
Appeal Decision

Inquiry held on 1,2,3,4 November 2016

Site visit made on 4 November 2016 and 10 November 2016

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 January 2017

Appeal Ref: APP/Q1445/W/16/3147419

Wanderdown Road, Ovingdean, East Sussex BN2 7AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Peter McDonnell against Brighton & Hove City Council.
 - The application Ref BH/2015/04273, is dated 25 November 2015.
 - The development proposed is the erection of 9 houses and access drive.
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Decision

1. The appeal is dismissed and planning permission for 9 houses and access drive is refused.

Application for costs

2. At the Inquiry an application for costs was made by Brighton and Hove City Council against Mr Peter McDonnell. This application will be the subject of a separate Decision.

Procedural Matters

3. The application seeks outline planning permission with access to be determined at this stage. Landscape, appearance, scale and layout are reserved matters to be considered in the future.
4. Although some of the application plans¹ show a layout, sections and elevations, the appellant has indicated that these are for illustrative purpose. As part of the appeal process a revised layout and sections were submitted which indicate dwellings which would be one storey with accommodation in the roof. These were also illustrative. I shall determine the appeal on this basis.
5. As part of the appeal process, the appellant submitted additional information including a Stage 1 Safety audit and revised and additional drawings relating to the visibility splays, embankment, long and cross sections, road levels and swept path analysis. At the Inquiry the Council confirmed that this information addressed previous concerns in relation to highway safety, subject to suitable conditions and s106 contributions. Local residents also indicated that they were aware of the revisions. Taking account of the nature of the changes to the drawings I consider that no-one with an interest in the appeal would be prejudiced by my taking these plans into account.

¹ PL-001 Rev B; PL-002 Rev B; PL-003 Rev C and PL-004 Rev A

6. The Council indicated that had it been in a position to determine the application it would have refused planning permission for the following putative reasons: (i) that landscape character and appearance of the site would be harmed and the information submitted does not demonstrate that the setting of South Downs National Park (SDNP) and the Ovingdean Conservation Area would not be harmed; (ii) significant harm to the Site of Nature Conservation Interest (SNCI); (iii) risk to highway safety; and (iv) a lack of affordable housing and infrastructure contributions.
7. At the Inquiry the appellant submitted a copy of a signed Agreement under section 106 (s106) of the Town and Country Planning Act 1990 (as amended) dated 1 November 2016 in relation to contributions towards local transport improvements and affordable housing. I return to this matter below.
8. Following the close of the Inquiry the appellant submitted an appeal decision for 67 Falmer Road, Rottingdean². This was in support of arguments already made and the parties commented further. No party would be prejudiced by my taking the decision into account in my consideration of this appeal.

Main Issues

9. Draft issues were circulated before the Inquiry. Based on all I have seen and heard the main issues are:
 - i) The effect of the proposed development on the landscape character of the area and visual impact, having regard to the setting of the SDNP and the Ovingdean Conservation Area;
 - ii) The effect of the proposed development on biodiversity and protected species;
 - iii) Whether the particular contribution sought in respect of affordable housing is necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development; and,
 - iv) Whether there is a five year supply of housing land.

Reasons

Setting of the SDNP and visual impact

10. The site is located on the edge of Ovingdean village. The site which is part of Longhill Ridge has woodland to the east and a shrub and tree line along the western boundary. There is a high bank and the access to the site on the north boundary. The majority of the southern part of the site is wooded or scrub. The site is slightly more elevated towards the south with the land rising gently from the north, although there is a flatter middle section which incorporates an open field and manège. Then the land falls again towards the south. Part of the site has been recently used for the keeping of horses, although this use has ceased. The stables are permanent structures but they can only be seen when within the middle part of the site.
11. The SDNP is to the north of the appeal site on the opposite side of Ovingdean Road. In terms of the wider landscape character the South Downs is noted for

² APP/Q1445/W/16/3142069

its general absence of woodland, open and exposed landscape, accessible downland tops and panoramic views. More local landscape characteristics of this part of the Downs include large fields, woodland in small blocks, open downland, large open skies and a tranquil character.

12. The appellant considers that the National Park in this area does not provide the breath-taking views seen elsewhere within the Park and, as an example refers to features such as the Seven Sisters. Breath-taking views are defined as one of the special qualities of the SDNP. However, all the land within the SDNP met the criteria for designation even with extensive post war development on the edge of the Park. There are viewpoints such as Mount Pleasant to the north of the appeal site which allow panoramic views of the Downs and coast. Whether these are breath-taking or not will be based on the experience of those seeing these views.
13. The Landscape and Visual Impact Assessment (LVIA) produced by the appellant acknowledges that the site is within the setting of the SDNP. The Council accept the basis for the assessment and I see no reason to disagree with the methodology. I accept that the location of the appeal site within the setting of the SDNP does not necessarily indicate that the site is formally recognised in landscape terms. Ovingdean Road is busy and the site is not in a highly tranquil location.
14. I accept that the open area of the appeal site is not large in comparison to the open downland in the surrounding area. Yet it is of sufficient size especially seen from the bridleway to the north, Mount Pleasant and from the area known as The Bostle to the northeast that it does appear contiguous with the wider sequence of hills and downs. The open field gives it an identity and rural character separate from the adjoining development. The wooded area also frames the site. Paddocks are a common rural feature within the SDNP. The site is not intensively used in this respect in any event.
15. At the more local level, the Ovingdean section of the Urban Characterisation Study 2009 identifies low rise and low density scale of development, single storey bungalows along the ridge to larger 2 to 3 storey buildings. I acknowledge that the characterisation study does not specifically refer to the appeal site. Although the site is located within the urban fringe, I consider the woodland and open field have a rural character. It is a significant feature in the local context and in considering its role in the setting of the SDNP.
16. The proposal would involve the erection of nine dwellings. The indicative layout shows that the houses would be positioned slightly below the ridgeline but within the middle of the site, with open space to the north and woodland to the south. I acknowledge that the ecology of the site has influenced the proposed location of the development on the site.
17. The lower lying parts of the bridleway to the north of the appeal site would only provide very limited visibility of the houses largely due to planting on the north side of Ovingdean Road. However, the appeal site is highly visible in views from a number of viewpoints within the SDNP. These are from the higher parts of the bridleway and from the trig point at Mount Pleasant which is on permissive access land. The site can also be seen from various points from the area close to The Bostle which is to the north east of Woodingdean.

18. The LVIA identifies moderate or substantial negative effects as a result of the development as seen from Mount Pleasant. These effects would be greater when trees are not in leaf. At least the first four or five houses would be visible from Mount Pleasant. Even with the housing cut into the ridgeline the houses would be a dominant feature from this position and also at distance from views within The Bostle area to the north east.
19. The position of the steep slope adjacent to the road restricts views from this position. However, there is limited screening on the north boundary which does not materially restrict views from the key viewpoints. The frame of the woodland would also serve to accentuate the form of built development and this would intrude into this view of the rural landscape. The proposed planting strip on the northern part of the development would take some time to mature. In any event, I consider this would not be sufficient to soften the effect of the houses even if they were to be single storey dwellings.
20. The eastern wooded section of the appeal site is lower down on the slope and I consider this would not provide screening particularly for the first few houses of the development on the north part of the site. This would be largely due to the overall prominence of the ridgeline and the height of the appeal site relative to these viewpoints. I also consider that the use of certain materials in the construction of the houses would not be sufficient to mitigate the effect of the houses.
21. Although I note that permissive access land can be temporary, there is no current indication that this would be withdrawn. The bridleway alongside Mount Pleasant does appear to be well used as does the access land which gives access to the trig point. There are very good links to the wider network of paths and bridleways and as a result, I consider that the change in the landscape would be noticeable to a significant number of people.
22. From Mount Pleasant, the houses on Wanderdown Road can be seen. I have carefully considered the degree to which Wanderdown Road compromises the landscape character of the appeal site. However, to my mind it doesn't especially, as the houses are a sufficient distance away from the more central open area of the site and there is a clear distinction between the characters of the two areas.
23. The site is between the modern development of Wanderdown Road to the west and The Vale to the east. I accept that it is generally when seen on a map where the wider site can be fully appreciated as separating Ovingdean and The Vale to the north. There is no formal 'gap' designation. Nevertheless, the appeal site does provide a noticeable visual break when walking along Ovingdean Road between the two areas of built development. Although the housing would be set away from the road frontage the scheme would physically reduce the size of this gap.
24. At a more local level, when seen from the pavement on Ovingdean Road I accept that the proposed houses would not be highly prominent as they would be set away from the main road frontage. However, the alterations to the access would result in a significant change in the street scene and it would have a more suburban appearance in contrast to the rural quality of this particular part of Ovingdean Road.

25. I conclude that there would be a significant adverse effect on the landscape character and the proposal would be harmful to the setting of the SDNP. There would also be a negative effect in terms of the immediate visual impact relating to the access road.
26. I accept that there are some views towards the appeal site in which the appeal scheme would have a very limited effect. This includes from Falmer Road to the east which is on land that is considerably lower than the appeal site. The wooded slope of the gardens of the properties along The Vale is dense enough that it would provide sufficient screening even in winter to soften the effect of the proposed development from views along this road. However, this is not sufficient reason to justify the appeal scheme.
27. I have had regard to the role of the Urban Fringe Assessment (UFA) in the consideration of the appeal site as a potential location for development. The Brighton and Hove City Plan Part 1 (City Plan Part 1) 2016, is supported by the 2014 UFA. Policies CP1 and SA4 of the City Plan Part 1 refer to the 2014 UFA as being a material consideration. This document was tested as part of the evidence base for the City Plan Part 1. The 2014 UFA indicated that some part of the site could come forward for housing development on the northern part on the site, for up to five houses.
28. In 2015 there was an update to the UFA to further inform the preparation of the City Plan Part 2 and I note that it is not referred to in the City Plan. In any event, the 2015 UFA indicates that the appeal site could accommodate housing albeit at a reduced amount and that this should be on the northern part of the site. There are no proposals associated with either UFA assessment. Without these it is not possible to ascertain the impact they would have on the landscape character of the area or ecology of the site in comparison to the appeal proposal.
29. I accept that the Inspector in the Land at Ovingdean Road appeal³ considered that the UFAs gave significant endorsement to the principle of residential development. However, I note that the City Plan Inspector's report⁴ indicates that decisions on whether individual sites should be developed will be made through the City Plan Part 2 or through the development management process. To my mind therefore, although the UFAs indicate there is potential for housing on this site as reflected in the supporting text of Policy SA4 of the City Plan Part 1, it does not necessarily firmly establish the principle of development, and particularly not at the scale here.
30. For the reasons given above, I conclude that the proposal would cause harm to landscape character including the setting of the South Downs National Park and that it would have a negative visual impact. It would be in conflict with Policies SA4, SA5 and CP12 (bullet 5) of the City Plan Part 1. Policy SA4 sets out the criteria for development proposals within the Urban Fringe coming forward in advance of the City Plan Part 2, which would bring forward site allocations. The policies amongst other things, seek new development within the setting of the National Park that must be consistent with and not prejudice National Park purposes and it must respect and not significantly harm the National Park and its setting. It would be contrary to the National Planning Policy Framework

³ APP/Q1445/W/15/3130514

⁴ Report on the Examination Into the Brighton and Hove City Plan February 2016 (EIP Report)

(the Framework) where it relates to conserving and enhancing the natural environment.

Ovingdean Conservation Area

31. Further to the southwest of the appeal site is the Ovingdean Conservation Area. The Conservation Area includes a number of listed buildings such as the Church and Ovingdean Hall and Grange. It is mainly confined to the lower valley slopes and floor. It has a variety of building styles and has a strong rural character. Important views from the Church and Cattle Hill are referred to in the Ovingdean Conservation Area Character Statement. Due to its position on the highest part of the ridge above the village, I consider the appeal site does form part of the wider setting of the Conservation Area.
32. From Cattle Hill there are views towards the appeal site. An illustrative section provided as part of the appeal⁵ indicates that it may be possible to construct single storey dwellings with accommodation in the roof, which may not breach the tree line. However, I cannot be certain that this would be the case as the height of the tree line does vary somewhat and the illustration is not based on a survey of the tree heights. That said, taking account of the distance of the appeal site from the Conservation Area and the rows of intervening modern houses, I consider that the proposal would not have a harmful effect on the setting of the Conservation Area.

Ecology and biodiversity

33. The majority of the appeal site is within the Wanderdown Site of Nature Conservation Interest (SNCI). The site is designated for its ancient chalk grassland and chalk scrub and the species they support. When the site was designated in 1995, the species included round-headed rampion, autumn gentian, kidney vetch and Marbled White butterfly.
34. Round-headed Rampion which is nationally scarce and Catmint which is rare in the County have been found on the site. One marbled white butterfly was noted and the cinnabar moth has also been found to be present. There is also an active badger sett within the appeal site and there is evidence of foraging which indicated the continuing presence of badgers. The steep bank which runs along the front of the site is outside of the SNCI but it has been identified as having a more diverse range of plants representative of the chalk grassland species than within the SNCI.
35. The Council acknowledge the site's designation would be considered to be a local site in the hierarchy of wildlife sites as set out in paragraph 113 of the Framework. This refers to protection being commensurate with status and giving appropriate weight to a site's importance and contribution that they make to wider ecological networks. The Council considers that the site retains sufficient interest to retain the SNCI designation. Although originally indicating they would do so, the appellant does not now seek to challenge the designation.
36. As part of the appeal proposal, the appellant submitted a final ecological assessment and badger survey⁶. The Council refers to a number of concerns about the ecological surveys of the site undertaken by the appellant. They

⁵ PRV3

⁶ Inquiry documents 15 and 16

consider this may have resulted in the appellant underestimating the quality of the appeal site in terms of its ecological importance. A number of residents raised concerns in relation to a partial clearance of the site on the ecology and biodiversity of the site and whether this has affected the results of the appellant's surveys. Nevertheless, I must deal with the circumstances before me.

37. The ecological assessment includes a number of recommendations which would include retention and enhancement of the northern end of the site subject to an agreed management plan. It is proposed to further improve the ecological features of the bank at the front of the site once changes to accommodate the access road have been implemented. Woodland and scrub outside of the appeal site would be managed on a non-intervention and light touch basis. The badger sett would be protected during the construction phase. The stables, some hard standing and the manege currently occupy some of the SNCI and do not exhibit the characteristics of the grassland or scrub. These would be removed as part of the proposal.
38. In respect of the effect on badgers, I accept that there would be some loss of foraging habitat. However, there was no evidence to demonstrate that this would have a negative effect on the presence of the species on the site and that badgers used this site exclusively without travelling elsewhere. Foraging habitat would be retained within the rest of the SNCI.
39. The common lizards found on the site would need to be relocated. There is the potential for predation of lizards by cats, although there are residential areas close to the appeal site and it seems to me that the likelihood of a significant increase in cat predation is low. There are also proposals for the translocation of lizards, reducing potential cat predation, bat boxes to help increase bat activity and to ensure that external lighting would not cause harm to bats. These are all matters that could be secured by suitable conditions were other matters acceptable.
40. Part of the SNCI is subject to a Management Plan which was put in place when planning permission was granted for the stable and manege. Horses do not graze the open part of the site any longer and the site is mown instead. The Council considers that agreement could be reached with the landowner to ensure that the Management Plan is implemented correctly. The appellant argues that the Management Plan is not enforceable. I consider that it is not certain that the Council could ensure the future management of the site in this manner and is a factor to be weighed in the balance.
41. Nevertheless, the proposal would result in a loss of around a quarter of the designated SNCI including some of the semi-improved chalk grassland. There would also be some temporary loss of chalk grassland during the construction of the access and re-grading of the bank. I have given careful consideration to the survey of the habitat and the arguments made in respect of identification of grassland species and other matters. I conclude that the loss of the land to development would have a minor adverse effect on the interest of the SNCI. However, when taking into account the level of harm caused by the loss of part of the SNCI, I consider that the mitigation and proposals for future management would result in an overall neutral effect on the ecology and biodiversity of the site.

42. For the reasons given above, I conclude that the proposal would not be in conflict with Saved Policies QD18 and NC4 of the Brighton and Hove Local Plan (LP) 2005. These amongst other things indicate that planning permission will not be granted within an SNCI except in certain circumstances including where a proposal can be subject to conditions and which requires measures to avoid any harmful impact of a proposed development on species and their habitats and that where practicable developers will be expected to enhance the habitat of the respective species. It would not be contrary to paragraph 118 of the Framework which sets out that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.

Affordable Housing

43. The s106 agreement makes provision for an affordable housing contribution. Policy CP20 of the City Plan Part 1 requires an affordable housing contribution from all types of residential development where the net gain is over 5 units. A sliding scale is applied which means that a contribution of 20% will be sought from sites between 5 to 9 units.
44. Following a Court of Appeal decision in May 2016, Government policy as set out in the Written Ministerial Statement (WMS) of 28 November 2014 in relation to planning obligations and affordable housing is that for 10 units or less and which have a maximum combined gross floor space of no more than 1000 sq. metres no affordable housing or tariff style contributions should be sought. This is a material consideration of considerable importance and weight. There is conflict between the national threshold relating to the provision of affordable housing in the WMS and paragraph 31 of the Planning Practice Guidance (the Guidance) and the local thresholds set out in Policy CP20.
45. The Council refer to over 24,000 households on the housing register with a large number of these in priority need. High house prices, average costs of housing and household incomes and a physically constrained location are referred to in the evidence presented by the Council. I note that small sites make up 50% of all completions within the City. These details were not challenged by the appellant.
46. Policy CP20 was supported by a viability assessment and the policy allows for site specific circumstances to be taken into account. On the basis of the evidence before me, I consider that the WMS does not outweigh the development plan in this instance. I have also had regard to the fact that the appellant does not indicate that the contribution would have a negative effect on the viability of the proposed scheme. Therefore, I conclude that the contribution is necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development. It would meet the tests at paragraph 204 of the Framework.

Five year supply

Base date

47. Paragraph 47 of the Framework indicates that local planning authorities should identify and update annually a supply of deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.

48. The appellant considers that the Council are unable to demonstrate a five year supply of housing land as the five year supply is not up to date. The Council's published 5 year housing land supply covers the period 1 April 2015 to 31 March 2020 and is based on data published in July 2016. The base date of this information is 1 April 2015. The Council calculate that there is a 5.4 years supply of housing against the housing requirement set out in the City Plan Part 1.
49. The Framework does not specifically refer to a forward looking period. The Guidance confirms that local planning authorities should ensure they carry out their annual assessment in a robust and timely fashion, based on up to date and sound evidence. The Council indicate housing completion information is available for the period 2015/2016 but that other data such as commitments and sites from the most recent call for sites is not. As a result it would not be possible to calculate a five year supply for the period 2016 to 2021.
50. As a general rule, I accept the appellant's submission that a more recent base date is to be preferred. The Council's approach does not relate to a forward looking five year period. However, the appellant proposed using the Strategic Housing Land Availability Assessment (SHLAA) on a pro-rata basis as an alternative to the Council's approach to provide an assessment of the supply for 2016 to 2021. This does not take account of capacity on a site by site basis and to my mind does not amount to a satisfactory alternative for calculating the supply.
51. The Council's information does relate to a five year period and follows on from the period referred to in the City Plan which was adopted very recently. Furthermore, the data that the Council have provided appears to be comprehensive and anything else would be conjecture. Therefore I conclude that the Council's use of the 2015 to 2020 period is appropriate in this instance.

Buffer and deliverability of sites

52. The Council's housing requirement follows a phased approach and was agreed as being appropriate by the City Plan Inspector. The appellant refers to a buffer of 20% being applied although did not present any evidence in this regard. The Council refer to the past 15 years which takes account of the most recent poor market conditions. The Council under-delivered in 8 years but over-delivered in 7 years. The recent periods of under-delivery appear to coincide with subdued housing markets. I see no reason to depart with the conclusions set out in the EiP Report which indicated that an appropriate buffer is 5%.
53. In terms of site deliverability, the Council's witness refers to data taken from the 2015 SHLAA. Although the appellant raises questions about the assumptions that are made about sites and percentages, the SHLAA itself was not challenged by the appellant. I accept that the appellant raised concerns about the deliverability of Toad Hall Valley (site DA7). However, no evidence was presented in this regard.
54. In terms of the appeal decision for 67 Falmer Road, Rottingdean, the Inspector refers to the Council being unable to demonstrate a five year supply of housing land. I have not been provided with the details of the matters that were before that Inspector in respect of the five year supply. In any event, I have

considered the proposal before me on the specific circumstances and evidence provided by the parties.

55. Based on the evidence before me, I am satisfied that the Council can demonstrate a five years supply of housing land for the purposes of this appeal. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also sets out that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of housing land. However, given that I have found that the Council can demonstrate a five year supply of housing land, paragraph 49 is not engaged in terms of the policies being out of date.

Other matters

56. As well as affordable housing, the s106 agreement also makes provision for a contribution towards local transport improvements. I have considered this in the light of the statutory tests contained in Regulation 122 and 123 of the Community Infrastructure Levy Regulations (CIL) 2010. This would be for bus stop improvements and crossing improvements. Residents consider that the bus stop improvements may be limited in the effectiveness and that local residents may not necessarily use them. Nevertheless, they would also offer potential benefits for visitors without access to a car and those who would choose to use the bus service. The Council confirmed there have been no other contributions made to these facilities. The s106 agreement would meet the relevant tests and I have taken it into account in coming to my decision.
57. Local residents raise concerns relating to highway safety. This includes concerns about horse riders accessing the bridleway opposite the appeal site and potential accidents at the brow of the hill on Ovingdean Road close to the appeal site. Residents also refer to the road being used as a rat run for local traffic. However, the Council and the Highway Authority no longer object to the scheme subject to suitable conditions. Based on observations on my site visit and the evidence before me, I see no reason to disagree with their conclusions this matter.

Conclusion and balance

58. The Framework indicates that there is need to boost the supply of housing. The City Plan Part 1 sets a minimum housing requirement which is considerably below that of the full objectively assessed housing need of the area. However, this was considered acceptable to the City Plan Inspector subject to progress being made on the City Plan Part 2 amongst other things. I have found that the Council is able to demonstrate a five year supply of housing land, which is a significant consideration in this appeal. Paragraph 14 of the Framework is not engaged and the relevant policies of the City Plan Part 1 and the LP are not out of date.
59. The proposed development would have some benefits. The proposal would make a contribution towards market housing and the affordable housing contributions weighs in favour of the appeal scheme. I have also found that the scheme would not cause harm to the setting of the Ovingdean Conservation Area, ecology and biodiversity or highway safety. However, these matters do not outweigh the harm to the landscape character and setting of the South Downs National Park and the negative visual impact.

60. I have had regard to all other matters raised, but have found nothing to alter my conclusion that the appeal should be dismissed.

L Gibbons

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Hilary Woodward, Senior Planning Solicitor, Brighton and Hove City Council

She called:

Dr K Cole	East Sussex County Council
Jonathan Puplett	Brighton and Hove City Council
Virginia Pullan	East Sussex County Council
Tim Jeffries	Brighton and Hove City Council
Roland Brass	GL Hearn Ltd

FOR THE APPELLANT:

Jonathan Clay, Barrister, instructed by Martin Carpenter, Enplan

He called:

Simon Colenutt	ECOSA Ltd
Phillip Russell-Vick	Enplan
Martin Carpenter	Enplan

INTERESTED PERSONS:

J Craddock	Ovingdean Residents and Preservation Society
A Gilbert	Local resident
Cllr M Mears	Brighton and Hove City Council
J Richards	Local resident
M Richardson	Local resident
R Smith	Chair, Ovingdean Residents and Preservation Society
B Thompson	Local resident
J Wright	Local resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Appeal notification letter circulation list
- 2 Statement of Common Ground dated 21 October 2016
- 3 Tree Preservation Order (No 2) Land at Badgers Walk and Long Hill, Ovingdean - Map
- 4 R Smith statement on behalf of Ovingdean Residents and Preservation Society
- 5 Map and missing pages (63-82 and A2) from the Integrated Landscape Character Assessment (Updated) Final report 2005
- 6 S106 agreement dated 1 November 2016
- 7 Council registration list – Planning (Listed Buildings and Conservation Areas) Act and Regulations 1990 – for applications 8 January 2016
- 8 J Craddock statement and photographs
- 9 S Colenutt Proof of Evidence document reference sheet
- 10 Colenutt A Lizard Landscape Preliminary Ecological Appraisal December 2014

- 11 Colenutt B ECOSA Walkover Assessment January 2015
- 12 Colenutt C Draft ECOSA updated Ecological Assessment September 2016
- 13 Colenutt D Draft ECOSA Confidential Badger Report September 2016
- 14 Colenutt E Letter from Dr K Cole 25 September 2016
- 15 Colenutt F Final ECOSA updated Ecological Assessment October 2016
- 16 Colenutt G Final ECOSA updated Confidential Badger Report October 2016
- 17 Bat Conservation Trust, Chapter 8 Bat Activity and Back-tracking Surveys 2016
- 18 Bat Conservation Trust, Bat Activity Surveys 2012
- 19 Opening submissions on behalf of the Appellant by J Clay
- 20 Opening statement on behalf of the Council by H Woodward
- 21 ECOSA Ltd Summary Proof of Evidence by S Colenutt
- 22 Evaluating Local Mitigation/Translocation Programmes: Maintaining Best Practice and Lawful Standards
- 23 Brighton and Hove Independent 21 August 2015 Public Notice
- 24 Copy for advert dated dated 11 January 2016
- 25 Officer report for BH2011/03586
- 26 Decision notice for BH2011/03586
- 27 Planning (Listed Buildings and Conservation Areas) Act 1990 Chapter 9, Part 1, Chapter IV, section 67
- 28 Planning (Listed Buildings and Conservation Areas) Act 1990 Chapter 9, Part 2, section 72
- 29 Planning (Listed Buildings and Conservation Areas) Act 1990 Chapter 9, Part 1, Chapter IV, section 66
- 30 Suggested conditions of the Council
- 31 Drawing 02-591-000 Post positions for site visit
- 32 A Gilbert – Wildlife Corridor Speech
- 33 N Smith – Statement on planning application BH2016/05530
- 34 N Smith information on SAFE (St Aubyns Field Evergreen)
- 35 M Mears statement
- 36 Closing statement Ovingdean Residents and Preservation Society
- 37 Drawing 02-591-004 proposed site calculations
- 38 Draft conditions – Appellant condition/comment
- 39 Summary Proof of Evidence by M Carpenter
- 40 Inquiry notification letter
- 41 Closing submissions on behalf of the Council by H Woodward
- 42 Closing submissions on behalf of the Appellant by J Clay
- 43 Application for costs by the Council

DOCUMENTS SUBMITTED AFTER THE INQUIRY

- 44 Appeal Decision APP/Q1445/W/16/3142069