoid significant harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 180 of the National Planning Policy Framework.</p>                   | <p>No comments.</p>                                                                                                                           | <p>This is an ecological condition. Uncertain that it can be controlled at RM stage, but certainty that it can be controlled here leads to request that condition remains. Note that appellant has no objections.</p> | <p>Why is this necessary? This will form part of the RM?</p>                                                                                                                                                                                                                                                       |
| 21 | <p>No development above ground floor slab level shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be informed by the submitted Biodiversity Metrics and shall address and propose measures for the management of the on-site, off-</p>                                                                  | <p>In the interests of the proper maintenance of landscape and biodiversity of the site in accordance with the objectives of saved policy NC7 of the Wirral Unitary Development and Habitats and biodiversity paragraph 180 of the NPPF</p> | <p><b>10/05/23:</b><br/>Broadly acceptable, although end of first paragraph should be amended to read <b>"...propose measures for the</b></p> | <p>Agreed</p>                                                                                                                                                                                                         | <p>Strongly suggest the LEMP is required in the s106 (with all the details in the condition). It would be more enforceable given the requirements of the condition. Then a condition requiring:</p> <p>No site clearance, preparatory work or development shall commence on site until a Landscape and Ecology</p> |

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| <p>site and proposed LVL habitats for a minimum period of 30 years.</p> <p>The LEMP shall include the following:</p> <ol style="list-style-type: none"> <li>Description and evaluation of the features to be managed.</li> <li>Ecological trends and constraints on site which may influence management.</li> <li>Aims and objectives of management.</li> <li>Appropriate management options for achieving aims and objectives.</li> <li>Prescriptions for management actions.</li> <li>Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually)</li> <li>Personnel responsible for implementation of the plan.</li> <li>Confirmation of funding and ownership; and</li> <li>Details of a programme of monitoring and remedial measures triggered by monitoring.</li> </ol> <p>Thereafter development shall be carried out and operated in</p> |  | <p><b>management of the on-site and off-site habitats for a minimum period of 30 years”</b> to avoid uncertainty. Suggestions have been made to the BNG condition further up to ensure significant uplifts proposed by phase one of the Leverhulme Vision are secured.</p> <p><b>13/05/23:</b><br/>Agree with Inspector’s alternative condition and Appellant will reflect on comment that LEMP should form part of S106.</p> |  | <p>Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management to attain targets. The LEMP shall be implemented in accordance with the approved details.</p> |
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|    | accordance with the approved LEMP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                |                                                                                                              |                                                                                                                                                                           |                                                         |
| 22 | <p>The development shall be carried out in accordance with the submitted flood risk assessment (Flood Risk Assessment and Surface Water Drainage Strategy; D) Land West of Barnston Road, North of Gills Lane, Barnston (dated April 2022 / SLR ref no: 406.10133.00002 / Version No: 3.0 / produced by SLR Consulting Ltd) and the mitigation measures it details.</p> <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures shall be retained and maintained thereafter throughout the lifetime of the development.</p> | To reduce the risk of flooding to the proposed development and future occupiers.                                                                                                                                                                                               | Unnecessary duplication with condition 12. Delete condition?                                                 | Condition requested by the Environment Agency.                                                                                                                            | Unnecessary                                             |
| 23 | If, during development, contamination not previously identified is found to be present at the site then no further development (unless agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy has been submitted to, and approved in writing by, the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. Thereafter the remediation                                                                                                                                                                                                                    | To ensure the site is safe for its proposed use, and end users are not put at unacceptable risks from, or are adversely affected by, land contamination, in accordance with the objectives of saved policy PO5 of the Wirral Unitary Development Plan and paragraph 183 of the | <p>No comments, assuming condition 14 is deleted.</p> <p>No issue with Inspector's suggestion to delete.</p> | <p>Agree to deletion if other legislation exists to protect against risk of unexpected contamination. BUT</p> <p>NPPF para 183 requires decisions to ensure a site is</p> | Delete – other methods as set out above. Not necessary. |

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|    | strategy shall be implemented as approved.                                                                                                                                                                                                                                                                                                                                                   | National Planning Policy Framework.                                                                                                                                       |                                                                                                                                              | suitable for the proposed use taking into account any risks arising from contamination. We're also required to take account of any proposals for mitigation and remediation. So does this remain a planning matter?<br><br>Inspector in West Kirby Fire Station decision imposed this condition. |                    |
| 24 | <p>No dwelling to which this permission relates shall be occupied until the following has been submitted to and approved in writing by the Local Planning Authority:</p> <p>On-going management and maintenance proposals for the surface water drainage scheme approved under condition 12 to include drawings showing any surface water drainage assets to be adopted by the statutory</p> | To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraph 167 and 169 of the National Planning Policy Framework. | <p>No comments, although it would be helpful if this condition could be placed immediately after condition 12.</p> <p>See our additional</p> | Request that condition remains as per comments on condition 12.                                                                                                                                                                                                                                  | See comments above |

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| <p>undertaker/local highway authority and subsequently maintained at their expense along with written confirmation of their agreement to adopt the same.</p> <p>For any surface water drainage assets not to be adopted by the statutory undertaker/local highway authority and not falling within individual dwelling curtilages the following shall be demonstrated:</p> <ul style="list-style-type: none"> <li>i) funding arrangements for on-going maintenance;</li> <li>ii) the organisation responsible for future maintenance;</li> <li>iii) copies of any legal agreement to be established with future home owners;</li> <li>iv) physical access arrangements;</li> <li>v) establishment of legal rights of access in perpetuity;</li> <li>vi) maintenance requirements and frequency;</li> <li>vii) procedures to assure on-going maintenance if the organisation responsible for future maintenance ceases to exist.</li> </ul> <p>Thereafter development shall be carried out and operated in accordance with the approved details.</p> |  | <p>comments above. Not sure reference to condition 12 here now applies.</p> |  |  |
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| 25 | <p>No dwelling to which this planning permission relates shall be occupied until:</p> <p>A) The carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.</p> <p>B) The related parking facilities have been constructed in accordance with the details approved under condition 8. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.</p> <p>C) The foul and surface water drainage network serving the dwelling has been completed.</p> | In the interests of highway safety and amenity, and satisfactory and sustainable drainage | No comments. | <p>Access is not a reserved matter so the requirement to ensure that each dwelling is served by a surfaced carriageway and footway with street lighting operational upon occupation falls to this application. As does the need to secure its related parking facilities and to ensure the drainage network serving that dwelling is complete.</p> <p>The reference to parking facilities refers to dwelling parking facilities, such as driveways. The related condition is now condition 9, not 5.</p> | Don't understand why this is necessary – implementation clauses on each condition relating to each element should cover this? |
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| 26 | <p>No dwelling to which this planning permission relates shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include:</p> <p>(a) the appointment of a travel plan co-ordinator</p> <p>(b) a partnership approach to influence travel behaviour</p> <p>(c) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site</p> <p>(d) provision of up-to-date details of public transport services</p> <p>(e) continual appraisal of travel patterns and measures provided through the travel plan</p> <p>(f) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.</p> <p>The Travel Plan shall be implemented, and the development shall thereafter</p> | To ensure the opportunities provided by the development to promote walking, cycling, and public transport use are pursued, in accordance with paragraph 104 of the National Planning Policy Framework. | Agree with WBC's comments. | <p>Is it a case of either/or? My experience has been for travel plans to be conditioned but others may have put them in legal agreements?</p> <p>Note that the appellant has no objection to the condition.</p> <p>If a fee for travel plan monitoring is required then this could be secured separately in the S106?</p> | Should this be in the 106? |
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|    | be carried out and operated in accordance with the Travel Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                  |         |                                           |
| 27 | No dwelling to which this planning permission relates shall be occupied until visibility splays of 2.4m x 43 metres, measured as described in Section 7.7 of Manual for Streets (DfT, DCLG, Welsh Assembly, 2007) have been provided at the proposed junctions of the site with Barnston Road and Gills Lane. The splays shall be provided clear of all obstruction to visibility to footway/verge level exceeding 600mm in height above footway/verge level. Once created, the visibility splays shall be maintained clear of any obstruction and shall be retained at all times. | To ensure adequate visibility at the junction or site access is made and maintained in the interests of road safety and to accord with paragraph 110 of the National Planning Policy Framework.                                                                                                                                   | No comments.                                                                                                                                                                                     | Noted.  | No comments                               |
| 28 | No dwelling to which this planning permission relates shall be occupied until a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to                                                                                                                                      | To ensure that the site does not pose any further risk to human health by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with the objectives of saved policy PO5 of the Wirral Unitary Development Plan and paragraph 183 of the | As per condition 14, it is felt that this condition is unnecessary, unless contamination not previously identified is found to be present at the site. If the latter is the case, then the draft | Agreed. | Remove. There is no remediation required. |

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|    | demonstrate that the site remediation criteria have been met.                                                                                                                                                                                                                                     | National Planning Policy Framework.                                                                                                                                                                 | condition should be amended to include the words “ <b>If unexpected contamination is identified, then no dwelling to which this planning permission relates...</b> ” |                                                                                                                                                        |                                                              |
| 29 | No dwelling to which this planning permission relates shall be occupied until ‘Hedgehog Highways’ (13cm by 13cm gaps) have been installed into the base of any close boarded fences surrounding that dwelling. Thereafter the hedgehog highways shall be retained.                                | In order to maintain habitat connectivity for hedgehogs.                                                                                                                                            | No comments.                                                                                                                                                         | This is an ecology rather than a landscape matter. Preference would be to secure here to avoid any risk of ambiguity over power to secure at RM stage. | This would be detailed in RM through landscaping?            |
| 30 | Upon occupation, the occupier(s) of each dwelling shall be provided with a copy of the information leaflet ‘Respecting Nature in Wirral: A voluntary code for responsible recreation’ (available here: <a href="http://www.meas.org.uk/media/11050/lcr_1">www.meas.org.uk/media/11050/lcr_1</a> ) | To avoid significant adverse effects upon statutory designated nature conservation sites arising from recreational disturbance to qualifying species, in accordance with saved policies NC1 and NC3 | No comments, although we believe the condition should state “ <b>no later than one month after occupation</b> ”                                                      | A copy of the leaflet could be appended to any permission however how does this deal with any update to the leaflet                                    | REMOVE LINK – it could be changed. Also agree with the typo. |

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|           | <p><a href="#">leaflet wirral.pdf</a> ) as part of their homeowner/tenant information pack.</p> <p>The developer shall maintain a register of the date on which each occupier was supplied with the leaflet and, no later the one month after occupation of the final dwelling comprised in the development, the register shall be deposited in writing with the Local Planning Authority.</p> | of the Wirral Unitary Development Plan and paragraph 180 of the National Planning Policy Framework. | rather than 'the'. | <p>prior to occupation. There needs to be a mechanism to ensure that the leaflet supplied to residents is the most up to date at that point in time and that will involve drawing attention to a web address where the up-to date leaflet can be downloaded?</p> <p>Typo noted.</p> |  |
| <b>31</b> | No more than 153 dwellings shall be constructed pursuant to this permission.                                                                                                                                                                                                                                                                                                                   | In the interests of proper planning and for the avoidance of doubt.                                 | No comments.       | Noted.                                                                                                                                                                                                                                                                              |  |
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