Appeal by **Fairfax Aspire Ltd** against the refusal of planning permission by **Epsom and Ewell Borough Council** of

"Outline application for up to 110 dwellings including affordable homes (all matters reserved except access from Langley Vale Road)."

at Farm View, Langley Vale Road, Epsom, Surrey, KT18 6AP

Planning Inspectorate Reference: 6006971

Council Reference: 25/00846/OUT

DRAFT CONDITIONS

9 November~~September~~ 2026

Delivery Conditions

1. **Reserved Matters**

Details of appearance, landscaping, layout and scale (hereafter called "the reserved matters") shall be submitted to and aprporved in writing by the Local Planning Authority before any development takes place. The development shall be carried out in accordance with the details approved.

2. **Timescale**

Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. ~~The development shall be carried out as approved~~.

3. **Approved Details**

The development hereby permitted shall be carried out in accordance with the following approved plans:

2503/PL.01 Rev B Location Plan
2503/PL.03 Rev C Parameters Plan
ITB200788-GA~~0~~-002 Rev E Proposed Site Access Arrangements

Pre-Commencement Conditions

4. **Construction Transport Management Plan**

No development shall commence unless and until a Construction Transport Management Plan has been submitted to and approved in writing by the Local Planning Authority. Details shall include:

a) Measures to safeguard horses and riders using Langley Vale Road and adjoining equestrian routes throughout the construction of the development herby approved.
~~a)~~b) parking for vehicles of site personnel, operatives and visitors
~~b)~~c) loading and unloading of plant and materials
~~c)~~d) storage of plant and materials
~~d)~~e) programme of works (including measures for traffic management)
~~e)~~f) provision of boundary hoarding behind any visibility zones
~~f)~~g) HGV deliveries and hours of operation
~~g)~~h) vehicle routing
i) measures to prevent the deposit of materials on the highway
~~h)~~j) dust mitigation and management measures

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~~i)~~k) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused

l) on-site turning for construction vehicles

~~j)~~m) details of a complaints procedure with a designated person on site responsible for compliant handling

The approved details shall be implemented during the construction of the development.

5. Construction Environmental Management Plan

No development shall commence unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology, surface and ground water, including measures to protect on site and downstream systems prior to the final drainage system being operational. It shall also set out arrangements by which the developer shall safeguarded horses and riders using Langley Vale Road and adjoining equestrian routes, and maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be constructed full accordance with the approved details at all times

6. Surface Water Drainage Scheme

No development shall commence unless and until details of the final design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The required drainage details shall include:

a) Hydraulic calculations to demonstrate the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep.
b) Detailed design drawings for all sustainable drainage elements including cross sections and detailed drainage layout plan.
c) An exceedance flow routing plan demonstrating no increase in surface water flood risk on or off site. The plan must include proposed levels and flow directions.
d) Details of drainage management responsibilities and maintenance regimes for all drainage elements.

The final solution should follow the principles set out in the approved drainage strategy. The design must satisfy the SuDS Hierarchy and be compliant with the national standards for sustainable drainage systems and the National Planning Policy Framework~~NPPF~~.

The development shall be carried out in full accordance with the approved details prior to first occupation and maintained in accordance with the details approved at (d).

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7. Source Protection Strategy

No development shall commence unless and until a Source Protection Strategy has been submitted to and approved by, the local planning authority in consultation with the water undertaker. Details shall include how the water abstraction source would not be detrimentally affected by the proposed development, both during and after its construction. The development shall be carried out in full accordance with the approved details prior to first occupation.

8. Habitat Management and Monitoring Plan

No development shall commence unless and until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved statutory biodiversity gain plan has been submitted to, and approved in writing, by the Local Planning Authority. Details shall include:

a) A non-technical summary;
b) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
c) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved statutory biodiversity gain plan;
d) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
e) The monitoring methodology and frequency in respect of the created or enhanced habitat ~~to be submitted to the Local Planning Authority~~.
f) HHMP monitoring reports

No occupation shall take place until the habitat creation and enhancement work set out in the approved HMMP have been completed; and a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

Notice in writing shall be given to the Council when the HMMP works have started. The created and/or enhanced habitat specified in the approved HMPP shall be managed and maintained in accordance with the approved HMMP.

9. Badger Monitoring Survey

No development shall commence until a badger monitoring survey is carried out to determine the current use of the site by badgers and if any new setts have become established that might be impacted by the development. Details of the survey shall be

submitted to and be approved in writing by the local planning authority prior to commencement of any works.

R6P Wording below, with our addition of the word 'appropriate' in the first line.

*No development shall commence until an updated badger survey and **appropriate** badger protection and mitigation scheme, prepared by a suitably qualified ecologist, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify setts and other relevant features, avoidance and protection measures, any necessary mitigation or compensation, implementation timing, ecological supervision and monitoring. Measures required before clearance or construction shall be implemented before those activities begin. The development shall thereafter be carried out in accordance with the approved scheme. Any activity requiring a Natural England licence shall not commence until the relevant licence has been obtained."*

10. Bat Licence

Demolition of the residential property at the northern end of the site shall not commence until is has been confirmed that either (i) a licence for development works affecting bats is not required ~~has been obtained~~ from the Statutory Nature Conservation Organisation (Natural England); or (ii) ia licence has been obtained with proof of a license being in place provided ~~–~~and a copy has been submitted to and approved in writing by the Local Planning Authority. Thereafter mitigation measures approved in the licence shall be maintained in accordance with the approved details.

Should the applicant conclude that a licence for development works affecting bats is not required, the applicant is to submit a report to the Local Planning Authority detailing the reasons for this assessment and this report is to be approved in writing by the Local Planning Authority prior to commencement of works.

11. Programme of Archaeological Work

No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority. The development thereafter shall be carried out in full accordance with the approved details.

12. Ground Contamination

No development shall commence prior to undertaking the following in accordance with current best practice guidance:

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a) a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off-site. The results of the investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority: and

b) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures in the form of a remediation scheme shall be designed and submitted to the Local Planning Authority for approval.

The approved remediation scheme shall be carried out prior to the commencement of the development and in accordance with its terms. Following completion, a verification report that demonstrates the effectiveness of the remediation carried out must be produced prior to first occupation and is subject to the approval in writing of the Local Planning Authority.

13. Open Space Provision

The details to be submitted pursuant to condition (1) shall include an Open Space and Landscaping Scheme, together with a Phasing and Delivery Plan. The Open Space and Landscaping Scheme shall include:

a) the location, extent and specification of all public open space to be provided;

b) details of all hard and soft landscaping, lay equipment, planting, paths, seating, boundary treatments and associated infrastructure;

c) details of play areas, informal recreation areas and sustainable drainage features forming part of the open space;

d) a timetable for implementation; and

e) a Phasing and Delivery Plan identifying when each area of open space shall be laid out and made available for use in relation to the occupation of the development.

The Open Space and Landscaping Scheme shall be carried out in accordance with the approved details.

Pre-Occupation Conditions

14. New Access

No part of the development shall be first occupied until the proposed vehicular, pedestrian and cycle access to Langley Vale Road shown on approved plan ITB200788-GA-002 Rev E has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

15. Provision for Sustainable Modes

The development hereby approved shall not be first occupied until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:

a) The improvement of the bus stops located at Grosvenor Road and Harding Road to include provision of shelter, seating, lighting, accessible kerbing and Real Time Passenger Information (RTPI).

b) Provision of pedestrian improvements to allow for access to local bus stops and facilities in broad accordance with Drawings ITB200788-GA-101, ITB200788-GA-102, ITB200788-GA-103 & ITB200788-GA-104 set out in Section 3 of the Enhanced Sustainable Transport Strategy.

Thereafter, the approved facilities shall be provided, retained and maintained in accordance with the approved details.

16. Suds Verification Report

Prior to the first occupation of the development, and pursuant to the details to be submitted to and approved by the Local Planning Authority under condition 6, a verification report must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), confirming any defects have been rectified, provide the details of any management company and provide an 'As-Built' drainage layout and state the national grid reference of key drainage elements.

17. Foul Water Drainage

The development hereby permitted shall not be first occupied until details have been submitted to and approved in writing by the Local Planning Authority that:

a) foul water capacity exists off site to serve the development; or
b) a development and infrastructure phasing plan has been agreed with the Local Authority ~~in consultation with Thames Water~~. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan;

or

c) all foul water network upgrades required to accommodate the additional flows from the development have been completed.

18. Water Network Upgrades

The development associated with the residential scheme hereby permitted shall not be first occupied unless until details have been submitted to and approved in writing by the Local Planning Authority that:

a) all water network upgrades required to accommodate the additional demand to serve the development have been completed; or

b) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

19. Travel Plan

The development permitted shall not be first occupied until a Travel Plan is submitted to and approved in writing by the Local Planning Authority in accordance with the submitted and approved Framework Travel Plan dated June 2025 (report ITB200788-002a). The Travel Plan shall broadly be in line with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's "Travel Plans Good Practice Guide". The approved Travel Plan shall be implemented as approved.~~upon first occupation and thereafter shall be implemented and maintained to the satisfaction of the Local Planning Authority.~~

Compliance Conditions

~~**20. Biodiversity Net Gain Plan**~~

~~A Biodiversity Gain Plan shall be prepared in accordance with a revised and approved Biodiversity Impact Calculation that incorporates any changes within the Reserved Matters application layout from the Biodiversity Impact Calculation prepared by The Ecology Co-Op, dated July 2025.~~

~~21.~~20. Compliance with Arboricultural Impact Assessment and Method Statement

The development hereby permitted shall be carried out in strict accordance with the tree protection measures set out in the Arboricultural Impact Assessment and Method Statement (AIA) prepared by Arbortrack Systems Limited, reference jwmb/rpt1/langleybottomfarm/AIAAMS and dated 09 July 2025.

~~22.~~21. Compliance with Ecological Survey

The development hereby permitted shall be carried out in strict accordance with the biodiversity compensation and enhancement measures set out in the Ecological Impact Assessment (EcIA), prepared by The Ecology Co-op, reference P2851 and dated 27 June 2025. All biodiversity compensation, enhancement and mitigation measures shall be implemented prior to first occupation of the development hereby permitted and thereafter maintained.

~~23.~~22. Unexpected Contamination

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

~~24.~~23. Integrated Nest Boxes

No development above damp-proof course level shall take place until a scheme for the provision of integrated biodiversity features has been submitted to and approved in writing by the local planning authority. The scheme shall include:

a) integrated nest boxes (swift bricks) at a rate of not less than one per dwelling;
b) integrated bat boxes/bricks, and features to support hedgehogs and other priority or threatened species;
c) the type, design and specification of each feature;
d) plans showing the number, location, orientation and height of each feature; and
e) a timetable for installation.

The approved features shall be installed in full accordance with the approved scheme and timetable and shall be maintained in perpetuity.