



## Committee Report

Planning Committee - 14 January 2020

Application no DC/19/3887/FUL

**Location**

Land at Ash Spring Game Farm  
Westleton Road  
Darsham  
Suffolk

**Expiry date** 27 November 2019  
**Application type** Full Application  
**Applicant** Mr Richard Scarlett

**Parish** Darsham

**Proposal** Change of use of the land for the siting of temporary accommodation to supervise the expansion of game rearing unit

**Case Officer** Iain Robertson  
(01502) 523067  
[iain.robertson@eastsoffolk.gov.uk](mailto:iain.robertson@eastsoffolk.gov.uk)

### 1. Summary

- 1.1. Ash Spring Game Farm has been operating for 18 years and is now rearing a combined total of approximately 20,000 pheasant and partridge poults annually. To date, the game farm has been run as a non-profit making operation. The applicant wishes to expand the game rearing enterprise at Ash Spring Game Farm so that it becomes a viable full-time business. The intention is to significantly increase the number of pheasants and partridges reared to approximately 60,000 per annum.
- 1.2. The site is in an isolated location where special justification is required for residential dwellings as highlighted in paragraph 79 of the National Planning Policy Framework (NPPF) and the Council's adopted spatial strategy policies. The applicant has sought to demonstrate that there is an essential need for a full-time employee to live on site for the management, welfare, health and security of the birds at the game farm.

- 1.3. The business plan provided has been independently assessed; this report concluded that an essential need can be demonstrated for a temporary dwelling to allow this expansion and meet the operational need as the numbers of poults reared increases. Due to the extended period of time (six months) in which a worker will need to be on site, it was not considered that a seasonal worker's dwelling would be appropriate. It was also concluded that the business has been planned on a sound financial basis.
- 1.4. The application is before members as the referral panel considered that it was necessary for the essential need for this dwelling to be further scrutinised.

## **2. Site description**

- 2.1. This application relates to Ash Spring Game Farm, Westleton Road, Darsham. The site is located in the countryside. It is currently in use for the rearing of game birds. The site is situated in close proximity to Old Hall Farm, which borders the site occupied by Ash Spring Game Farm.
- 2.2. In 2001, the applicant Mr Scarlett purchased 20 acres of agricultural land (now known as Ash Spring Game Farm) on the North side of Hall Farm, Darsham, onto which he moved his game rearing business from the Henham Estate. A further adjacent 10 acres of land were purchased in 2011, giving a total holding of approximately 30 acres.
- 2.3. In 2005 a Certificate of Lawfulness Ref: C/04/2220 was granted across part of the site for the "Use of agricultural land for rearing game birds (pheasants and partridges)", covering 7 acres of land. A subsequent application in 2018 Ref: DC/18/3117/FUL extended the lawful area by a further 2.4 acres to allow some of the current game rearing land a chance to rest.

## **3. Proposal**

- 3.1. The application seeks full planning permission for the erection of a temporary structure for a three-year period for residential accommodation to supervise a game rearing unit. This is proposed in the form of a timber cabin structure measuring 20m x 6.8m, a size that complies with the definition of a twin unit caravan as set out in the Caravan Sites Act 1968.
- 3.2. The site is accessed via a track from Main Road to the northwest. Adjacent the proposed structure would be a turning/parking area along with space for bin storage.

## **4. Consultations/comments**

- 4.1. Two representations of Objection have been received raising the following material planning considerations:
  - No right of access over driveway;
  - Other properties available;
  - Access not suitable;
  - Only a portion of the site can lawfully be used for game rearing;

- Game farming activities have taken place at the site for 20 years. At no time during this period has there been an essential need for a dwelling and nothing has changed;
- Proposed expansion of the operation (used as a reason for needing a dwelling) is of significant concern;
- Will the expansion take place on the existing land which has permission for game rearing or is planning permission required to change the use of other land for this purpose? and
- The existing operation takes place on land adjacent to our property and already causes nuisance and disturbance, a 300% increase in production will have a significant impact.

## 5. Consultees

### 5.1. Parish/Town Council

Consultee	Date consulted	Date reply received
Darsham Parish Council	4 October 2019	10 October 2019
Summary of comments: <i>“DC/19/3887/FUL - Ash Spring game farm: councillors objected to this application - The Parish council met on Oct 8th and discussed this application and unanimously objected to it. There have been 5 previous applications - all refused, both by district and parish councils. It has not been demonstrated that there is an essential need. It is not clear there is a functional need to live on site. There are two new developments in the village, providing houses, and there are a number of houses for sale in village as well. The game farm is outside the locality boundary”.</i>		

### 5.2. Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	4 October 2019	7 October 2019
Summary of comments: No objection.		

### 5.3. Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	4 October 2019	11 October 2019
Summary of comments: Insufficient information provided in terms of contamination – Standard contamination conditions required.		

#### 5.4. **Publicity**

None

#### 5.5. **Site notices**

5.6. The following site notices have been displayed:

5.7. General Site Notice                      Reason for site notice: General Site Notice  
Date posted: 11 October 2019  
Expiry date: 1 November 2019

### **6. Planning policy**

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's Development Plan, unless material considerations indicate otherwise.

6.2. National Planning Policy Framework (NPPF 2019)

6.3. National Planning Policy Guidance (NPPG)

6.4. The East Suffolk Council – Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document was adopted in July 2013 and the following policies are considered relevant:

- SP15 – “Landscape and Townscape”
- SP19 – “Settlement Hierarchy”
- SP29 – “The Countryside”
- DM3 – “Housing in the Countryside”
- DM21 – “Design: Aesthetics”
- DM23 – “Residential Amenities”

6.5. The East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific was adopted in January 2017 and the following policies are considered relevant:

- SSP2 – “Physical Limits Boundaries”

6.6. The emerging Suffolk Coastal Local Plan has reached an advanced stage in its production, and the Final Draft Local Plan (2019) was submitted under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in March 2019. Although currently of limited material weight, the following policies are considered relevant:

- SCLP5.3 “Housing Development in the Countryside”
- SCLP5.6 “Rural Workers Dwellings”

## 7. Planning considerations

### Site and history of use:

- 7.1. This application relates to Ash Spring Game Farm, Westleton Road, Darsham. The site is located in the countryside. It is currently in use for the rearing of game birds. The site is situated in close proximity to Old Hall Farm, which borders the site occupied by Ash Spring Game Farm.
- 7.2. In 2001, the applicant Mr Scarlett purchased 20 acres of agricultural land (now known as Ash Spring Game Farm) on the North side of Hall Farm, Darsham, onto which he moved his game rearing business from the Henham Estate. A further adjacent 10 acres of land were purchased in 2011, giving a total holding of approximately 30 acres.
- 7.3. In 2005 a Certificate of Lawfulness Ref: C/04/2220 was granted across part of the site for the "Use of agricultural land for rearing game birds (pheasants and partridges)", covering 7 acres of land. A subsequent application in 2018 Ref: DC/18/3117/FUL extended the lawful area by a further 2.4 acres to allow some of the current game rearing land a chance to rest.

### Planning history for a dwelling:

- 7.4. This is the sixth application for a dwelling on this game farm submitted since December 2015.
- 7.5. The first two applications (DC/15/5163/FUL and DC/16/3284/FUL) were withdrawn, after concerns were raised by the case officers as the information submitted within the application did not demonstrate an 'essential need' for a rural worker to justify a dwelling under paragraph 55 of the NPPF at the time.
- 7.6. Application Ref: DC/17/1148/FUL was refused following an assessment by Kernon Countryside Consultants (KCC), commissioned by officers, as in their professional opinion an essential need had not been demonstrated as, based on the business plan submitted with that application, there was only a requirement for a worker to be readily available for a period of approximately 7 weeks. A subsequent application was then submitted and withdrawn Ref: DC/18/1413/FUL.
- 7.7. The most recent application considered was application Ref: DC/19/1326/FUL. This was refused following a further assessment by KCC. Although, within this application it was considered that if eggs were set throughout the laying period then, given this extended period of some 5 months, during which both eggs and chicks are being kept in controlled conditions, then it was considered that there will be an "essential need" for a rural worker to live permanently at or near their place of work.
- 7.8. However, this application was refused due to concerns with the financial sustainability of the business:

*"Due to uncertainty / conflicting information in the Acorus report and the applicant's business plan it is not clear if eggs are to be set throughout the entire*

*laying period. Accordingly, it is not clear if there will be a functional need to live on site.*

*Furthermore, given the discrepancy over whether all eggs are going to be collected from breeding birds kept on site or the majority brought in, as well as based on the applicants own calculations a potentially significant shortfall in the number of eggs hatched compared to the number of birds sold, it is not considered that the business has been planned on a sound financial basis.*

*There is no clear evidence of a firm intention and ability to develop the enterprise concerned providing no certainty that the business will expand as set down in the business plan; due to contradictions regarding the operation of the business and potential miscalculations about the level of egg purchases it cannot be concluded that the business is likely to be financially sustainable".*

- 7.9. The supporting information provided with this current application by Acorus has also been assessed by Kernon Countryside Consultants Limited.

Principle:

- 7.10. The proposal lies outside of Darsham physical limits boundary and thus is in the countryside. The key policies relevant to the consideration of this proposal are therefore those which relate to the development of housing in the countryside. Table 4.2 which sits alongside Policy SP19 (Settlement Hierarchy) of the Suffolk Coastal Core Strategy and Development Management Policies (2013) details that residential accommodation in the countryside will only be permitted in special circumstances, or where the proposal relates to housing in a cluster.
- 7.11. Policy SP29 (The Countryside) states that within the countryside the strategy in respect of new development is that 'it will be limited to that which of necessity requires to be located there and accords with other relevant policies of the Core Strategy (e.g. SP7 or DM17) or would otherwise accord with special circumstances outlined in paragraph 55 of the National Planning Policy Framework.'
- 7.12. The proposal does not fall under sections (a) to (e) of Policy DM3, stated below.
- 7.13. Policy DM3 defines when dwellings may be permitted in the countryside. It defines these exceptions as:
- (a) replacement dwellings on a one to one basis where they are no more visually intrusive in the countryside than the building to be replaced;
  - (b) the sub-division of an existing larger dwelling where this would meet a local need;
  - (c) affordable housing on 'exception' sites in accordance with policy DM1;
  - (d) conversions of existing buildings subject to certain controls (Policy DM13)
  - (e) Minor Infilling within clusters of dwellings well related to existing sustainable settlements (Policy DM4); or
  - (f) Development which would otherwise accord with the special circumstances outlined in paragraph 55 of the National Planning Policy Framework.

- 7.14. This proposal is to be assessed under part (f) of the above policy and the relevant section of the NPPF (now paragraph 79).
- 7.15. Policy SCLP5.6 of the Final Draft Local Plan sets out when a rural workers dwelling would be permitted and takes forward the criteria that were contained in Annex A to archived Planning Policy Statement 7 'Sustainable Development in Rural Areas' (PPS7). Policy SCLP5.3 (Housing Development in the Countryside) makes explicit reference to rural workers dwellings in the countryside (in criterion (f)), which will be acceptable where there is an essential need for permanent living at or near the place of work in accordance with Policy SCLP5.6.
- 7.16. Policy SCLP5.6 (Rural Workers Dwellings) sets out criteria based on the now superseded Annex A to PPS7, which is a well-established area of planning policy as detailed in the supporting text to Policy SCLP5.6.
- 7.17. The Government introduced additional Planning Practice Guidance (PPG) in July 2019 under the heading 'Housing needs of different groups'. With regards to assessing applications for rural worker's dwellings, Paragraph 010 (reference ID: 67-010-20190722) sets out that relevant considerations could include:
- evidence of the necessity for a rural worker to live at or near their place of work;
  - the degree to which there is confidence that the enterprise will remain viable in the foreseeable future;
  - whether the dwelling is required for farm succession;
  - whether the need could be met by existing accommodation;
  - whether it is appropriate to consider temporary accommodation

Essential need:

- 7.18. To date the enterprise has been run as a non-profit making activity with approximately 20,000 poults being reared each year and utilised within a shooting syndicate that the applicant is a member of.
- 7.19. The intention is to increase the number of poults reared to 60,000 comprising of 45,000 pheasants and 15,000 partridges. Of these approximately 20,000 poults will go into the syndicate with a further 25,000 going to two clients and the remaining 15,000 being sold on in smaller batches. This represents a significant expansion on the current number of birds reared.
- 7.20. Historically the Game Farm has purchased day old partridge chicks and pheasant poults to rear. The business plan states that "in order to reduce costs and maintain absolute control over production it is proposed to keep breeding flocks of partridge and pheasants at Ash Spring Game Farm to collect eggs from, hatch and rear the birds for their own shoot, and to sell surplus eggs/chicks/poults to other sporting estates and shooting syndicates. By maintaining their own breeding flock, the business is completely self-sufficient, and has guaranteed access to adequate numbers of eggs/chicks".
- 7.21. The site benefits from on-site water and electricity and there are a number of agricultural buildings which house the incubators. There are a number of portable bird houses with propane heaters; however, more will need to be bought to allow for the

expansion of the business. There will be up to 40 mobile sheds, each with its own pen. After hatching, the birds are placed into the individual rearing sheds, each with its own heated brooder run on propane gas.

7.22. The business will be operated by the applicant's son and partner on a full-time basis. They will also occupy the proposed temporary dwelling.

7.23. Within the assessment it is stated that young birds under heat are highly susceptible to problems. During cold weather, even a discrepancy of a few degrees, can result in the loss of chicks.

7.24. The partridge and pheasant chicks are fragile and need constant care and attention to ensure heating, feeding, health and welfare. There is the need to be readily available on site to deal with and pre-empt any husbandry/welfare issue.

7.25. The essential need to live onsite will relate to the following factors:

- eggs set in incubators are sensitive to temperature and humidity and any breakdown of the equipment can lead to losses;
- chicks kept under heat are also susceptible to temperature changes which can occur rapidly if a gas heater fails;
- the risk of a fire occurring is higher in an enterprise rearing poults under gas heaters and supervision is essential;
- poults are also more susceptible to illness and disease and a stockman needs to be able to monitor for signs that any of the birds are unwell; and
- on-site security of both birds and machinery.

7.26. In the 2017 applications, the plan was only to set eggs once so the need to live on site was only for a relatively short period of time. However, the Business Plan accompanying the applications in 2019 states that:

*"the business will involve the breeding of pheasants and partridges to produce eggs, which are then collected and set within the incubators/hatcher for a 21-day period. Once hatched the young chicks spend approximately 4 weeks in the brooders before being transferred to the rearing pens".*

*"The birds are then reared to point of sale at six- or seven-week stage for the pheasant poults and 11/12 week stage for partridges. The first batches of eggs are collected in March each year, and the rearing cycle extends through to the end of September when the final birds are sold.*

*"For this business there is the need for essential supervision and management of the rearing unit from inception of egg laying, through to the final rearing stages, and the breeding flock throughout the autumn and winter months".*

7.27. When the business plan was assessed under the previous application it showed that a large proportion of the eggs were bought in and concerns were raised over the financial implications of this on the projected income. The current application and business plan will rely solely on the Applicant's own breeding flock which they will build up over the next several years.



7.28. It is now concluded that there will be an essential need for a worker to be onsite once the business expands to the anticipated stocking levels. A temporary dwelling would be appropriate to allow this expansion and meet the need as the numbers of poults reared increases. Due to the extended period of six months in which a worker will need to be onsite it is not considered that a seasonal worker's dwelling would be appropriate.

Use of an existing dwelling:

7.29. Due to the sensitivity of the poults to temperature changes and the potential risk of fire it is considered that the functional need identified above can only be adequately met by living within sight and sound of the bird pens.

7.30. Although there may be properties for sale in the area none would be within sight and sound of the pens. It is therefore considered that there are no existing dwellings that could meet the need.

Financial Sustainability:

7.31. Although there is no longer a specific test in the Framework regarding profitability in relation to the provision of rural workers' dwellings, the Framework only promotes "sustainable development in rural areas" (paragraph 78, in relation to housing).

7.32. Guidance within the PPG and Criteria D of Policy SCLP5.6: Rural Workers Dwellings requires that the business is financially sound and has a clear prospect of remaining so.

7.33. Economic sustainability and the ability to carry out the proposals as described are therefore important considerations. Therefore, an applicant still needs to demonstrate economic sustainability.

7.34. Previously, KCC raised concerns over the viability of the business due to discrepancies between the business plan and budgets. More specifically, KCC were of the opinion that the cost of purchasing in eggs had been under- valued and that the profits would not be as high as a result.

7.35. The Applicant's business plan has now been amended and it is clear that the business will rely solely on a breeding flock and, as such, no eggs will need to be purchased. The main income streams will be from the sale of poults, shoot days and sale of breeding stock. The income from shoot days can vary significantly depending on the number of birds however income derived from the sale of poults and breeding stock appear to be sound having regard to the budget assumptions.

7.36. The budgets show a projected net profit of £36,252 by year three of the business plan. This is expected to rise to £88,084 by year 5. The net profit takes into account wages, being the single highest overhead cost, as well as depreciation of current and new equipment. It is therefore considered that the enterprise is planned on a sound financial basis.

#### Increase in scale of the business:

- 7.37. It is noted that in 2005 a Certificate of Lawfulness was granted across part of the Site for the "Use of agricultural land for rearing game birds (pheasants and partridges)", covering seven acres of land. A subsequent application in 2018 extended the lawful area by a further 2.4 acres to allow some of the current game rearing land a chance to rest. However, this only relates to part of the overall site area of 30 acres.
- 7.38. Within the report it states that "The pens and sheds are then taken down for maintenance, if required, and reassembled the following spring on a 'fresh site' enabling the land to be rotated on a three-year cycle". This aspect has been discussed with both KCC and the applicant and it is considered that the land available is enough to accommodate this expansion and further land for this purpose would not be required to carry out the expansion as highlighted in the business plan.

#### A temporary consent:

- 7.39. The applicant is proposing a temporary dwelling in the form of a wooden cabin for a period of three years. This is in line with guidance previously provided within Annex A of PPS7; this period would allow the applicant to demonstrate whether the business will be viable in the longer term based on the expansion proposed within the business plan. The building could be easily dismantled and removed from the site at the end of this period if the functional need is not created/ceases to exist.

#### Impact from intensification of the use:

- 7.40. It has been suggested that the current level of the business affects the residential amenity of nearby occupiers and that the intensification of the business in order to justify the need for this dwelling would have an even greater impact.
- 7.41. The use of the seven-acre area of land was established through the granting of a lawful development certificate and therefore has no restriction on it. The additional 2.4 acres has no restrictions in term of numbers of birds, but the area of land has to be operated in accordance with a noise management plan that was submitted with the application. This will need to be adhered to in the future.
- 7.42. There would be nothing to prevent the land being used more intensively for the purpose of game rearing, the proposed expansion could take place on the existing 9.4-acre area without the requirement for further planning permission. Had this application not been submitted for a rural worker dwelling the expansion could still take place, therefore the potential impact from this should be given very limited weight.

#### Other Planning Considerations

##### Ecology - RAMS:

- 7.43. This proposal is within scope of the Suffolk Coast RAMS as it falls within the 13 km 'zone of influence' for likely impacts and is a relevant residential development type as listed above. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the designated European site(s) through increased

recreational pressure, when considered either alone or in combination. Therefore, an up-front payment or unilateral undertaking for a sum of £321.22 is required. This payment has been received. With this mitigation, the proposal accords with policies SP14 and DM27 (Biodiversity and Geodiversity).

Highway Safety and Parking Provision:

- 7.44. The proposal is acceptable in terms of highway safety and parking provision. The Local Highway Authority has raised no objection, recommending a condition relation to bins.

Visual impact/design:

- 7.45. The proposed structure does not represent high quality design. It is an off-the-shelf solution. However, it would be well screened and therefore an objection cannot be justified on the basis of the visual appearance of the proposal, particularly given its temporary nature.

Contaminated land:

- 7.46. Phase I assessment required as this is a sensitive use to potential contamination. Conditions recommended accordingly.

Community Infrastructure Levy (CIL):

- 7.47. The proposal is for a mobile home which complies with the requirements of the caravan act and would therefore not be liable for CIL.

## **8. Conclusion**

- 8.1. Consent is sought for a temporary rural worker's dwelling to facilitate the expansion of a game bird rearing enterprise at Ash Spring Game Farm. The assessment of the business plan has considered whether a dwelling is justified having regard to the functional need, financial viability and other relevant considerations.
- 8.2. KCC previously commented on a similar application in July 2019 and were unable to conclude favourably on the financial viability of the business and some concerns were raised over functional need due to a lack of explanation in the previous business plan. It is now considered that the revised business plan has suitably addressed these concerns and it can be concluded that the business has been planned on a sound financial basis. The functional need to live onsite is likely to last about 6 months and it is not considered that a seasonal workers dwelling would be a suitable alternative to meet the need.
- 8.3. Consideration has also been had to whether there are any existing dwellings that could meet the need. Whilst there are some properties for sale in the locality, they are not within sight or sound of the birds pens and could not therefore meet the essential need.
- 8.4. The proposal would therefore meet the policy tests set out in paragraphs 78 and 79 of The Framework and supporting PPG and SCLP5.6 of the Draft Local plan.

## 9. Recommendation

9.1. That planning permission be APPROVED subject to the following conditions:

1. The mobile home hereby permitted shall be for a maximum period of three years from the date of this permission, after which time the structure shall be removed to the satisfaction of the Local Planning Authority and the land reinstated to its former condition.

Reason: A temporary permission has been granted to allow the opportunity to develop the business.

2. The occupation of the mobile home shall be limited to a person solely or mainly employed in the Game Rearing business on the site, or a widow or widower of such a person, or any resident dependants.

Reason: The site is in a location where new dwellings would not normally be permitted. The mobile home has been approved because of the need for on-site supervision of the game rearing business and this condition is imposed to ensure that it remains available for that use.

3. The development hereby permitted shall be completed in all respects strictly in accordance with the proposed floor plan and elevations received 03 October 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

4. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

5. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

a) A desk study and site reconnaissance, including:

- a detailed appraisal of the history of the site;
- an inspection and assessment of current site conditions;
- an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- a conceptual site model indicating sources, pathways and receptors; and

- a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- an explanation and justification for the analytical strategy;
- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS 10175:2011+A1:2013 and CLR11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:
  - details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
  - an explanation, including justification, for the selection of the proposed remediation methodology(ies);
  - proposed remediation objectives and remediation criteria; and
  - proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. Prior to any occupation or use of the approved development the RMS approved under condition 6 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:
  - results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
  - evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
  - evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority.

Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **Informatives:**

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk)

#### **Background information**

See application reference DC/19/3887/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PYS DVZQXMWX00>





# Map

**DO NOT SCALE** SLA100019684

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.



## Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support