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## Appeal Decision

Hearing held on 11 March 2025

Site visits made on 10 and 11 March 2025

**by Graham Chamberlain BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 April 2025

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**Appeal Ref: APP/C3810/W/24/3349836**

**Land East of Wandleys Lane, Fontwell, West Sussex**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Welbeck Strategic Land II LLP against the decision of Arun District Council.
  - The application Ref is WA/35/23/OUT.
  - The development proposed is described as 'outline planning application for up to 95 dwellings (including 30% affordable), with all matters reserved apart from access'.
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### Decision

1. The appeal is allowed, and outline planning permission is granted for up to 95 dwellings (including 30% affordable) with all matters reserved apart from access, at Land East of Wandleys Lane, Fontwell, West Sussex in accordance with the terms of the application, Ref WA/35/23/OUT, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration save for access into the site. I have assessed the proposal on this basis and have otherwise treated the drawings as simply being an illustration of how the proposal could ultimately be configured. The late evidence listed at the end of this decision was brief and capable of being addressed by those at the hearing. As such, I accepted the evidence and have considered it in reaching my decision. The National Planning Policy Framework (the 'Framework') was revised after the appeal was submitted. The Council and appellant provided further comments on this, which I have considered in reaching my findings.

### Background and Main Issues

3. The Council refused the planning application for four reasons. In response to the second reason for refusal, a planning obligation in the form of a counterpart legal agreement has been submitted pursuant to Section 106 of the Town and Country Planning Act 1990. This makes provision for affordable housing and education transport. Both the Council and West Sussex County Council are content with its terms and party to the agreement. On this basis, the Council has understandably confirmed that it does not wish to pursue its second reason for refusal.
4. Further discussions between the appellant, Council and National Highways have taken place since the application was refused. Common ground has been reached between these parties that the proposal would not have an adverse impact on the

strategic road network. The reasons for this are set out in a Highways Statement of Common Ground between the appellant's Highway Engineers and National Highways. Accordingly, the Council confirmed that it did not wish to pursue its third reason for refusal. I have no substantive reason to conclude contrary to this expert opinion. Indeed, it is clear from correspondence that National Highways undertook a protracted and robust assessment which required the submission of additional evidence by the appellant.

5. Further survey work has taken place in respect of T35 and T36, both being Ash trees subject to a Tree Preservation Order (TPO). These additional investigations concluded that the trees have Ash Dieback. This will result in a marked deterioration in their physical condition over time. Furthermore, the trees are suffering areas of decay which is having an impact on the structural stability of some branches. The appellant's arboriculturist is therefore recommending a 30% reduction in the crowns of both trees regardless of the outcome of the appeal.
6. Expert evidence to the contrary is not before me and the Council does not dispute these findings in any event. Consequently, it has no objection to the removal of T35 and T36. During the hearing, the Council also confirmed that the loss of G16, the only other Category B trees which would be affected by the proposed access, would be outweighed by the benefits of the scheme. On this basis, the Council confirmed that it no longer wished to pursue its fourth reason for refusal because a conflict with Policy ENV DM4 of the Arun Local Plan would not occur. On the balance of the evidence before me they were right to do so.
7. Considering the foregoing, the main issues in this appeal are:
  - Whether the appeal site is a suitable location for the proposed development with reference to the spatial strategy in the development plan; and
  - The effect of the proposed development on the character and appearance of the area.

## Reasons

### ***The suitability of the location with reference to the spatial strategy***

8. The Walberton Neighbourhood Development Plan (NP) sets out several key aims, including prioritising the use of brownfield sites for housing, avoiding large development sites in the countryside and dispersing new housing on several small sites to avoid urbanising the villages. To this end, Policy HP1 of the NP states that proposals for development within the Built-Up Area Boundaries (BUAB) of Walberton and Fontwell will be supported, as will proposals outside the BUAB where they accord with the countryside policies of the Arun Local Plan (LP). This approach echoes that in Policy SD SP2 of the LP.
9. Policy C SP1 of the LP is concerned with development outside BUABs and states that land defined as countryside, such as the appeal site, will be recognised for its intrinsic character and beauty. The policy goes on to explain that certain listed types of development in the countryside will be permitted, such as where it is for agriculture or informal recreation. The corollary of this is that types of development not listed would be contrary to Policy C SP1.
10. Being a proposal for up to 95 homes in the countryside, the appeal scheme would not be within a BUAB and would not be any of the types of development listed in

Policy C SP1. It would therefore be at odds with Policies SD SP2 and C SP1<sup>1</sup>, and the broad strategic approach in Policy SD SP1a to focus development on the major towns whilst maintaining the countryside setting of villages. As a result, the proposal would be at odds with Policy HP1 of the NP because it would not be in accordance with the countryside policies of the LP.

11. Accordingly, the appeal site is not a suitable location for the appeal scheme when applying the spatial strategy in the development plan. Indeed, being a large development on a greenfield site, the proposal would seriously undermine the aims of Policy HP1 and the spatial strategy more widely. This would be harmful given the public interest in having a planning system that provides consistency and direction on account of being genuinely plan led.

### ***The effect on the character and appearance of the area***

#### ***Baseline conditions of the site and its context***

12. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA) as a means of methodically assessing the effects of the proposal on the character and visual amenity of the area. The Council does not take issue with the methodology in the LVIA and therefore I have used it to guide my assessment.
13. The first step is to consider the baseline character of the area. This is informed by the condition and intactness of the landscape and the extent to which it is representative of the key characteristics of the relevant landscape character area (LCA). Generally, an area will have a higher degree of character if it exhibits greater intactness and is more reflective of the positive key characteristics of the LCA. However, it is important to note that few if any parcels of land would have all the key characteristics of an LCA.
14. Historic mapping<sup>2</sup> demonstrates that around 100 years ago the area around Fontwell was deeply rural with small fields, woodland and hedges being predominant features. This has been significantly eroded over time by infilling, road infrastructure and estate development. Indeed, the villages of Walberton, Fontwell, Eastergate and Barnham are broadly contiguous. Nevertheless, the underlying rural character is still evident. The district landscape character assessment<sup>3</sup> places the appeal site and its environs in Landscape Character Area 16 (LCA 16) where ancient woodland, mature trees, undulating pasture, winding hedged lanes and leafy settlements are positive key characteristics.
15. The appeal site is a pastoral field that is flanked by ancient woodland and a chalk stream to the immediate south and the 'leafy' West Walberton Lane to the north. To the west is Wandleys Lane, which is a narrow route flanked by mature trees and defined in the NP as a biodiversity corridor. The area therefore has many of the positive key characteristics of LCA 16. That said, there are also the significant detracting influence of the suburban fringe of Fontwell, most notably Fontwell Meadows. Wandleys Lane has also seen extensive infilling and a deterioration in the extent and quality of the roadside hedges. Accordingly, the appeal site and its surroundings are of moderate character and condition, as there is a recognisable pattern of a once deeply rural landscape that over time has increasingly seen the

<sup>1</sup> The Council confirmed at the hearing that Policy SD SP1 was included in the first reasons for refusal in error, as there would be no direct conflict. The Council were correct to make this concession given the terms of the policy.

<sup>2</sup> See the Built Heritage Statement, November 2022 by RPS Group

<sup>3</sup> There is overlap with the county assessment 'A Strategy for the West Sussex Landscape'

insertion of incongruous and detracting suburban elements. Because of this, the area has a medium susceptibility (or ability/capacity) for change.

16. A list of landscape attributes published by the Landscape Institute<sup>4</sup> can be used to frame an assessment of the value of the local landscape. Given the presence of ancient woodland, a chalk stream and biodiversity corridors, the area is of high natural heritage value. Indeed, the biodiversity surveys demonstrate the locality's functional importance for dormice, slow worm and bats. Wandleys Lane is also a pleasant route for walking, cycling and horse riding, and this imparts some moderate recreational value. Views along Wandleys Lane or across the appeal site towards mature trees or ancient woodland are also of scenic value.
17. That said, several of the properties in Fontwell Meadow incongruously back onto the lane. For example, there is a property broadly opposite the proposed site access which is positioned close to the lane and presents an unrelieved brick flank to the public realm. This is symptomatic of some of the insensitive alterations that have recently occurred in Wandleys Lane resulting in its rural character becoming more semi-rural or even suburban. There is also a proliferation of fencing and disjointed infilling along much of the road. As such, the scenic quality of the area, as principally experienced from Wandleys Lane, is of moderate value.
18. There are few listed buildings or archaeological sites nearby and the deeply rural pattern of the landscape has been considerably eroded. There is no substantive evidence before me that the area is associated with any notable events or people. As a result, there is limited cultural value. Similarly, noise from the A24 and A29, and the presence of the settlement fringe of Fontwell, means the area is not especially wild or tranquil. Overall, the attributes of the appeal site and its immediate environs are such that it is of moderate value. This is principally on account of the local natural heritage value.
19. In this respect my findings depart from those of the LVIA, which concluded in Table 1 that both LCA 16 and the site were of low value. However, by narrowly assessing the value of the site in isolation, important contextual features such as the ancient woodland were omitted. Alternatively, the LCA is too big an area and therefore features of local value get diluted. Instead, the judgments in respect of value should have focussed on the site and its context as the study area. The significance of this becomes apparent when applying the methodology in the LVIA. This is because the medium susceptibility to change and the moderate landscape value in combination result in the site and its immediate context having moderate, rather than low, sensitivity to change.
20. The baseline for considering the visual impact of the scheme is focussed on a zone of visual influence (ZoVI) and representative viewpoints. The Council are content that both the ZoVI, and the viewpoints within, have been correctly identified. This demonstrates that the visual envelope of the appeal scheme would be a modest geographical area. The ZoVI would be much smaller if only public vantage points were included. This demonstrates that the existing tree and woodland cover, taken with existing buildings along West Walberton Lane and Wandleys Lane, provide a high degree of screening and containment from public views. The appeal site is, however, very visible from several neighbouring residential properties. Each view

<sup>4</sup> *Assessing Landscape Value Outside National Designations*, Landscape Institute

has been analysed to ascertain its susceptibility to change as well as its value and sensitivity. Again, the Council take no issue with this analysis or the findings.

*The effects of the proposal*

21. The construction of 95 homes and estate roads with the associated activity and lighting would be an inherently urbanising intrusion into this rural field resulting in a high magnitude of change to the appeal site. There is no dispute between the Council and appellant that this would have a substantial negative impact on the field's landscape character. Similarly, the Council and appellant seem to agree that there would be a minor adverse impact on the wider landscape character of LCA 16 taken as a whole.
22. However, and as already explained, I share the view of the Council that the assessment of effects should focus on the site and its immediate context rather than the site and its wider context. Outside the appeal site, the impacts on character would be most apparent in Wandleys Lane, as the semi-rural feel of this thoroughfare would be urbanised by the presence of a large housing estate. In addition, the proposed access would breach the boundary hedge and thus interrupt the continuity of planting along the lane. Indeed, a Category B tree group (G16) would need to be removed. In addition, a pavement could be provided along Wandleys Lane as well as white line markings. These features would negatively suburbanise Wandleys Lane. The development would also result in an increase in traffic along the lane, adding perhaps 1 movement every minute in the peak hours. This activity, taken with the localised road widening required to allow vehicles to pass, would be a further erosion of the semi-rural character of the lane.
23. However, the appeal scheme would read as a continuation of the Fontwell Meadows development. This scheme already has a notable and inescapable presence and influence on the local context given the proximity of housing to the lane and lack of extensive new boundary planting. Indeed, the proposal would read as a logical expansion of the settlement, especially so when considering the enclosing effect of existing development along West Walberton Lane. The ancient woodland also provides a natural defensible boundary to the south which would be enhanced by the provision of further buffer planting and a public opens space. As such, there would be no coalescence with other settlements.,
24. The density of the proposal would not reflect that in West Walberton Lane or Wandleys Lane, but it would be reasonably low for a modern estate and not out of place relative to Fontwell Meadows. Indeed, the proposed density would be a reasonable trade-off between making an efficient use of land whilst responding to the semi-rural settlement edge character of the area.
25. The indicative layout also outlines how the scheme could be designed in a sensitive way. In particular, the site entrance could be flanked by a community orchard and woodland buffer planting. Trees could also be planted so that, in time, the canopy matures to breach the gap caused by the access. The houses nearest the lane could also face the public realm and be set back some way behind this new planting, so the sense of a green corridor is broadly retained. Internally, the development could also be leafy with hedging used to define front gardens and streets lined with trees. Over time, the development need not be a stark urbanisation and could soften to reflect the verdancy of West Walberton Lane.



26. It is also important to note that the road safety audit recommended the removal of the white lines on safety grounds. Moreover, and for reasons I go into, the necessity of the pavement has not been made out. Accordingly, there is no need to provide these harmful features. However, even if the pavement is provided then the evidence before me demonstrates it can be constructed without harming the longevity of trees along Wandleys Lane.
27. In the round, the magnitude of change to landscape character would be high for the site, dropping to medium for its immediate context and low beyond this. Given the moderate sensitivity of the site and its immediate context, the overall significance of effect would be somewhere between moderate and substantial at day 1, dropping to moderate at Year 15 if the extensive and well considered landscaping shown on the indicative layout is provided alongside a sensitive design. It is reasonable to consider the effects over a 15-year period given the likely lifetime of the development and the time it will take for the landscape mitigation to take hold.
28. In visual terms there would be a substantial negative effect on private views from adjoining properties in Wandleys Lane and West Walberton Road. However, this effect would soften in time as the buffer landscaping matures. Moreover, the indicative layout demonstrates that the new homes can be orientated to face the site boundaries thereby providing scope for attractive facades to be presented to existing neighbours softened by planting in front gardens. Moreover, the fencing and paraphernalia in rear gardens would be less prominent. In addition, the houses could (and should in my view) be no greater than two storeys in height to further reduce the visual impact. Therefore, the views from neighbouring properties need not be dominated by large or unattractive buildings. Thus, the initial raw and substantial significance of effect would fall to a moderate.
29. Public views from West Walberton Road would be broadly unaffected by the scheme given the distance, very dense planting and position of existing buildings. Thus, the main public views of the proposal would be from Wandleys Lane albeit a limited section of this route. Initially, there would be a high magnitude of change looking into the site along the proposed access and through gaps in the hedge. However, this would soften significantly over time if the areas of landscaping shown on the indicative layout are provided. As a result, by Year 15 the magnitude of the visual impact from the effected section of Wandleys Lane would drop from high to medium with a corresponding drop in the significance of the effect from substantial to moderate. The effect would also be experienced in the context of the Fontwell Meadows development across the lane.

### *Overall conclusions*

30. Beyond the immediate context of the site, broadly defined by West Walberton Lane, Wandleys Lane and the Ancient Woodland, there would be little impact on either landscape character or visual amenity. This strongly illustrates the localised and contained nature of the impact. That said, the initial impact of the appeal scheme on the site and its immediate context would be substantial adverse. Over time, this could fall to a moderate adverse impact if the extent of landscaping proposed on the indicative layout is provided alongside a sensitive design.
31. Accordingly, the proposal would result in harm to the character and appearance of the area, albeit not a high level. It would therefore be at odds with Policies C SP1, D DM1, LAN DM1 and SD SP1a of the LP, which seek to secure development that

recognises the intrinsic character and beauty of the countryside, maintains the open countryside setting of villages and reflects the character of a site and its surroundings. The proposal would also be at odds with Policy VE3 of the NP, which seeks to resist the loss of trees and hedgerows of amenity value.

### **Other Matters**

32. Several interested parties have raised concerns that the appeal scheme would harm highway safety and would result in congestion. I have already explained that a substantial body of evidence has been supplied to demonstrate to the satisfaction of National Highways an acceptable impact on the strategic road network. In a similar vein, the Local Highway Authority (LHA) have also reviewed the submissions, including the Transport Assessment (TA) and the TRICS data therein, and have concluded that the site access would operate safely and the movements arising from the scheme could be absorbed without severely impacting the highway network. This is an independent expert view to which I afford significant weight.
33. The TA has provided tracking to demonstrate that two cars can pass, although it is likely that passing places would need to be used if an HGV were to meet a car. This may be a likely occurrence during construction but less so during occupation. The temporary nature of the construction impacts and the ability to mitigate them through a condition are sufficient to ensure there would be no harm. The submissions also demonstrate that the site access would have adequate visibility. Accordingly, there is no substantive reason to depart from the conclusions of both the appellant's TA and the LHA.
34. The Flood Risk Assessment submitted by the appellant confirms that the appeal site is at a low risk of flooding from rivers and surface water. However, it also indicates that the site is at a medium risk from ground water and sewer flooding. The Council and appellant have confirmed that following ground water monitoring it can be concluded the site is at a low risk of ground water flooding. In addition, a condition can be imposed to prevent occupation of the scheme until any necessary upgrade to sewerage infrastructure is undertaken. This would ensure there is capacity for the foul water flows from the development and thus a low risk of flooding. Furthermore, another condition can be imposed to require details of the scheme's foul sewerage design with the aim of minimising surface water ingress. It is of note that the Lead Local Flood Authority did not object to the scheme after a robust assessment.
35. The appeal scheme would be located, and can be designed, to minimise adverse visual impacts on views out of the South Downs National Park. Indeed, the National Park Authority have not objected subject to a sensitive lighting scheme, which can be secured by condition. For reasons I go into, there would be no harm to the important bat colony within the National Park and therefore its setting, by virtue of functional links, would not be adversely affected in this regard.
36. The appeal site is not located within walking distance of a primary school and the Number 500 bus service is regular but not currently permanent. However, there is a shop, public house, community hall, fast food restaurant and public open spaces nearby. These could all be accessed easily through the Fontwell Meadows development or via West Walberton Lane. The site is also within a short cycle ride or drive from a rail station. It would also be possible to walk to Eastergate where there is a secondary school and other facilities. The walk would be longer than the

800m recommended in the National Design Guide or the preferred maximum of 1,200m in *Providing Journeys on Foot*. However, it is not an entirely unrealistic option or the only one available for reaching services and facilities.

37. It is also important to note that the appeal site adjoins Fontwell Meadows, which was an allocation of 400 homes that was judged a 'sustainable location' at the time it was approved. An inconsistency would arise if I found the locality to be unsustainable for up to 95 homes. Overall, there would be no conflict with Policies GA5 of the NP or T SP1 of the LP.
38. The appeal site adjoins ancient woodland, which is a highly fragile ecosystem and irreplaceable habitat influenced by surrounding land use. To this end, the indicative layout demonstrates that a minimum 15m buffer can be provided to protect the trees. Indeed, the buffer would be planted to prevent access and trampling, and no gardens need adjoin the woodland. As a result, garden clippings would not be deposited with the risk of invasive species taking root. In addition, and after discussions at the hearing, it was confirmed that a drainage scheme could be devised to ensure the hydrological conditions of the woodland are not harmed. Neither Natural England nor the Council's Ecological Advisors or Arboricultural Officer have objected to the scheme on account of a loss or deterioration of the ancient woodland. I afford these expert views significant weight.
39. Similarly, the appellant has advanced a mitigation and enhancement strategy for dormice, which is a European Protected Species (EPS). Natural England were consulted and did not give any indication they would withhold the grant of an EPS licence. Based on the submissions before me, including the evidence of expert ecologists, I am satisfied there is a reasonable prospect that a licence would likely be granted. This matter can therefore be addressed through the imposition of a planning condition. The scheme can also make provision, through a buffer, to protect species rich hedgerow, which is a Habitat of Principal Importance.
40. The appellant has confirmed that mineral extraction would be unviable on account of the small size of the site and the proximity of neighbouring residents. I also consider the overriding need for the development outweighs the safeguarding of minerals in this case. Accordingly, there would be no conflict with Policy M9 of the West Sussex Joint Minerals Local Plan. The proposal would result in a modest loss of Grade 3b agricultural land, but this would also be outweighed by the benefits of the scheme. Accordingly, there would be no conflict with Policy SO DM1 of the LP or Paragraph 187(b) of the Framework. Reference was made at the hearing to another application relating to a site in Wandleys Lane for a Permission in Principle. However, this related to a much smaller scheme with considerably fewer benefits. It is therefore of limited relevance. The Council operates a Community Infrastructure Levy so there would be a mechanism to address any issues with local infrastructure through this process.

### **Conditions and Planning Obligation**

41. The Council and appellant agree that many of the appeal scheme's impacts can be entirely mitigated by the imposition of conditions and through the planning obligation submitted shortly after the hearing closed. In addition to standard commencement conditions, with a reduce time period to reflect the important of a quicker delivery, it is necessary to define the reserved matters and require their approval prior to development starting.



42. A drawings condition confirming the extent of the appeal site is added in the interests of certainty. In the interests of highway safety and accessibility, it is necessary to secure road widening and pedestrian improvements prior to occupation. To encourage walking to the cluster of services near to the Fontwell West Roundabout, as well as the bus stops, it is necessary to prevent occupation until either the pedestrian access from the Fontwell Meadows development to Wandleys Lane<sup>5</sup> is completed or a pavement along Wandleys Lane is constructed. The former would be preferable as it is more direct and would minimise the impact on Wandleys Lane. To secure a benefit of the scheme it is necessary to impose a condition requiring a biodiversity net gain of at least 10% as well as an ecological design, management and monitoring strategy.
43. To reduce carbon emissions from the scheme it is necessary to require a 10% energy supply reduction from renewable or low carbon sources, as required by the LP. Similarly, to manage water use, it is necessary to impose a condition limiting water consumption to 110 litres per person per day, as required by the LP. To safeguard the landscape and biodiversity it is necessary to secure details of external lighting. To secure a benefit it is necessary to impose a condition requiring the minimum quantum of open space by typology. To adhere to the LP it is necessary to trigger the optional Building Regulations M4(2) and M4(3) through the imposition of a condition.
44. As previously set out, it is necessary to secure details of the foul drainage system and to prevent occupation until any necessary upgrades have been undertaken. This would ensure the scheme would not exacerbate flooding of the sewer network. In the interests of safeguarding highway safety and living conditions, it is necessary to secure a construction management plan and an advisory construction traffic plan. A separate plan is also required to ensure construction works do not harm biodiversity. In the interest of managing surface water, it is necessary to secure a sustainable drainage scheme, including its management and implementation. To protect living conditions, it is necessary to investigate potential sources of land contamination and remediate any contaminants. To protect dormice, it is necessary to ensure the works do not start until a European Protected species licence has been granted by Natural England. To enhance bat habitat, it is necessary to provide at least 48 bat tubes, bricks and boxes. For similar reasons it is necessary to secure at least 48 bird nesting bricks.
45. In the interests of living conditions, and to comply with Policy AE DM3 of the LP, it is necessary to seek to minimise air pollution through an air quality assessment. To protect groundwater, it is necessary to control piling. To adhere to the development plan and support the local economy to grow, it is necessary to secure an Employment and Skills Plan. To minimise fire risk, it is necessary to secure the provision of fire hydrants. To protect currently unknown archaeology, it is necessary for a scheme of investigation and recording to be secured. In the interest of living conditions and highway safety it is necessary to ensure the roads, footways and parking areas are provided before occupation.
46. The legal agreement makes provision for the obligations set out below. These obligations are necessary to prevent harm or meet the requirements of the development plan, are directly related to the proposal and there is no substantive

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<sup>5</sup> This has not been provided yet. However, it is part of the approved scheme, and I was advised at the hearing that the Council could pursue enforcement action to ensure the pedestrian access is provided.

evidence before me to demonstrate they would be unfair in scale and kind. I have therefore taken the obligations into account when having regard to Regulation 122 of the Community Infrastructure Levy Regulations and Framework Paragraph 58.

47. *Affordable Housing* – As will be explained, there is an identifiable need to provide affordable housing in the district. To this end, and in this instance, Policy AH SP2 of the LP seeks to secure 30% of homes as affordable housing. The planning obligation would do this. The Council has not raised any objections to the inclusion of First Homes pursuant to Footnote 31 of the Framework.
48. *Travel plan* – To promote sustainable transport as required by Policy T SP1 of the LP, it is necessary for a travel plan to be prepared and implemented to promote a proportionate modal shift away from car travels. As part of this, it is necessary for the developer to pay a monitoring fee to the County Council, to provide vouchers and appoint a Travel Plan Co-Ordinator. In addition, a bus service contribution of £448.73 per dwelling plus a monitoring fee is necessary.
49. *Secondary school transport contribution* - For the reasons set out in West Sussex County Council's hearing statement, it is necessary to secure a financial contribution, in accordance with a set methodology, towards secondary school transport plus a monitoring fee. This is because local schools are at capacity and a new one needs to be constructed. Consequently, there may be a need to bus pupils living at the appeal scheme to other schools in the interim.

### **Habitat Regulations Assessment**

50. To the north of the appeal site is the Singleton and Cocking Tunnels Special Area of Conservation (SAC). This area is designated on account of hosting Barbastelle and Bechstein's bats. The SAC citation explains that Singleton and Cocking Tunnels constitute the most important sites for hibernating bats in southeast England. The conservation objectives of the SAC can be summarised as ensuring its integrity, by maintaining or restoring the populations and habitats, structures and supporting processes of the qualifying species.
51. The proposed development site falls within the 12km wider conservation area of Singleton and Cocking Tunnels SAC, but outside the 6.5km Key Conservation Area. Impact pathways can be divided into direct and indirect. Direct impacts are usually associated with development on land that is designated or undesignated land that is 'functionally linked'. The latter is land, which is used by, or important to, the qualifying features. Indirect effects and those that may not result in the direct loss or fragmentation of habitats.
52. Bats are mobile species that can forage or roost on land outside of the SAC boundaries. Development within the appeal site boundaries may impact upon flight lines within the wider landscape, in turn impacting upon the qualifying features of the SAC. Accordingly, the proposal in combination with other plans and projects would be likely to have a significant adverse effect on the SAC when following a precautionary approach. Hence, an appropriate assessment, in accordance with the Habitat Regulations<sup>6</sup>, is required to consider the implications of the proposal on the SAC in view of the conservation objectives.

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<sup>6</sup> See Regulation 63 Conservation of Habitats and Species Regulations 2017 (as amended).

53. To assess the levels of use of the site by Bechsitens and Barbastelle bats, surveys were conducted throughout 2022. In total 3917 bat passes were recorded over the survey period comprising at least nine bat species. The fourth most frequent species on site is Barbastelle, accounting for 4.9% of the total. The lack of significant woodland blocks near to the appeal site limits the likelihood of Bechsteins being present. Moreover, Wandleys Copse is too small to support a colony of Bechsteins. This survey work indicates that Barbastelle bats use the site boundaries on a regular basis as a flight line and for foraging, albeit in low numbers and probably not for roosting. Thus, it can be concluded that the appeal site is functionally linked to the SAC.
54. The development will avoid impacts from loss or severance of flightlines by retaining and enhancing the perimeter hedges and trees. Moreover, additional native buffer species will be planted around the edge of the site as well as a community orchard. A buffer would also be provided with the ancient woodland and extensive areas of open space included. Furthermore, no gardens need back on to the ecological enhancement zone, allowing them to be retained in a natural state. Built development would also be away from the site boundaries and lighting minimised and controlled by condition to prevent severance of the commuting and foraging routes. With the mitigation in place, the proposal would avoid effects on commuting, foraging and roosting barbastelles.
55. Natural England have reviewed the suite of proposed mitigation measures and are satisfied the proposal would not have an adverse effect with them secured. I afford this expert independent view significant weight. Thus, the proposal would not adversely affect the use of functionally linked land by qualifying features. The integrity of the SAC and qualifying features would therefore be preserved and no conflict with Policy VE10 of the NP would occur.

### **Other Considerations**

56. An appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. The benefits of the scheme and the provisions of the Framework are important considerations in this instance.

#### *The benefits of the appeal scheme*

57. The Council are only able to currently demonstrate a housing land supply of between 2.83 - 3.41 years. This is well below the five years required by the Framework and, even on the Council's figures, amounts to a significant shortfall of at least 2,822 homes. The situation has deteriorated from a year ago given the changes to the Framework and the subsequent increase in the housing requirement. In addition, the Council's Housing Delivery Test measure is 70%. This is a slight improvement but is still below the threshold of 75%. As such, the delivery of housing has been substantially below the housing requirement for the last three years. In fact, delivery is even worse than this, as evidence provided by the appellant, which is not disputed by the Council, demonstrates that the Council has failed to deliver its housing requirement in every year between 2012 and 2024.
58. The appellant has indicated that the appeal scheme would likely be commenced in the next five years and therefore promptly contribute to addressing the significant shortfall. They are content with a shorter implementation timescale for this reason. Therefore, it would seem that matters have moved on from the Council's Housing and Economic Land Availability Assessment in 2021, which indicated the site is 'not

currently developable'. Moreover, going forward there is likely to be a 'policy off'<sup>7</sup> need for between 187-465 homes in the parish before 2041<sup>8</sup>. These figures are based on the application of a methodology outlined in the Planning Practice Guide (PPG)<sup>9</sup> which states that outstanding commitments should not be discounted from the housing need figure until they are completed.

59. However, I am mindful that the NP area has already had high levels of growth in recent years with perhaps an 'over delivery' of around 64-184 homes<sup>10</sup> (excluding outstanding commitments). It is also likely that several commitments will become completions soon, including a large site currently under construction at Tye Lane. This will reduce the outstanding need going forward. In a local context, there has been a significant boost in the supply of housing in recent years. That said, the proposal would make a notable contribution to the persistent shortfall in housing when considered at a district level. Overall, the delivery of housing carries significant rather than substantial weight in favour of the proposal
60. Evidence provided by the appellant, which is also unchallenged by the Council, demonstrates that housing affordability in Arun has got worse in the last ten years and is acute in the context of the southeast of England. At a local level, Walberton is an expensive area. This may account for the significant reduction in the population of those under 49 years of age in the parish. Because of the appellant's analysis, the Council has changed its position from that recorded in the committee report and is now of the view the provision of affordable housing should carry significant weight as a benefit and I share this view.
61. The appeal scheme is not caught by the requirement in the Environment Act to provide a mandatory 10% biodiversity net gain. Instead, the LP requires net gains to biodiversity. The indicative details before me demonstrate how a net gain of at least 10% could be achieved. Added to this, the appellant has committed to planting at least 200 trees (not including the community orchard or woodland scrub). Over time this would result in notable benefits to biodiversity that carry at least moderate weight. The proposal would also include large areas of public open space including allotments, play areas and a community orchard. This carries moderate rather than significant weight because the open space would be tucked away and principally used by residents of the proposal. Although there would be scope to form part of a network or trail with the open space at Fontwell Meadows subject to the provision of the pedestrian link between the schemes.
62. The proposal would deliver economic benefits during construction and again during the subsequent occupation of the houses as the residents spend on local services and facilities. Some of the residents may use the temporary 500 bus service and thus make it a more viable prospect as a long-term facility. Other residents could also get involved in local clubs and societies and consequently add to the vitality of the community. These would amount to moderate benefits.
63. The indicative landscape masterplan details the foundations of a promising scheme. It includes generous levels of landscaping and open space, street trees, hedged front gardens and a carefully considered response to the character of Wandleys Lane, albeit mindful of the inherent design constraint of providing a

<sup>7</sup> This is the total housing demand unconstrained by the limits of the land available to build on

<sup>8</sup> Fontwell Local Housing Need Assessment February 2025 - Summary Note, Tables 3 and 4

<sup>9</sup> Planning Practice Guide - Paragraph: 105 Reference ID: 41-105-20190509

<sup>10</sup> Fontwell Local Housing Need Assessment February 2025 - Summary Note, Tables 1 and 2

engineered highway access. The structure of the indicative layout also exhibits important urban design principles such as perimeter blocks, coherent building lines, active edges and internal views. Aspects of the street scene could be tightened up and better balanced<sup>11</sup> and some of the house types would need refinement<sup>12</sup>, but overall, the scheme has the groundings of being internally well designed and thus a pleasant place to live. Although this is to be expected as a prerequisite, it nevertheless carries weight as a benefit.

64. Substantive evidence has not been provided by the appellant or the Local Highway Authority which demonstrates that the safety of pedestrians currently using Wandleys Lane needs to be improved. Having walked the route several times, I found traffic speeds to be low, forward visibility good and the width more than adequate to allow cars and pedestrians to coexist. Although a snapshot in time, there is nothing to suggest what I observed and experienced was untypical. Indeed, no pedestrian improvements are proposed to the southwest along Wandleys Lane, which is the most direct route to the centre of Eastergate, around a mile from the site access. This suggests walking within Wandleys Lane is safe and will continue to be so. As such, the provision of a pavement is unnecessary to improve existing pedestrian safety and would not be a benefit.

*Whether Paragraph 14 of the Framework is relevant*

65. To promote localism, Paragraph 14 of the Framework provides added protection to areas covered by a neighbourhood plan. It states that in situations where Paragraph 11d of the Framework is engaged, the adverse impacts of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits if the neighbourhood plan is less than five years old and it contains policies and allocations to meet its identified housing requirement. Paragraph 70 of the Framework explains that the identified housing requirement can be an indicative figure offered by the local planning authority provided it takes into account relevant factors, such as the latest evidence of housing need, the population of the neighbourhood plan area and the most recent planning strategy of the local planning authority.
66. During the hearing, the Council submitted that the indicative housing requirement is 51 homes. This figure is a proportion of the 1,250 homes allocated to the rural areas in the LP and was calculated by a Local Plan subcommittee. The Council advised the NP Examiner that the figure was formulated after considering the local population and the existing spatial strategy, amongst other factors. It also flowed from the housing requirement in the local plan, which itself was based on evidence of local housing need. It would therefore seem that this figure was calculated with reference to the relevant factors in Paragraph 70 of the Framework that should guide an indicative housing requirement for the purposes of a neighbourhood plan.
67. However, there are two problems with the 51-home figure. Firstly, there is little evidence to indicate how the Council calculated it with due regard to the relevant criteria in the Framework. Indeed, the Examiner makes the point in their report<sup>13</sup>

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<sup>11</sup> For example, Plots 15, 23 and 76 would appear squeezed in or fail to respond to the building line. Plot 77 would not turn the corner very well. Plots 60-63 would not amount to coherent street scene whereas Plots 79 and 80 would affect the balance of another given the semi-detached form of Plots 89-92.

<sup>12</sup> For example, the house types show on the character area elevations lack local distinctiveness and detailing, those shown in Character Area A would have awkward forms and a single window at first floor in the gable ends would be an architectural improvement.

<sup>13</sup> See Paragraph 42 of the Examiners Report. The 51 home figure was originally 60.



that the evidence behind the 51-home figure is very limited. Secondly, the Examiner specifically confirms that the 51-home figure is not an indicative housing figure as set out in the Framework. It is therefore difficult to reconcile the Council's position with what the Examiner ultimately concluded. Indeed, the Examiner clearly states that the indicative housing figure for Walberton NP Area is 748 homes. This is then reiterated in the NP itself, albeit with little to explain how it was calculated.

68. However, in arriving at the 748-home figure, the Examiner seems to have included existing strategic allocations<sup>14</sup>, existing NP allocations and existing commitments. It is unclear where this methodology derives from. There is also the added complication that if the indicative figure is to be taken as 748, then the NP does not include policies and allocations to meet it. This is because the Fontwell Meadows development was allocated in the LP and not the NP. The PPG<sup>15</sup> is clear that policies and allocations in other development plan documents will not meet the criterion in Paragraph 14b of the Framework.
69. The appellants submit that the Examiner's approach does not tally with the methodology in the PPG. Indeed, their illustrative analysis<sup>16</sup>, which does follow the methodology in the PPG, suggests that an indicative housing requirement formulated using the factors in Paragraph 70 of the Framework would have been 280 homes if based on population or 400 if derived from the development strategy in the LP. However, this level of need would have been more than met by existing allocations, including Fontwell Meadows. This perhaps supports the Council's position that the indicative housing requirement should have been set at 51 homes, this being an additional requirement to existing allocations.
70. Accordingly, there is uncertainty as to whether the indicative housing requirement in the NP was properly formulated, underpinned by adequate evidence and informed by the methodology in the PPG. The Council's preferred figure of 51-homes lacks evidence and was discounted by the Examiner but seems logical from the evidence before me. The Examiner settled on a different figure but the methodology behind it is unclear. Even if the 748 figure is correct, the NP does not appear to contain allocations and policies to meet it.
71. However, an appeal made under s78 of the Town and Country Planning Act is not the forum to review a NP, rerun arguments tested at the Examination or set an indicative housing requirement. After hearing all the evidence, the Examiner ultimately reached a conclusion that the NP has proper regard to national policies and advice and complied with the basic conditions. Thus, I consider Paragraph 14 of the Framework should be engaged as a precaution.

#### *Paragraph 11 of the Framework*

72. In circumstances where the Council cannot demonstrate a five-year housing land supply, the relevant part of Paragraph 11 of the Framework states, in this instance, that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole. In undertaking this balance Paragraph 14 of the Framework explains that the adverse impacts of allowing development that conflicts with a neighbourhood plan (where the two criteria are met) is likely to

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<sup>14</sup> Including 400 homes at Fontwell Meadows

<sup>15</sup> Planning Practice Guide - Paragraph: 097 Reference ID: 41-097-20190509

<sup>16</sup> Fontwell Local Housing Need Assessment, February 2025

significantly and demonstrably outweigh the benefits. In other words, a conflict with a neighbourhood plan is a matter of considerable importance and is likely to be decisive. However, it is important to emphasise that this is the *likely* outcome of the balance rather than a prescribed one. Contextual circumstances may be such that a conflict with a NP would not be decisive, although this would be a rare occurrence.

73. As an adverse impact, the proposal would be residential development in the countryside at odds with the spatial strategy. The broad underlying aims of the spatial strategy to focus new development in settlements and close to services and facilities is broadly consistent with the Framework. Added to this, there would be moderate harm to the character and appearance of the area, including the loss of trees. In addition, and although not resulting in a policy conflict, the loss of agricultural land would also be a modest adverse impact of the proposal.
74. However, the significant and persistent shortfall in the five-year housing land supply and the substantial past under delivery demonstrate the spatial strategy at a district level has failed and will likely continue to fail for the time being. The acute shortfall in the number of homes in the area has had real-world impacts on the availability and affordability of housing. A rigorous application of the spatial strategy would undermine attempts to remedy this situation. Moreover, it is unclear how the Council intends to address the housing land supply shortfall as the Non-Strategic Sites Allocation Plan has not progressed and a new LP seems some way off.
75. At a local level the NP has been more successful and seen a significant boost in housing. However, the evidence before me suggests that there is an ongoing need in Walberton parish for perhaps 187 to 465 homes by 2041. With this in mind, the appeal scheme would, in a practical sense, be an extension of an existing strategic allocation in a 'sustainable location' on the edge of a settlement. In addition, it would only moderately harm the character and appearance of the area. Indeed, much of this moderate harm would be to the site itself, which will be an inevitable consequence if countryside is to be released for housing, as seems necessary. Moreover, for the reasons I have already gone into, the appeal scheme would have benefits of a high order. In particular, it would be a sizeable contribution to the housing land supply with 30% affordable housing.
76. Accordingly, this is a rare occasion where the adverse impacts of conflicting with a neighbourhood plan are unlikely to significantly and demonstrably outweigh the benefits. Indeed, the benefits of the scheme would outweigh the harm. This strongly indicates that the appeal should be allowed.

## **Conclusion**

77. The proposed development would not adhere to the development plan but material considerations, namely the Framework, indicate that the appeal should be determined other than in accordance with the development plan. Accordingly, the appeal succeeds.

*Graham Chamberlain*  
INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT**

|                  |                       |
|------------------|-----------------------|
| Robert Walton KC | Barrister             |
| Huw James        | ECE Planning          |
| Gary Heard       | Stantec               |
| Dan Usher        | Marrons               |
| Saskia Lower     | ECE Planning          |
| James Bardey     | Aspect Arboriculture  |
| Tristram Bushby  | Allen Pyke Associates |

### **FOR THE LOCAL PLANNING AUTHORITY**

|                  |                            |
|------------------|----------------------------|
| Simon Davis      | Arun District Council      |
| Tracey Dun       | West Sussex County Council |
| Tracey Flitcroft | West Sussex County Council |

### **INTERESTED PARTIES**

|                 |                                             |
|-----------------|---------------------------------------------|
| Andrew Vawer    | Walberton Parish Council                    |
| Steve McAuliffe | District Councillor (Arundel and Walberton) |
| Sue Wallsgrove  | Local Resident                              |
| Cathy Boniface  | Local Resident                              |
| Amanda Sutton   | Local Resident                              |
| Paul Madeley    | Local Resident                              |

## **DOCUMENTS SUBMITTED DURING AND AFTER THE HEARING**

1. Plan showing parish boundaries
2. Email dated 10 March 2025 from Mr Davis regarding the housing land supply
3. Correct to the appellant's Fontwell Local housing Need Assessment Summary Note
4. Recommendation report for application BN/11/25/PIP
5. Decision notice for application BN/11/25/PIP
6. Updated list of suggested planning conditions following the discussion at the hearing
7. Counterpart Planning Obligation dated 18 March 2025

### Schedule of Conditions

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| 1 | <p>Details of the access (internal circulation routes), appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.</p> <p>Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.</p>                                                |
| 2 | <p>The development hereby permitted shall be begun before the expiration of 4 years from the date of this permission, or before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.</p>                                                                                                                                                                                                                                                                   |
| 3 | <p>The development hereby approved shall be carried out in accordance with the following approved plan: Site Location Plan Dwg PL-03 Rev B.</p>                                                                                                                                                                                                                                                                                                                                                                                           |
| 4 | <p>The development hereby approved shall not be occupied until the road widening as detailed on drawing 332610169-STN-GEN-SW-DR-H-003 and either the approved pedestrian access from the Fontwell Meadows development to Wandleys Lane or the pedestrian improvements set out on drawing 332610169-STN-GEN-SW-DR-H-003 are completed.</p>                                                                                                                                                                                                 |
| 5 | <p>The development shall achieve a minimum of 10% energy supply reduction from either the use of decentralised/renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling and shall be thereafter permanently maintained in good working condition.</p>                                                                                                                        |
| 6 | <p>No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, has been complied with for that dwelling and retained in perpetuity thereafter.</p>                                                                                                                                                                                                                                                                                                          |
| 7 | <p>Details to be submitted pursuant to condition 1 shall include full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage). This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also be designed to be sensitive to bats.</p> |

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|    | <p>The lighting scheme shall include a bat friendly Lighting Plan. The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white with a clear view, no UV, a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.</p>                                                                                                                                                                                                                                |
| 8  | <p>The layout and landscape details to be submitted pursuant to condition 1 shall include full details of the required public open space (POS), play areas and management arrangements. The proposed provision should include an Open Space Area (minimum of 30,448sqm) comprising:</p> <ul style="list-style-type: none"> <li>• Community Orchard (minimum of 2,115sqm)</li> <li>• Allotments (minimum of 792 sqm)</li> <li>• Ecological Enhancement Areas (minimum of 13,000 sqm)</li> <li>• Shared POS and Ecological Enhancement (minimum of 3,300sq<sup>2</sup>)</li> <li>• Public Open Space (minimum of 8,930 sqm) including LEAP and LAP</li> <li>• At least 200 new trees (in addition to those provided within the above areas)</li> </ul> <p>The above shall thereafter be completed in accordance with the approved details prior to occupation of the 48th dwelling and permanently retained thereafter. The approved management details shall be permanently adhered to.</p> |
| 9  | <p>Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall ensure that the scheme makes provision for accommodation to meet the Building Regulations Standards M4(2) and M4(3) in accordance with the Council's guidance note "Accommodation for Older People and People with Disabilities Guidance".</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 10 | <p>Before the development hereby permitted is commenced, details of the proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance, if appropriate).</p> <p>The development shall not be occupied until a phasing and implemented plan has been submitted to and approved in writing by the local planning authority detailing how the development will be phased to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that wastewater network capacity is available to adequately drain the development. Thereafter, no dwelling shall be occupied otherwise than in accordance with the phasing and implementation plan.</p>                                                                                                                                                                            |



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| 11 | <p>No development shall commence until a Construction Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:</p> <ol style="list-style-type: none"> <li>1. The phased programme of construction works.</li> <li>2. The anticipated, number, frequency, types, and timing of vehicles used during construction.</li> <li>3. Provision of wheel washing facilities (details of their operation &amp; location) and other works required to mitigate the impact of construction upon the public</li> <li>4. Details of street sweeping.</li> <li>5. Details of a means of suppressing dust &amp; dirt arising from the development.</li> <li>6. A scheme for recycling/disposing of waste resulting from demolition and construction works (i.e., no burning permitted).</li> <li>7. Details of all proposed external lighting to be used during construction (including location, height, type &amp; direction of light sources and intensity of illumination).</li> <li>8. Details of areas for the loading, unloading, parking, and turning of vehicles associated with the construction of the development.</li> <li>9. Details of areas to be used for the storage of plant and materials associated with the development.</li> <li>10. Details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays &amp; facilities for public viewing, where appropriate).</li> <li>11. Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).</li> <li>12. Details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works.</li> <li>13. Details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage.</li> <li>14. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).</li> <li>15. Details of pest control.</li> </ol> <p>Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.</p> <p>No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work on Sunday or Bank/Public Holidays.</p> |
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| 12 | No development shall commence on the site hereby permitted until the details of a Construction Traffic Management Plan have been submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Traffic Management Plan unless otherwise agreed in writing by the local planning authority.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 13 | <p>The layout and landscaping details submitted pursuant to condition 1 shall include a surface water drainage strategy. The supporting surface water drainage information must include:</p> <ol style="list-style-type: none"> <li>1. A full winters groundwater monitoring,</li> <li>2. Winter infiltration testing in accordance with BRE DG 365 or similar approved,</li> <li>3. Details of the proposed method and location of surface water disposal, in accordance with the SuDS hierarchy,</li> <li>4. Impermeable area or catchment plan,</li> <li>5. Calculations modelling the surface water drainage network for the following storm events: <ol style="list-style-type: none"> <li>a. 100% Annual Exceedance Probability [AEP]</li> <li>b. 10% AEP + climate change allowance</li> <li>c. 3.3% AEP + climate change allowance</li> <li>d. 1% AEP + climate change allowance</li> </ol> </li> </ol> <p>All storm events must include an allowance for urban creep and surcharged outfalls where appropriate,</p> <ol style="list-style-type: none"> <li>6. Detailed drainage plans conforming to local planning authority guidance,</li> <li>7. A plan showing no conflicts between existing and proposed trees, their potential growth and surface water drainage design,</li> <li>8. A plan showing the impact of the proposed development on existing watercourses (where applicable)</li> <li>9. Details of any necessary permissions relating to the discharge location, works to watercourses or adoption of the SuDS scheme.</li> <li>10. Details of how the drainage scheme shall effect the hydrological conditions of the adjoining ancient woodland such that no loss or deterioration shall occur</li> </ol> <p>Development shall be undertaken in accordance with the approved details.</p> |
| 14 | <p>Development shall not commence until full details of the proposed surface water drainage scheme have been submitted and approved in writing by the local planning authority. The detailed design must be based upon and build on the surface water information submitted pursuant to condition 16 (as required to be discharged through the reserved matters application). The full details submitted for approval shall include:</p> <ol style="list-style-type: none"> <li>1. Detailed drainage plans conforming to Local Planning Authority guidance,</li> <li>2. Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms,</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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|    | <p>3. Any relevant permissions relating to the discharge location, works to watercourses or adoption of the SuDS scheme.</p> <p>The scheme shall then be constructed as per the approved plans. No building shall be occupied until the complete surface water drainage system serving that building has been implemented in accordance with the agreed details. The surface water drainage scheme shall remain for the lifetime of the development unless agreed in writing by the local planning authority. The local authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 15 | Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 16 | <p>The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity.</p> <p>The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:</p> <ol style="list-style-type: none"> <li>I. A timetable for its implementation,</li> <li>II. Details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,</li> <li>IV. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.</li> </ol> |
| 17 | Prior to first use, a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), shall be submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 18 | <p>Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:</p> <ol style="list-style-type: none"> <li>1. A 'Preliminary Risk Assessment' which has identified: all previous (historical) uses;</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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|    | <p>potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.</p> <p>2. A 'Site Investigation Scheme', based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>3. Based on the 'Site Investigation Scheme' and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>4. A 'Verification Plan' providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these parts, (1) to (4) require the express written consent of the Local Planning Authority.</p> <p>The scheme shall be implemented as approved above and, prior to occupation of any dwelling (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved Verification Plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the Verification Plan, and for the reporting of this in writing to the Local Planning Authority.</p> |
| 19 | <p>No development shall commence until the applicant 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 20 | <p>Any works which will impact the breeding / resting place of Hazel Dormice, shall not in in any circumstances commence unless the local planning authority has been provided with either:</p> <p>(a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity or development to go ahead; or</p> <p>(b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| 21 | <p>No development shall take place, (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.</p> <ol style="list-style-type: none"> <li>1. Risk assessment of construction activities potentially damaging to biodiversity.</li> <li>2. Identification of "biodiversity protection zones".</li> <li>3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction (may be provided as a set of method statements).</li> <li>4. The location and timing of sensitive works to avoid harm to biodiversity features.</li> <li>5. The times during construction when specialist ecologists need to be present on site to oversee works.</li> <li>6. Responsible persons and lines of communication.</li> <li>7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</li> <li>8. Use of protective fences, exclusion barriers and warning signs.</li> <li>9. Containment, control, and removal of any invasive non-native species present on site.</li> </ol> <p>The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.</p>            |
| 22 | <p>No development shall take place until an Ecological Design, Management and Monitoring Strategy (EDMMS) for the provision of a minimum 10% on-site biodiversity net gain, has been submitted to and approved in writing by the Local Planning Authority. The EDMMS shall include the following:</p> <ol style="list-style-type: none"> <li>1. Description and evaluation of habitat/features proposed (to include full Metric (using most current version) and details of condition assessments).</li> <li>2. Identification of adequate baseline conditions (for management and monitoring purposes) prior to the start of works (to include full Metric (using most current version) and details of condition assessments).</li> <li>3. Aims and objectives for the proposed works.</li> <li>4. Site specific and wider ecological trends and constraints that might influence works.</li> <li>5. Details of the body/organisation/person/s responsible for undertaking the works and lines of communication.</li> <li>6. Details of the legal and funding mechanism(s) by which the implementation of the EDMMS will be secured by the developer with those responsible for its delivery.</li> <li>7. Detailed design(s) and/or working method(s) to achieve stated objectives including type/source of materials, disposal of any wastes arising from works and appropriate scale plans showing location/area of proposed works.</li> <li>8. Works Schedule, aligned with any proposed phasing and including an annual work plan capable of being rolled forward over a five-year period.</li> </ol> |



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|    | <p>9. Prescriptions for initial aftercare and long-term management that will ensure the aims/objectives are met.</p> <p>10. Details for on-going monitoring in years 2, 5, 10, 15, 20, 25 and 30, including:</p> <ul style="list-style-type: none"> <li>a. Appropriate success criteria, thresholds, triggers, and targets against which the effectiveness of the work can be measured.</li> <li>b. Methods for data gathering and analysis.</li> <li>c. Location, timing, and duration of monitoring</li> <li>d. Review, and where appropriate, publication of results and outcomes, including when monitoring reports will be submitted to the Local Planning Authority.</li> <li>e. How contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and implemented so that the original aims/objectives of the approved scheme are met.</li> </ul> <p>The EDMMS shall be implemented in accordance with the approved details and all habitats/features shall be retained in that manner thereafter.</p>                                                         |
| 23 | <p>Prior to any works commencing, an air quality assessment must be submitted to and approved in writing by the Local Planning Authority. The assessment shall include full details of the measures necessary to mitigate the emissions as calculated in the assessment which shall be implemented prior to the occupation of any dwellings.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 24 | <p>Prior to commencement of development the applicant shall prepare and submit for approval in writing, an Employment and Skills Plan. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 25 | <p>No development above damp-proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.</p> <p>Prior to the first occupation of any dwelling or building forming part of the proposed development, the applicant/developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.</p> <p>The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.</p> |
| 26 | <p>Details of bat tubes, bricks or boxes shall be submitted to and approved in writing by the Local Planning Authority prior to any development above damp-proof course (DPC) level.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|    | <p>No less than 48 bat tubes or bricks shall be provided, and the details shall include the exact location, specification, and design of the habitats. The bat tubes, bricks or boxes shall be installed with the development prior to the first occupation of the building/s to which they form part or the first use of the space in which they are contained.</p> <p>The bat tubes, bricks or boxes shall be installed strictly in accordance with the details so approved and shall be permanently maintained in good working condition thereafter.</p>                                                                                                                                                                             |
| 27 | <p>Details of integral nesting bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any development above damp-proof course (DPC) level.</p> <p>No less than 48 integral universal nesting bricks shall be provided, and the details shall include the exact location, specification, and design of the bricks. The bricks shall be installed within the development prior to the first occupation of the building/s to which they form part or the first use of the space in which they are contained.</p> <p>The nesting bricks shall be installed strictly in accordance with the details so approved and shall be permanently maintained in good working condition as such thereafter.</p> |
| 28 | <p>No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing 332610169-STN-GEN-SW-DR-H-003.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 29 | <p>No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with the plans and details approved by the reserved matters permission and the relevant drainage conditions.</p>                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 30 | <p>No dwelling shall be first occupied until the car parking serving the respective dwellings has been constructed in accordance with plans and details approved by the reserved matters permission. Once provided the spaces shall thereafter be retained at all times for their designated purpose.</p>                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 31 | <p>No piling or any other foundation construction using penetrative methods shall be carried out other than with the express written consent of the local planning authority (who shall consult with the Environment Agency &amp; Portsmouth Water). The development shall be carried out in accordance with the approved details.</p> <p>A piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration, and the programme</p>                                                                                 |

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|  | <p>for the works) should be submitted to and approved in writing in consultation with Portsmouth Water. It must be demonstrated that any proposed piling:</p> <ul style="list-style-type: none"><li>a. Will not result in contamination of groundwater.</li><li>b. Will not increase risk to drinking water supplies (including turbidity); and</li><li>c. Will not deteriorate the transmissivity of the aquifer.</li></ul> |
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