

3/13/0075/OP - Conditions of outline planning permission

1. Outline - submission of details

No development, apart from enabling works<sup>1</sup>, earthworks and access works, shall commence in respect of any Phase<sup>1</sup> or Development Parcel<sup>1</sup> for which permission is hereby granted shall begin before detailed plans thereof showing the layout, scale and external appearance of the building(s) and landscaping (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority. The development shall be carried out as approved.

Reason

To comply with the requirements of section 92 of the Town and Country planning Act 1990 and the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended) and to ensure that high standards of urban design and a comprehensively planned development are achieved in accordance with the NPPF.

2. Outline permission time limit

(a) Application for the approval of the reserved matters for phase 1 (as identified by the phasing plan required by condition 3) shall be made to the local planning authority before the expiration of 3 years from the date of this permission. The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of one year from the date of approval of the reserved matters for phase 1, which ever is the later.

(b) Application for the approval of reserved matters for the subsequent phases of development as identified by the phasing plan shall be made to the local planning authority before the expiration of 10 years from the date of this permission. The subsequent phases of development hereby permitted shall be begun either before the expiration of 12 years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To prevent the accumulation of unimplemented planning permissions and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

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<sup>1</sup> See Interpretation Schedule attached

3. Phasing of overall development

Prior to the submission of the first reserved matters application a phasing plan shall be submitted to and approved in writing by the local planning authority. The phasing plan shall indicate the intended timescale for the delivery of each phase of the development hereby approved and shall include details of the Development Parcels, the intended number of market and affordable dwellings for each phase of development together with general locations and phasing of key infrastructure, including surface water drainage, green infrastructure, the Local Centres<sup>2</sup>, primary schools, sports facilities and access for pedestrians, cyclists, buses and people in vehicles. The phasing plan shall be based on the Indicative Layout (Drawing No. 3515-L-10-C), the Parameters Plans (Drawing Nos. 3515-P-02-S and 3515-P-17-D) and the Design and Access Statement (January 2013) and Addendum (August 2013) except where other planning conditions specify otherwise. The development shall be carried out in accordance with the approved phasing plan.

Reason

To ensure that the development is comprehensively planned and that essential infrastructure is provided at an appropriate stage in accordance with the National Planning Policy Framework and having regard to highway safety and accessibility.

4. Phasing of Development Parcels; and Design Principles

As part of the first reserved matters submission for any Phase of the development submitted pursuant to conditions 1 and 3, a document setting out the design principles (hereafter referred to as 'Design Principles') for the Phase shall be submitted to and approved in writing by the local planning authority. The Design Principles shall set out how the principles and objectives of the Design and Access Statement (January 2013) and Addendum (August 2013) will be met, and shall accord with the Indicative Layout (Drawing No. 3515-L-10-C), the Parameters Plans (Drawing Nos. 3515-P-02-S and 3515-P-17-D), and Phasing Plan except where other planning conditions specify otherwise. The Design Principles shall include the following matters:

- (i) The principles for determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
- (ii) The principles of the hierarchy for roads and public spaces;
- (iii) The principles for determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
- (iv) Sustainable construction principles
- (v) The principles for the design of the public realm to include the colour,

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<sup>2</sup> See Interpretation Schedule attached

### 3/13/0075/OP – conditions

- texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
- (vi) The principles for the design and layout of street furniture and level of external illumination;
  - (vii) The principles for the laying out of the green infrastructure including the access, location and general arrangements of the multi use games area, the children's play areas and allotments; and
  - (viii) The principles to ensure that there is appropriate access to buildings and public spaces for the disabled and physically impaired.

The development shall be carried out in accordance with the approved Design Principles.

#### Reason

To clarify how the site is to be phased to assist with the determination of reserved matters applications and in order to ensure that infrastructure provision and environmental mitigation is provided in time to cater for the needs and impacts arising out of the development in accordance with the National Planning Policy Framework.

#### 5. Reserved matters – accompanying details

For each Development Parcel the reserved matters submitted pursuant to Condition 1 shall be accompanied by the following details:

- i. The location of fire hydrants and a timetable for their provision, that is before the first occupation of a dwelling.
- ii. The location and design of bus stops (including the provision of Real Time Information displays) and a timetable for their provision;
- iii. The location and design of any recycling and refuse stores which will not be provided as part of individual residential, commercial or community buildings;
- iv. The level of external illumination, including street lighting, and measures to control of light pollution.
- v. Specification of the multi use games area and the children's' play areas

Each Development Parcel shall be developed in accordance with the details approved.

#### Reason

To assist with the determination of reserved matters applications and in order to ensure that infrastructure provision and environmental mitigation is provided in time to cater for the needs and impacts arising out of the development in accordance with the National Planning Policy Framework.

6. Ground Works

No development shall commence in relation to the earthworks for either the Western Neighbourhood<sup>3</sup> or the Eastern Neighbourhood<sup>3</sup> until approval of the details of the ground works for that neighbourhood, including ground levels and importation details have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.

Reason

To ensure that the development is properly related to the levels of adjoining development in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007 and the NPPF

7. Approved Plans (2E10)

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

3515- L-10-C – Indicative Layout

3515- P-02-S – EIA Parameters Plan (Plan 1)

3515- P-17-D – EIA Parameters Plan (Plan 2)

0210-GA- 01 Rev C

0210-GA- 02 Rev E

0210-GA- 03 Rev E

0210-GA- 09 Rev B

DLP 2A

DLP 2B

8. Eastern Local Centre - marketing

Prior to the occupation of any dwelling on the Eastern Neighbourhood a scheme for the marketing of the employment, retail and other commercial uses within the eastern Local Centre (including timescales) shall be submitted to and approved in writing by the local planning authority. The Local Centre shall be marketed in accordance with the agreed scheme and monitored at 6 monthly review periods by the local planning authority.

Reason

To encourage the development of this market-led element within a wider mixed use development, in the interests of sustainability and in accordance with the NPPF.

9. Eastern Local Centre - Commercial floorspace

Within the Eastern Neighbourhood's Local Centre the total floorspace falling within Class A1, A2, A3, A4 and A5 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision

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<sup>3</sup> See Interpretation Schedule attached

### 3/13/0075/OP – conditions

equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) shall not exceed 1,000sq m (gross floorspace) of which only 600sq m shall be used for retail purposes Class A1). None of the premises falling within Class A1, A2, A3, A4 and A5 shall individually exceed 200sq m (gross).

#### Reason

In order to define the permission and to ensure that commercial facilities provided are of a scale appropriate to a local centre in the interests of sustainability and in accordance with the NPPF.

#### 10. Western Local Centre - marketing

Prior to the occupation of any dwelling on the Western Neighborhood a scheme for the marketing of the employment, retail and other commercial uses within western Local Centre (including timescales) shall be submitted to and approved in writing by the local planning authority. The Local Centre shall be marketed in accordance with the agreed scheme and monitored at 6 monthly review periods by the local planning authority.

#### Reason

To encourage the development of this market-led element within a wider mixed use development, in the interests of sustainability and in accordance with the NPPF.

#### 11. Western Local Centre - Commercial floorspace

Within the Western Neighbourhood's Local Centre the total floorspace available for uses falling within Class A1, A2, A3, A4 and A5 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) shall not exceed of 200sq m gross floorspace

#### Reason

In order to define the permission and to ensure that commercial facilities provided are of a scale appropriate to a local centre and in accordance with the NPPF.

#### 12. Class A2 uses

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no ground floor commercial/retail unit within the local centres of either the Eastern or Western Neighbourhood shall be used for purposes falling within Use Class A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

#### Reason

### 3/13/0075/OP – conditions

To ensure that the local centres provide a useful and sustainable range of facilities for the future occupiers of the development that will add to the vitality and viability of the centre(s) in accordance with policies STC4(II) and STC7 of the East Herts Local Plan Second Review April 2007 and national policy contained in the NPPF.

#### 13. Sports Facility provision

Prior to the occupation of any dwelling within the Eastern Neighbourhood details of the proposed sports pitches at Hoggate's Park (as identified on the indicative layout plan No. 3515-L-10-C), including levels, drainage and floodlighting, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the details approved in writing by the local planning authority.

##### Reason

To ensure the satisfactory provision of sports facilities across the site, in accordance with policy LRC3 of the East Herts Local Plan Second Review April 2007 and national planning policy contained in the NPPF.

#### 14. Community Use Agreements

The Primary Schools hereby permitted shall not be brought into use until details of a community use agreement, prepared in consultation with Sport England, has been submitted to and approved in writing by the Local Planning Authority. The agreement shall be submitted with the Reserved Matters application for the relevant Development Parcels and shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities, a management plan and a mechanism for review. The development shall not be used at any time other than in accordance with the approved agreement.

##### Reason

To secure adequate, well managed, and safe community access to the sports facilities on the site in accordance with policy LRC2 of the East Herts Local Plan Second Review April 2007.

#### 15. Green Infrastructure Management Plan

Prior to the commencement of any development in each Development Parcel, except enabling works, a detailed Green Infrastructure Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of the retention and enhancement of the biodiversity of the site as contained in Sections 6.0 and 7.0 of the Ecological Assessment (ACD) reference TWNT18027 Rev A dated August 2012. The development shall thereafter be carried out in accordance with the approved Plan.

##### Reason

### 3/13/0075/OP – conditions

To secure the sustainable management of Green Infrastructure within the development in accordance with policies ENV1, ENV2 and ENV17 of the East Herts Local Plan Second Review April 2007 and national planning policies in the NPPF.

#### 16. Tree/Hedge Protection measures

Apart from enabling works, no development within either the Eastern or Western Neighbourhoods (as may be relevant) shall commence until details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedging from damage before or during the course of development of that neighbourhood have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

#### 17. Landscape details

For each Development Parcel the reserved matters submitted pursuant to condition 1 shall be accompanied by full details of both hard and soft landscape proposals. These details shall include, as appropriate:

- (i) Proposed finished levels or contours;
- (ii) Positions, design, materials and type of boundary treatment to be erected;
- (iii) Hard surfacing materials;
- (iv) The equipment and surfacing for the multi use games area and the children's play areas; and
- (v) Minor artefacts and structures (e.g. street furniture, refuse or other storage units and signs); and

Soft landscape details shall include:

- a. Planting plans including positions for all tree, hedge and shrub planting;
- b. Written specifications (including cultivation and other operations associated with plant and grass establishment);
- c. Schedules of plants, noting species, planting sizes and proposed numbers;
- d. Densities where appropriate; and
- e. Implementation timetables including time of planting.

The scheme shall be carried out in accordance with the approved details and maintained as such thereafter unless otherwise agreed in writing by the LPA.

Reason

In the interests of the amenity of future residents and to ensure that a

detailed approach to the development of the built-up area (or parcels thereof) is agreed in order to safeguard the setting and special character of the site in accordance with policies ENV1, ENV2 and ENV11 of the East Herts local Plan Second Review April 2007.

18. Programme of archaeological work

No development shall take place within the site 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 development shall thereafter be carried out in accordance with the approved scheme.

Reason

To secure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007 and the NPPF.

19. Surface and Foul Water Drainage (SUDs)

No building within either the Western or Eastern Neighbourhood (as may be relevant) hereby permitted shall be occupied until surface water drainage works for that neighbourhood have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Technical Guidance to the National Planning Policy Framework (or any subsequent version), the Outline SUDS Design Statement (January 2013) and Surface Water Drainage Strategy (January 2013) and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- a) provide information about the design storm period and intensity, 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; and
- b) include a timetable for its implementation; and provide a 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.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with policies ENV20 and ENV21 of the East Herts Local Plan Second Review April 2007 and the NPPF.



20. Water Quality Monitoring – Eastern Neighbourhood

No development of the Eastern Neighbourhood should take place until a long-term (min. 15 year) water quality monitoring and maintenance plan in respect of discharge to the Farnham Bourne, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term works have been carried out and confirming that targets for concentrations of contaminants within the drainage have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the pollution prevention measures incorporated into the drainage system of the eastern neighbourhood are demonstrated to be effective so as to pose a low risk of contamination to the water environment in accordance with policies ENV18, ENV20, ENV21 of the East Herts Local Plan Second Review April 2007 and national policy contained in the NPPF.

21. Hoggate's Wood Drain - Buffer Zone

No development shall take place within the Eastern Neighbourhood until a scheme for the provision and management of a minimum eight metre wide buffer zone alongside the Hoggate's Wood Drain ordinary watercourse has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and the buffer zone shall be maintained as approved thereafter. Any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- a) plans showing the extent and layout of the buffer zone
- b) details of any proposed planting scheme (which should only comprise native species)
- c) details of any proposed footpaths, lighting and river crossings.

Reason

To secure the protection and enhancement of valuable wildlife habitats in accordance with policies ENV17 and ENV18 of the East Herts Local Plan Second Review April 2007 and national policy contained in the NPPF.

22. Farnham Bourne – Buffer zone

No development shall take place within the Western Neighbourhood until a scheme for the provision and management of a minimum eight metre wide buffer zone alongside the Farnham Bourne main river has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and the buffer zone shall be maintained as approved thereafter. Any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- a) plans showing the extent and layout of the buffer zone
- b) details of any proposed planting scheme (which should only comprise native species)
- c) details of any proposed footpaths, lighting and river crossings

Reason

To secure the protection and enhancement of valuable wildlife habitats in accordance with policies ENV17 and ENV18 of the East Herts Local Plan Second Review April 2007 and national policy contained in the NPPF.

23. Water Conservation

All dwellings on the site shall achieve the Code for Sustainable Homes Levels 3 & 4 water conservation standard of 105 litres per person per day. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that the Code Levels 3 & 4 water conservation standard has been achieved.

Reason

To ensure that the development, which lies within an area of water shortage, makes the most efficient use of water and incorporates water conservation measures to create a sustainable form of development in accordance with the key aims of the NPPF.

24. Decentralised and Renewable Energy

At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority as a part of the reserved matters submissions required by condition 1. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority'.

Reason

To ensure that the proposals make result in a sustainable form of development that contributes to conserving and enhancing the environment in accordance with the core planning principles of the NPPF.

25. Noise Attenuation Barrier

No development hereby approved, apart from enabling works and earthworks, shall commence until details of the Noise Attenuation Barrier shown on Drawing No. 3515-P-17-D have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To prevent noise nuisance from the adjacent road affecting future occupiers of the development in accordance with policy ENV25 of the East Herts Local Plan Second Review April 2007 and national policy contained in the NPPF.

26. Highways Access

Prior to the commencement of each Development Parcel, details of following shall be submitted to and approved by the local planning authority:

- a) The design, layout and materials of the internal roads, footways and cycleways including the provision of highway drainage;
- b) Identifying the highways intended to be offered for adoption;
- c) The design and location of cycle parking facilities which will not be provided as part of individual residential, commercial or community buildings; and
- d) Any parking, turning, manoeuvring, loading/unloading areas not being provided as part of individual residential, commercial or community buildings;

The development shall be carried out in accordance with the approved details.

Reason

To ensure that all highway works and internal roads are built to Highway Authority standards and requirements.

27. Construction Plan

Prior to commencement of each Development Parcel a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e) wheel washing facilities
- f) measures to control the emission of dust and dirt during construction
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works

### 3/13/0075/OP – conditions

#### Reason

To minimise impact of construction process on the on local environment and local highway network.

#### 28. Transport impact assessment

Prior to the occupation of any building within the Western or Eastern Neighbourhood (as relevant) details for the monitoring of the transport impacts of the development and Travel Plans required by condition 29 shall be submitted to and approved in writing by the local planning authority. Monitoring reports shall be submitted to the local planning authority in accordance with the approved details.

#### Reason

To ensure that the impacts of development are appropriately mitigated during the construction phase and on completion of the development.

#### 29. Travel Plans

Prior to commencement of any development on the application site, apart from Enabling Works or Earthworks, details of the Travel Plans for the development as a whole shall be submitted to and agreed in writing by the Local Planning Authority. The Travel Plans shall make provision for relevant surveys, review and monitoring mechanisms, targets, additional mitigation measures, timescales, phasing programme and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the approved details.

#### Reason

To ensure that the development traffic is within the predicted levels in transport assessment, to promote sustainable transport measures and maintain the free and safe flow of traffic.

#### 30. Flood Risk Assessment

The development hereby permitted shall only be carried out in accordance with the submitted Flood Risk Assessment (January 2013).

#### Reason

To ensure that the development does not increase flood risk in the area in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007 and the policies of the NPPF.

#### 31. Waste Management Plan

Prior to the commencement of each Development Parcel a Waste Management Plan based upon the Waste Strategy (January 2013) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Plan.

#### Reason

To promote the sustainable management of waste within the development

### 3/13/0075/OP – conditions

in accordance with the Waste Core Strategy and Development Management Policies Development Plan Document 2012 and the national policies in the NPPF.

#### 32. Bat roosts

No development within either the Western or Eastern Neighbourhoods (as relevant), including site clearance, the demolition of any buildings or earthworks, shall commence until a detailed mitigation plan for the protection of bats and their habitats has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved mitigation plan unless otherwise agreed in writing by the local planning authority.

#### Reason

To protect the habitats of bats which are a European protected species and in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007 and the policies of the NPPF.

#### Directives

1. Other Legislation (01OL1).
2. Highway Works (05FC).
3. Prior to commencement of relevant highway works the applicant shall promote and obtain all necessary permanent and temporary Traffic Regulation Orders. This is to ensure adequate safety measures are provided during construction and use of the development.
4. Planning Obligation (08PO).
5. Street Naming and Numbering (19SN).
6. Unsuspected contamination (33UC).

#### Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the Council's housing land supply is that permission should be granted.

**Interpretation Schedule**

- i) “Enabling Works” means (i) surveying, (ii) environmental and hazardous substance testing and sampling (including the making of trial boreholes, window sampling and test pits in connection with such testing and sampling), (iii) soil tests, (iv) pegging out, (v) tree protection, (vi) ecological survey and mitigation works, (vii) archaeological investigation and (viii) demolition and removal of buildings and other structures on the Site or similar related works.
- ii) “Earthworks” means the strategic land re-profiling, remediation works and principal foul and surface water drainage infrastructure works attenuation ponds, and strategic swale and ditch corridors associated with the Strategic Engineering Elements and Development Parcels.
- iii) “Strategic Engineering Element(s)” means the strategic public utility works, foul water pumping station, surface water pumping and rising main, noise attenuation barrier, primary roads and strategic swale and ditch corridors not covered by “Earthworks”.
- iv) Phase(s) means area of residential, commercial, community, green infrastructure and related infrastructure (including highways and drainage but excluding “Strategic Engineering Elements”) that is identified on the Phasing Plan submitted pursuant to condition 3.
- v) “Development Parcel(s)” means part of a phase of the development as shown on the EIA Parameters plan (Plan 2) (drawing no. 3515-P-17-D) as may be updated by the Phasing Plan submitted pursuant to condition 3.
- vi) “Western and Eastern Neighbourhood” – as shown on the EIA Parameters Plan 1 (Drawing No. 3515-P-02-S) contained within the Design and Access Statement (January 2013) and the Environmental Statement (January 2013).
- vii) Local Centre(s) – means the local centres within the Eastern and Western Neighbourhoods as shown on Drawing No. 3515-P-02-S.