



Ein cyf/Our ref: qA1476481

Mr Mark Roberts
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By email: Mark.Roberts@bartonwillmore.co.uk

19 August 2022

Dear Mr Roberts,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY LOW CARBON FARMING 2 LIMITED FOR COMMERCIAL GLASSHOUSE
WITH PACKING FACILITIES AND OFFICE SPACE, ENERGY CENTRE AND
ASSOCIATED INFRASTRUCTURE, CARBON DIOXIDE RECOVERY PLANT,
RESERVOIRS, CAR PARKING AND LANDSCAPING AT LAND AT SESSWICK WAY,
MARCHWIEL, WREXHAM, LL13 0TF**

1. Consideration has been given to the report of the Inspector, regarding your client's appeal.
2. In accordance with section 79 and paragraph 3(1) of Schedule 6 to the Town and Country Planning Act 1990 ("the 1990 Act"), the appeal was recovered for determination by the Welsh Ministers. Under the provisions of the Government of Wales Act 2006 the power to determine applications under section 79 of the 1990 Act has been transferred to the Welsh Ministers, these functions have been exercised by me as Minister for Climate Change.
3. In June 2022, the Inspector provided a report for consideration by the Welsh Ministers, which recommended the appeal be allowed. A copy of the Inspector's report ("IR") is provided with this letter. All references to paragraph numbers, unless otherwise stated, relate to the IR.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Main Considerations

4. The Inspector considers the main considerations of this case are (IR 82):
 - The location of the proposed development outside settlement limits, having regard to local and national planning policies.
 - The impact of the proposed development on the visual qualities of the area and wider landscape.
 - The appropriateness of the development having regard to Best and Most Versatile (“BMV”) agricultural land.
 - The likely significant effect of the proposed development on the River Dee and Lake Bala Special Area of Conservation (“SAC”).
 - Whether other material considerations that would justify granting planning permission with particular regard to the sustainability and economic credentials of the proposal.

Planning Policy

Future Wales – The National Plan 2040 (“FW”)

5. The Inspector states FW acknowledges the impacts of the climate emergency and provides a strategy for addressing key national priorities including the protection of agricultural land, the need to support and expand the rural economy, achieve decarbonisation and climate-resilience, develop strong ecosystems and improving the health and well-being of communities. The Inspector notes policy 5 emphasises supporting the Rural Economy, which recognises the importance of meeting the employment needs of rural areas including employment arising from, amongst other things, the agricultural and forestry sector. (IR 15-16)

Wrexham Unitary Development Plan (“UDP”), Planning Policy Wales (“PPW”) and Technical Advice Note 6: Planning for Sustainable Rural Communities (2006) (“TAN 6”)

6. The Inspector sets out the policy context provided in the UDP, PPW and TAN 6 in IR 17 – 23.

The location of the proposed development outside settlement limits

7. The Inspector states the Council and the appellant agree the proposed development falls within the definition of agriculture, as defined by Section 336 of the Town and Country Planning Act 1990, and would therefore, in principle, be an appropriate form of development in the open countryside. In doing so, the Inspector notes the Council maintains its objection to the proposal based on its impact on the visual qualities of the area surrounding the appeal site and the wider landscape. (IR 83-85)
8. Based on the evidence presented, the Inspector agrees the proposed development would constitute agriculture as defined by the Act. The Inspector is of the view this is therefore a matter on which considerable weight is placed in the determination of this appeal. (IR 86)
9. The Inspector notes that planning policy in respect of the location of new agricultural development in the countryside is provided by UDP Policy EC3. The policy requires that new agricultural buildings, which are unrelated to existing farm complexes, are only

permitted where there is an essential agricultural need for the proposal and there is no reasonable alternative location for the development. (IR 87)

10. The appellant explains the proposal would be an agricultural use and the location of the proposed development has, in effect, been dictated by the essential and symbiotic relationship between the development and the adjacent Five Fords Wastewater Treatment Works ("WwTW"). The Inspector notes the appellant considers the Site Selection and Sequential Test Report demonstrates through the application of innovative technology, the proposal would substantially increase the local production of high value produce, and substantially reduce the need for the product to be imported from other countries; and, having regard to the scheme's specific locational and developmental needs, the appeal site is the most suitable location for the proposal. The Inspector notes that the Council maintains there is no essential agricultural need for the development and as such the proposal does not need to be constructed on the appeal site or within the County Borough. (IR 88-89)
11. The Inspector notes the provisions of UDP Policy EC3, however is mindful PPW does not include a requirement for an 'essential' agricultural need to be demonstrated rather, it makes clear proposals should demonstrate there is need for the development and that no other reasonable alternative locations are available. In this regard, the Inspector is content the evidence contained in the Site Selection and Sequential Test Report provides a comprehensive assessment which clearly demonstrates the development would meet an agricultural need, through the local production of high value produce which, as a consequence, would assist in ensuring national food security, and, because of the opportunity presented by the position of the WwTW and the technical requirements of the development, that there is no other suitable alternative location for the proposal. These are matters on which the Inspector places considerable weight. (IR 90)

The impact of the proposed development on the visual qualities of the area and wider landscape.

12. The appellant has submitted a detailed Landscape and Visual Impact Assessment ("LVIA") and an indicative landscaping mitigation plan (ref 1202-01 Rev D) for the site. The site is not subject to any local or national landscape designations. According to the findings of the LVIA the proposal would, subject to landscaping have moderate landscape effects on the appeal site and, in the long-term, on the character of the wider landscape; and have slight visual effects on receptors located up to 1km away from the western boundary, and immediately adjacent to the eastern boundary of the site. (IR 91-92)
13. The appeal site is located at the junction of Cefn Road and Sesswick Way and screened from the highway by a combination of trees and hedgerows. When observed from Cefn Road or in the wider landscape, the Inspector notes, the views of the proposed development would be limited and, largely, obscured by the trees. Moreover, the Inspector also notes, as part of the landscape mitigation strategy, additional trees would be planted along the northern and western perimeter of the development compound, a measure which in the Inspector's view would further restrict views of the ancillary buildings and assist in assimilating the development into the landscape. (IR 93)
14. The Inspector is of the view that the planting of additional trees along the northern and western perimeter of the development compound would assist in partially screening views of the proposed development from the Public Right of Way ("PROW") which passes through the appeal site. The Inspector acknowledges the proposed landscape mitigation would not eliminate all views of the proposal from the PROW, however, in the

Inspector's view it would reduce the visual impact of the development and contribute towards the verdant appearance of the area. (IR 94)

15. The Inspector notes the overall height of the proposed glasshouses (8m) together with the sparse nature of the existing boundary hedgerows means the development would be clearly visible from a northerly and southerly direction along the highway and from the road junctions with Cefn Road and Bridge Road. However, the Inspector is mindful the siting of the glasshouses, set back from the eastern boundary, when considered in conjunction with the indicative landscaping mitigation plan, would, largely, screen the development and in doing so significantly reduce its visual impact when viewed from the public highway and beyond. (IR 95)
16. In terms of the potential impact of the proposed internal and external lighting, the Inspector is content the measures outlined in the submitted Lighting Impact Assessment, would be sufficient to mitigate the visual impact of the development to an acceptable level during the hours of darkness. (IR 96)
17. With regard to the impact of the proposal on the visual qualities of the area and the landscape buffer, the Inspector considers the siting of the proposed development, set back from the boundaries with the highway network, when viewed in conjunction with the existing and proposed landscaping would ensure the appeal site would, largely, be screened from public view. The Inspector does not therefore share the Council's view the proposal would have an adverse impact on the visual qualities of the area or, visually, erode the landscape buffer to the south of Wrexham Industrial Estate ("WIE"). (IR 97)
18. Having regard to the submitted evidence and observations at the site visit, the Inspector considers the proposal would not, subject to a condition requiring a detailed landscape mitigation scheme, have a detrimental impact on the visual qualities of the area or wider landscape. This is a matter on which the Inspector places considerable weight. (IR 98)

The appropriateness of the development having regard to BMV agricultural land.

19. The appeal site comprises 44 hectares of BMV land, which has been identified as being Grade 3a. PPW paragraphs 3.5.8 and 3.5.9 explain that BMV is a finite resource, and considerable weight should be given to protecting such land from development and grades 1, 2 or 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable. (IR 99-100)
20. The Inspector notes, as part of the planning application process, the Council consulted the Department for Climate Change ("DCC") of the Welsh Government. DCC considered the proposal and the Site Search and Sequential Test Report and the requirements of PPW in respect of the protection of BMV agricultural land, it was content the development was justified. (IR 101)
21. The Inspector notes the proposed development would result in the loss of 44 hectares of BMV land, however, agrees with the view of DCC that the findings of the Site selection and Sequential Report demonstrate the development would meet an agricultural need and there is no other suitable alternative location for the proposal. The Inspector therefore gives considerable weight to this matter. (IR 102)

The likely significant effect of the proposed development on the River Dee and Lake Bala SAC.

Habitats Regulations Assessment

22. The Conservation of Habitats and Species Regulations 2017 (as amended) imposes a requirement to consider the potential effects of a development proposal on the national site network. In this case, the appeal site lies within the catchment of the River Dee and Bala Lake SAC. In January 2021 Natural Resources Wales (“NRW”) published the results of its Compliance Assessment of Welsh River SAC against Phosphorus Targets. The River Dee and Bala Lake SAC has been identified as currently failing to meet the phosphates targets. (IR 103-104)
23. The Inspector has carried out a Habitats Regulations Assessment (“HRA”) in respect of the proposed development which is set out in Appendix B of the Report.
24. The proposal includes a provision for a direct connection for foul water from the development to the Five Fords WwTW operated by Dwr Cymru/Welsh Water (“DC/WW”). This would effectively change the mechanism by which phosphorus would enter the SAC river environment from discharge via nutrient run-off / drainage to the River Clywedog to discharge regulated through the WwTW. DC/WW has confirmed the increase in phosphorus loading at Five Fords WwTW as a result of the development would be 0.04% on current loads and this increase could be accommodated within the current Permit limits at the WwTW. In addition, NRW has confirmed there would be no material change to the location at which the phosphorus load would enter the SAC river environment, as the discharge point of the Five Fords WwTW is at the confluence of the Clywedog and the Dee. (IR 106-108)
25. The Inspector is satisfied the proposal would not result in an increase in the amount of phosphorus being discharged from the site compared to the current use of the land and that it may result in a net reduction in the levels of phosphorus generated. It is therefore considered that the proposed development would not contribute towards the increased generation of phosphates either alone or in combination with other plans or projects. Accordingly, the assessment has found the proposal, being the replacement of the existing use with a development which at worst would have no greater impact, would not, either individually or in combination, adversely affect the integrity of the River Dee and Lake Bala SAC. The Inspector therefore recommends an appropriate assessment is not required. (IR 109-111)
26. Having regard to the Inspectors comments in IR 103-111, I am satisfied that an appropriate assessment is not required. I am also content the Welsh Ministers’ duties under the Habitats Directive have been discharged.

Other Material considerations

Sustainability and Economic Benefits

27. The Inspector notes the development aims to reduce carbon emissions from the growing process for high value produce, such as tomatoes, by using low grade heat from clean, treated water which is being discharged from the nearby Five Fords WwTW. The appellant contends the proposed development would have significant sustainability and economic benefits which weigh heavily in favour of the scheme. (IR 112)
28. The Inspector notes the sustainability benefits of the proposal include a reduction in carbon emissions from the growing process; a reduction in the use of pesticides; the elimination of water wastage; and the production of 4,350 tonnes of tomatoes annually, which may otherwise be imported, and consequently, the offsetting of 10,875 tonnes of import carbon and sequestering 16,783 tonnes of carbon to enrich the growing

environment. In addition to these benefits the appellant also suggests the proposal would make a major contribution towards the production of UK grown food and, as a result, national food security. (IR 113)

29. With regard to the economic benefits of the scheme, the appellant contends the proposal would result in the creation of 150 new, direct jobs in the Wrexham area and, during the construction phase, will inject circa £4,000,000 into the local economy. (IR 114)
30. The Council contends the potential economic benefits would be limited and a more significant contribution to the local economy would be made were the site to be allocated in the next iteration of the Wrexham LDP. The Inspector agrees with the Council the development of the appeal site for Class B1, B2 or B8 purposes is likely to create more new jobs per hectare than the proposal. However, the Inspector is mindful no evidence has been presented which substantiates this claim or demonstrates the site would be allocated for such purposes in the next LDP. (IR 115)
31. Based on the submitted evidence, the Inspector is of the view there are, potentially, significant social, economic, environmental, and cultural benefits associated with the proposal and these benefits would assist in meeting the objectives of national and local policies in seeking to address climate change and ensure Wales has a diverse and resilient economy. However, the Inspector is also mindful these benefits need to be carefully balanced against the potential impact of the development on matters such as the character and visual qualities of the appeal site and surrounding area. As such, the Inspector attaches only moderate weight to the benefits of the proposal in the determination of this appeal. (IR 116)

The Planning Balance

Conclusion and Balance

32. The Inspector concludes the proposal would constitute an appropriate form of development in the countryside which, subject to conditions, would not have an adverse impact on the visual qualities of the surrounding area or the wider landscape. Furthermore, although not an overriding factor, the Inspector considers the potential sustainability and economic benefits of the proposed development would assist in meeting the objectives of national and local policies in seeking to address climate change and ensuring that Wales has a diverse and resilient economy. (IR 117)
33. In respect of the effect on the River Dee and Lake Bala SAC, the Inspector concludes the proposed development would not, either individually or in combination, adversely affect the integrity of the SAC. As such, it is considered the proposed development accords with the objectives of Future Wales, PPW, Tan 6 and Policies PS1, PS2, PS4, EC3 and GP1 of the adopted Wrexham UDP. (IR 118-119)
34. The Inspector recommends the appeal be allowed. (IR 120)
35. I agree with the Inspector's conclusion and recommendation for the reasons given. I note the Inspector considers the appeal proposal would constitute an appropriate form of agricultural development in the countryside. I agree with the Inspector and note PPW states decision makers should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices.
36. Therefore, I consider the appeal proposal is in keeping with UDP policies PS1, PS2, PS4, EC3 and GP1 and, for the reasons outlined above, PPW.

Formal Decision

37. Subject to the comments above I agree with the Inspector's reasoning and conclusions as detailed in IR 82 – 120. Therefore, in exercise of the power referred to in paragraph 2 of this decision letter, I hereby allow the planning appeal and grant planning permission for planning application P/2020/0363, subject to the conditions set out in Appendix 1 of this letter.
38. In reaching this decision I note the Welsh Ministers must, in accordance with the Well-being of Future Generations (Wales) Act 2015 ("the WFG Act"), carry out sustainable development. I have taken into account the ways of working set out at section 5(2) of the WFG Act and 'SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the WFG Act'. My assessment against each of the ways of working is set out below.

Looking to the long-term

39. The decision takes account of the need to assist in ensuring national food security through the local production of high value produce, such as tomatoes. The decision also takes account of the need for a reduction in carbon emissions in relation to the climate challenges facing Wales in the future.

Taking an integrated approach

40. I have considered the impacts from the development proposal on the Welsh Government's well-being objectives, which incorporate the well-being goals set out in section 4 of the WFG Act. Where an objective is not set out, the effect of this decision is neutral.

Impact on well-being objectives

- Build an economy based on the principles of fair work, sustainability and the industries and services of the future – positive effect
- Build a stronger, greener economy as we make maximum progress towards decarbonisation – positive effect

Involving people/Collaborating with others

41. Within the framework of a statutory decision making process, which is governed by prescribed procedures, the application was subject to publicity and consultation, providing the opportunity for public and stakeholder engagement. Representations received through these procedures have been considered and taken into account in making a determination on this application.

Prevention

42. The decision would prevent some of the need to obtain high value produce, such as tomatoes, from being imported from abroad.

43. I consider my decision accords with the sustainable development principle set out in the WFG Act. Therefore, I consider the decision is a reasonable step towards meeting the Welsh Government's well-being objectives.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive style with a large initial 'J'.

Julie James AS/MS

Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Appendix 1

Conditions

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans referenced:
 - 00165-20-100 02 (Location Plan)
 - 00165- 20-133 02 (Blue Line Plan)
 - 00165-20-106 03 (Existing Site Levels Topography)
 - SC/FFG/006 (Ecological Mitigation Site Layout)
 - 114 B (Site Sections)
 - 00165-20-105 Rev01 (Cycle Storage Location)
 - 00165-20-300 Rev01 (Glass and Pack House Elevations)
 - 00165-20-301 Rev01 (Energy Centre and Palisade Elevations)
 - 00165-20-302 Rev01 (DNO and Customer Substation Elevations)
 - 00165-20-303 Rev01 (Transformer and Air Cooler Elevations)
 - 00165- 20-304 Rev01 (Water Tank Elevations)
 - 00165-20-305 Rev01 CO2 (Tank Elevations)
 - 00165-20-307 Rev01 (Extraction Pit Elevations)
 - 00165-20-308 Rev01 (Trench Section Detail)
 - 00165-20-309 Rev01 (CO2 Recovery Plant Plan View)
 - 00165-20- 310 Rev01 (CO2 Recovery Plant Elevations)
 - 00165-20-311 Rev01 (Full Glasshouse Elevations (North and South))
 - 00165-20-312 Rev01 (Full Glasshouse Elevations (East and West))
3. Notwithstanding the requirements of condition 2, no development shall commence until detailed plans for the site layout, which shall include:
 - a) an emergency vehicular access and egress point for Five Fords Wastewater Treatment Works,
 - b) the energy centre layout,
 - c) the existing topography with cut and fill,
 - d) the existing and finished site levels,have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.
4. No development shall take place until details of all external materials (including roofing) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. No development or site clearance shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of

the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

6. No development shall commence until a scheme to protect the structural condition of the strategic treated effluent sewer and public rising mains crossing the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for any protection measures during construction and occupation phases of the development. The scheme shall demonstrate the distance and relationship of the proposed development with the sewers crossing and include a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the sewers. No other development pursuant to this permission shall be carried out until the approved protection measures have been implemented and completed. The approved scheme shall be adhered and retained throughout the lifetime of the development.
7. No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul water flows and implemented in accordance with the approved details prior to first use of the development and maintained thereafter.
8. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at nearby noise sensitive premises and those locations shall be approved in writing by the Local Planning Authority. Measurements and assessment shall be made in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.
9. Prior to the first use of the development hereby approved, the recommendations relating to noise attenuation, as set out within the Noise Impact Assessment "Glasshouse at Five Fords Wrexham" By Hunter Acoustics dated 30-07-2020 Ref: 5826/NIA1" shall be implemented in full and thereafter retained for the lifetime of development.
10. No development shall take place until a scheme of external lighting has been submitted to and approved in writing by the Local Planning Authority. The lighting as approved shall be installed in accordance with the scheme, prior to first use of the development and shall thereafter be permanently retained in a fully operational condition.

The lighting scheme as required shall comply with the principles outlined in the Lighting Impact Assessment (Pope Consulting, Revision P5, March 2021) and include the following:

- a) Location, height, and type of proposed lighting;
- b) An Isolux diagram for the proposed lighting scheme to a distance that includes sensitive premises;
- c) Design of columns and any proposed hoods;
- d) A Detailed program for use of blackout blinds;
- e) Drawings setting out light spillage in key sensitive areas (bat foraging / commuting routes);
- f) Details of lighting to be used both during construction and operation; and
- g) Measures to monitor light spillage once development is operational.

11. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

12. Each part of the site subject to the remediation under the scheme(s) approved in accordance with condition 11 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

13. Prior to the operation of the development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan shall include:

- a) Details of the methods and triggers for action to be undertaken;
- b) Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for x years);
- c) Timescales for submission of monitoring reports to the LPA e.g. annually;
- d) Details of any necessary contingency and remedial actions and timescales for actions;
- e) Details confirming that the contingency and remedial actions have been carried out.

Where action is required because of a trigger identified in the long-term monitoring plan; the curtailment, contingency and remediation actions shall be carried out in accordance with the approved long-term monitoring plan.

14. No development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

15. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists.

16. The vehicular parking and turning areas as shown on approved drawing no. 00165-20-101 07 Site Plan shall be fully laid out, surfaced, and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction and made available solely for the parking and turning of vehicles at all times.
17. No development shall commence until a Great Crested Newt Mitigation Strategy, including a site layout and a fence layout and trapping strategy, has been submitted to and approved in writing by the Local Planning Authority. The Conservation Mitigation Strategy shall be implemented in accordance with the approved details thereafter.
18. No development shall commence until an Ecological Impact Assessment, which includes a Breeding Birds Survey, has been submitted to and approved in writing by the Local Planning Authority. The Ecological Impact Assessment shall be implemented out in accordance with the approved details thereafter.
19. No development shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall include consideration of the landscaping scheme required in connection with condition no 5.
20. No development shall commence until a Travel Plan has been submitted to and approved by the Local Planning Authority. The approved Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented for the lifetime of the development.
21. No development shall take place until a construction environmental management plan ("CEMP: Biodiversity") has been submitted to and 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, pre commencement surveys and the distribution of results.
 - 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. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
22. A compliance audit shall be carried out by a qualified ecologist, independently of the appointed principal ecologist, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. A copy of the completed

audit reports shall be submitted to and approved in writing by the Local Planning Authority.

23. No development shall commence until a Traffic Management Plan has been submitted to and approved by the Local Planning Authority. The Plan shall thereafter be implemented as approved and make provision for:

- a) The routing of HGVs and vehicles to and from the site;
- b) Monitoring of the approved arrangements during the life of the site;
- c) Ensuring that all drivers of vehicles under the control of the Applicant are made aware of the approved arrangements;
- d) The disciplinary steps that will be exercised in the event of a default;
- e) Appropriate signage, details to be approved by the Local Highway Authority and erected advising drivers of the vehicle routes agreed with the Local Highway Authority; and
- f) Wheel cleaning facilities and their use/retention.