



Appeal Decision

Hearing held on 29 April 2026

Site visit made on 30 April 2026

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2026

Appeal Ref: APP/C1435/W/25/3376903

Land East of Golden Jubilee Way, Westham

- 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 Mr Nigel Hobbs against the decision of Wealden District Council.
 - The application Ref is WD/2022/1927/MAO.
 - The development proposed is outline planning application proposing the development of land at Golden Jubilee Way for the erection of up to 250 dwellings with creation of new roundabout access on Golden Jubilee Way and new pedestrian and cycle linkages.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning application proposing the development of land at Golden Jubilee Way for the erection of up to 250 dwellings with creation of new roundabout access on Golden Jubilee Way and new pedestrian and cycle linkages at Land East of Golden Jubilee Way, Westham in accordance with the terms of the application, Ref WD/2022/1927/MAO, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Nigel Hobbs against Wealden District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal is made in outline, with access to be considered at this stage. Appearance, landscaping, layout and scale fall to be considered at the reserved matters stage. For the purposes of this appeal, access does not include the indicative routes through the site which would be considered as part of the layout.
4. The Council confirmed it would not defend its second reason for refusal with respect to the lack of a sequential test. It also confirmed at the hearing that its third reason for refusal was overcome in principle by the draft planning obligation. A completed obligation was submitted following the close of the hearing.
5. On 17 August 2026, a revised National Planning Policy Framework (the Framework) was published. I have sought further views from the main parties and have taken those comments into account.

Main Issues

6. The main issues are:

- whether the site is a suitable location for development with regard to the locational policies of the development plan;
- whether the site would be safe from flooding; and
- whether the contributions sought are reasonable and necessary.

Reasons

Suitable Location

7. At the hearing, the Council confirmed that their objection to the proposal was primarily derived from the flood risk posed to the proposed development. Notwithstanding, the site clearly lies outwith the settlement boundary.
8. The site also lies within the Willingdon Levels recreation policy area. This is an area where the development plans seeks to encourage outdoor recreation in proximity to the built up area of the surrounding settlement. The proposal would inevitably urbanise the site, notwithstanding the areas at the highest risk of flooding would remain undeveloped. This would run counter to the intent behind the Willingdon Levels.
9. The proposal would therefore be contrary to the locational policies of the development plan. It would conflict with Wealden Local Plan (adopted December 1998) (LP) Policies GD2, DC17 and PW5; and Wealden District Core Strategy Local Plan (adopted February 2013) (CS) Policy WCS14 which taken together seek to locate development within settlement boundaries and promote recreational use of the Willingdon Levels.
10. LP Policy EN27 is generally concerned with the effect of the development on the character of the area and is not of direct relevance to the main aspects of the Council's reason for refusal.

Flood Risk

11. For context, Chapter 8 of the Framework has the objective of minimising risk to development from all sources of flooding by directing development away from areas at highest risk (whether existing or future). Framework Policy F7 sets out that development should only be allowed in areas at risk of flooding where a number of criteria are met. This includes confirmation that any residual risk can be safely managed. At the hearing, it was clarified that the Council's specific concern in relation to flood risk concerned the residual risk from tidal flooding. The appellant acknowledged that the Sustainable Drainage and Flood Risk Assessment (FRA) does not specifically consider this risk, although it does consider other residual risks.
12. The Planning Practice Guidance (PPG) provides further advice on addressing residual risk and confirms that one of the main forms is the residual risk to a development once any site-specific flood mitigation measures are taken into account. It further goes on to advise there should be informed decisions about the likely presence of flood risk management infrastructure in the future, taking advice from relevant risk management authorities.

13. The Council's view was that in the absence of breach modelling, the only way to consider residual risk from tidal flooding was through the undefended scenario. As illustrated by the Council, such an event would likely have significant consequences were the site to be developed as per the illustrative layouts. This includes flooding of the access road and the pedestrian access to the north of the site.
14. Assessing residual risk must have a degree of practicality attached to it. The EA, the statutory consultee for flood risk, has not objected to the proposal. This was not their initial position, and their objection was withdrawn following submission of a revised FRA. It was confirmed at the hearing that there was no request for the appellant to carry out breach modelling of the coastal defences at Eastbourne. The Council did not discuss their concern with the EA, and there is no substantive evidence before me as to why it would be necessary to model this scenario as a residual risk. While the PPG does include the scenarios the Council describe, it is not a prescriptive list.
15. The Council's flooding evidence acknowledges that the latest tidal modelling results from the Environment Agency (EA) showed that the extreme defended tidal flood did not reach the appeal site. It was not disputed that the stated intention in the South Foreland to Beachy Head Shoreline Management Plan is to maintain the line on coastal defences and that those defences serve the substantial urban area of Eastbourne. It therefore seems to me highly unlikely the defences would be removed, such that the undefended scenario would form a likely residual risk, and so a reasonable basis on which to assess it.
16. The appellant set out that there is a degree of predictability as to the likelihood of tidal flooding given what is known about tidal patterns and weather forecasting. It was not disputed that due to the distance of the site from the coast there would be sufficient warning time for preparations to be made and that there would not be a risk from rapid inundation. Flood resistance and resilience measures would be assessed at the reserved matters stage in accordance with the recommendations made in the FRA. A flood management plan could be secured by condition. These would be steps which would allow residual risk to be managed appropriately.
17. The Council has highlighted the EA published an updated Flood Map for Planning in March 2025, although I note this pre-dates the Council issuing its decision. This does show some encroachment of Flood Zones 2 and 3 into the area shown to be developable on the indicative layout. However, given the limited extent of this, I am satisfied it would still be possible for 250 dwellings to be accommodated on the site, as the housing mix would be expected to include smaller dwellings which could be configured in a number of different ways and the position of roads within the site forms part of the layout.
18. The Council has referred me to a number of other decisions. However, these vary markedly from the scenario before me in terms of their issue as they relate to flood risk. None are concerned with residual risk only. Where it was highlighted in another decision that the undefended scenario should be considered, this was in a location which did not benefit from defences, a material difference from the proposal before me. Consequently, these decisions would not alter my assessment of the appeal.

19. I am therefore satisfied that the site would be safe from flooding. The proposal would therefore be in accordance with national policies for flood risk and would be in accordance with the intentions of CS Spatial Planning Objective SPO10 which seeks to allocate sites which are not at a medium or high risk of flooding.

Whether the contributions sought are reasonable and necessary

20. A completed planning obligation by deed of agreement was submitted after the close of the Hearing. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations) sets out three tests that planning obligations must meet. Framework Policy DM6(4) confirms that planning obligations should only be used where it is not possible to address potential unacceptable impacts through a planning condition.
21. CS Policy WCS7 and LP Policy CS1 confirm that appropriate infrastructure, and capital works and services contributions will be sought. The Council provided a comprehensive CIL Compliance Statement which sets out supporting policies of the development plan and, where appropriate, other guidance and draft supplementary planning documents, that set out the context in which the provisions were sought.
22. Affordable housing: the proposal would provide a policy compliant level of 35% affordable housing, with this to be complete prior to the occupation of 50% of the market housing. Final detail would be provided at the reserved matters stage, which allows for an up-to-date consideration of the housing need to be met through the development. While this would allow a considerable number of dwellings to be occupied prior to its provision, this is reasonable as it allows for the affordable properties to be distributed throughout the development and a coherent build programme to be carried out. As the affordable housing is to meet an existing need, and not a need generated by the proposal, it is not necessary for affordable housing to come forward earlier in the build programme.
23. Open Space: the planning obligation requires details of the open space to be submitted alongside layout as part of the reserved matters. It provides for it to be made available prior to the occupation of 75% of the dwellings which is reasonable to allow for a coherent build programme. It also contains provisions regarding the quality of the finished open space and provisions for its maintenance, retention and transfer to a management company.
24. Custom and self build housing: the obligation makes provision for a scheme for the delivery and marketing of custom and self build plots, and provision for their delivery otherwise if such marketing is not successful. This would widen the options for housing delivery.
25. Travel Plan and Car Club: there are obligations regarding the submission, approval and delivery of the travel plan, and for arrangements to be made for access to a car club for future occupiers of the scheme.
26. Highway Works: the obligation allows for the owner to pay reasonable legal costs with respect to orders under the highways act, and for the delivery of the related highways works. It is not unusual for planning obligations to refer to the related highways approvals, which will be necessary for the scheme to be delivered in any event.

27. Financial contributions: The obligation makes provision for the payment of financial contributions with respect to off site youth and adult space, bus service contribution and traffic regulation order fee. The bus service contribution purpose is specified in the definitions to the obligation and is to support services that would be accessible by future occupiers of the proposed development. This is sufficient to address the demands generated by the development.
28. Regulation 122 of the CIL Regulations allows for a contribution to be secured towards the costs of monitoring and reporting provided the sum to be paid fairly and reasonably relates in scale and kind to the development and does not exceed the authority's estimate of its cost of monitoring the development. I have no reason to conclude that the monitoring contribution secured through the planning obligation for both the Council and County Council would not comply with these tests.
29. Comments have been submitted by an interested party with respect to the planning obligation. This does not appear to take account of the fact the appeal is for an outline permission, that there are suggested conditions to be imposed on any permission or recognise that that advice in the PPG (as it was at the time the comments were submitted) is clear that conditions should be used in preference to planning obligations. I have addressed specific comments as appropriate with respect to the respective obligations.
30. I conclude that all contributions secured through the planning obligation would be reasonable and necessary to make the development acceptable. They would be directly related to the development and would be fairly and reasonably related in scale and kind to the development. The planning obligation therefore complies with the statutory tests and addresses impacts which could not be addressed by condition.

Other Matters

31. The conservation objectives for the Ashdown Forest Special Area of Conservation (SAC) seek to ensure the favourable conservation status of its qualifying features by, amongst other things, maintaining qualifying habitats. The qualifying features of the SAC are European dry heath and North Atlantic wet heath. This heathland habitat is sensitive to changes in air quality which could modify its chemical substrate, accelerating damaging plant growth, altering its vegetation structure and composition and causing the loss of typical heathland species. Consequently, there is the potential for the proposed development, in combination with other development, to result in a likely significant effect (LSE) on the integrity of the SAC.
32. The evidence informing the emerging local plan identifies that the quantum of proposed development would not have an adverse effect on the SAC without mitigation. It is also noted that improvements in vehicle technology should also contribute positively to reducing levels of air pollution. Consequently, the proposal would not have an adverse effect on the integrity of the Ashdown Forest SAC and no further mitigation measures are necessary.
33. The conservation objectives for the Pevensey Levels SAC seek to ensure that its integrity is maintained or restored as appropriate and ensure that the site contributes to achieving the aims of the Wild Birds Directive by maintaining or restoring the habitats of the qualifying features. Its qualifying feature is the

Ramshorn snail which is found in a wide spatial distribution and in good population densities. The Pevensey Levels are also designated as a Ramsar site for the outstanding assemblage of ditch flora and fauna supporting wetland plants, invertebrates including the rare Fen Raft spider, aquatic beetles and dragonflies amongst other species. Threats to integrity include inappropriate water levels, invasive species and water pollution. There is a potential pathway between the appeal site as a result of the potential for backflow into the Langney Sewer which could introduce pollution or affect water levels. Consequently, there is the potential for the proposed development to result in a LSE on the integrity of the SAC.

34. Appropriately designed foul and surface water drainage schemes would be capable of ensuring that water discharging from the site would do so at an appropriate rate and would not be polluting. These measures can be secured by condition and would appropriately mitigate the adverse effects of the development and respect the integrity of the Pevensey Levels SAC.
35. The conservation objectives for the Lewes Downs SAC seek to ensure that its integrity is maintained or restored as appropriate and sure that the site contributes to achieving the favourable conservation status of its qualifying feature, orchid-rich chalk grassland. It is vulnerable to the effects of air pollution, particularly nitrogen deposition, arising from traffic flows along the adjacent A26. In combination with other development, this has the potential to have a LSE on the integrity of the SAC.
36. The management of the SAC seeks to retain the woodland belt along the steep area of land alongside the A26 which serves as a buffer protecting the calcareous grassland from the adverse effects of air pollution and provides soil stability. It is also noted that improvements in vehicle technology should also contribute positively to reducing levels of air pollution. Consequently, the proposal would not have an adverse effect on the integrity of the Lewes Downs SAC and no further mitigation measures are necessary.
37. The conservation objectives for the Ashdown Forest Special Protection Area (SPA) seek to ensure that the integrity of the site is maintained or restored as appropriate and ensure the site contributes to achieving the aims of the Wild Birds Directive. The qualifying features of the SPA are European nightjar and Dartford warbler which are vulnerable to the effects of recreational disturbance. Evidence shows this occurs from residents who live within 7km of the SPA. As the appeal site lies beyond this distance, there is no pathway to result in LSE to the integrity of the SPA.
38. Access to the site would be taken from the A22, with pedestrian access provided through the public right of way to the north of the site onto Rother Avenue. While the site is in proximity to the boundary with Eastbourne Borough Council, the built up nature of the area is such that the character of the area would not be harmed.
39. The application was accompanied by a transport assessment which was reviewed following comments by the local highway authority and National Highways. This factored in the effects of other committed development. The effect of the addition of the roundabout to traffic flows on Golden Jubilee Way would have an acceptable effect on the operation of the highway network. Footpath Westham 21b runs through the site, and this would be a factor to be taken into account when the layout of the site is assessed at a later stage. I acknowledge the site is used by

people for walking and dog walking. However it is private land and the only allowed access for the public is along the right of way. The evidence before me indicates it is intended to retain this through the site, therefore people's ability to walk would be uninterrupted. If this were not the case, control is provided through other legislation.

40. A travel plan was also submitted which outlined a number of measures to improve access to public transport such as improvements to bus stops and a toucan crossing to the A22. Given the public right of way across the A22 requires the crossing of a dual carriageway subject to the national speed limit, this is unlikely to be attractive to pedestrians. As the access to the steps up to the A22 was so overgrown by brambles as to be almost impassable at my site visit, this would also be a benefit of the scheme. A number of measures within the travel plan would fall to be assessed at the reserved matters stage.
41. The application was accompanied by an air quality assessment which showed that background levels of pollutants were well below air quality objective levels, and that emissions generated by traffic would have a limited effect on these levels. Further mitigation, as sought by the Air quality and emissions mitigation guidance for Sussex (2021), can be secured by condition.
42. Concerns have been raised with respect to social infrastructure. It may be that other permissions have been granted in the area, but those cases will all have been assessed on their own merits and the Council will be aware of these permissions and their cumulative impact. Open space, to meet the demands generated by the development will be secured at the appropriate stage.
43. Southern Water confirmed that capacity exists within the existing system to provide for foul drainage and that further upgrades are planned. There is no evidence before me to indicate there would be issues with providing a water supply. While there is evidence before me of discharges from waste water treatment works, this is an issue controlled by other legislation. There are inevitable carbon costs associated with development during both the construction and occupation stages. This would include the operation of the drainage scheme, however this is true of all development and utility infrastructure and would not merit dismissing the appeal.
44. The application was accompanied by an ecological impact assessment, and further surveys that it recommended. There is no reason to doubt the findings of these documents. Appropriate provision for protected species has been made. The proposal would not be subject to mandatory biodiversity net gain, nor are there policies in the development plan which specifically require it. However, the marshland area would not be developed as it lies within flood zones 2 and 3. Landscaping within the site will be addressed at the reserved matters stage. The site is severed from Shinewater Park by the railway line.
45. There is no substantive evidence before me as to the agricultural land classification of the site, although the evidence does indicate the site has been used for grazing. There is no substantive evidence before me of crime and anti-social behaviour in the area which would be exacerbated by the proposal. There would likely be an increase in people walking from the site to access surrounding facilities such as the bus stops on Dittons Road. However this would be along

public footpaths and would not be of a scale which would materially harm the living conditions of surrounding occupiers.

46. Issues such as overlooking to surrounding properties would be addressed at the reserved matters stage, but there is no reason in principle that a scheme could be delivered on the site which would not have an adverse effect on the living conditions of surrounding occupiers. Construction effects can be mitigation through the imposition of a condition. It would be a matter for the Council how services such as waste collections would be arranged and there is other legislation which requires this service to be provided.
47. This appeal is to consider the proposal before me. While it may be other uses of the site can be envisaged, they are not the proposal before me. Nor is there any suggestion that alternative uses of the site are to be proposed through the emerging local plan. The site does appear to have been assessed as part of the evidence base work for the emerging local plan. However that is a different exercise to that before me and would not be determinative in this appeal.
48. I am satisfied the Council carried out consultation to meet the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). Further complaint about the specific manner in which it was carried out should be directed to the Council. The effect of the proposal on house prices is a private matter and so not material to my determination of the appeal.

Planning Balance

49. Given the physical barrier formed by the disused trainline, I am satisfied that the appeal site lies outwith the settlement when assessed against the definition contained in the glossary to the Framework. It is not in dispute that the Council cannot demonstrate a five year supply of housing land, or that the delivery position is below that expected. Consequently, Framework Policy S5(1j) is engaged.
50. Notwithstanding that I consider the site to lie outwith the settlement, there is a pedestrian access to Rother Avenue through an arch. This would allow for ready access to public transport services on Dittons Road, and reasonable access to other services and facilities. While the Framework has some references to an 800m walking distance and other services and facilities are beyond this, the walking route would not be unduly steep and would be through an attractive residential area with good footpaths. As such, I am satisfied that the site would be physically well-related to the settlement.
51. Consequently, Framework Policy S5(1) confirms that the development should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework. Given my findings on flood risk, there is no national policy that directs that the proposed development should be refused, so Framework Policy S5(2) is not engaged.
52. The Council reiterated in its representations on the Framework that the location of the site beyond the settlement boundaries would not be determinative. The development plan seeks to encourage recreational use of the site. However, since the plan was adopted, the A20 has been constructed. This severs the site from the wider area covered by this policy. Consequently, there is no practical locational

harm arising from the proposal. There would be an inevitable change in the character of the area from an open, undeveloped space, however this harm would be limited due to the visibility of the settlement behind the site as the land rises, and the urbanised boundaries formed by the roads and railways. Any landscape harm would therefore also be limited.

53. Framework Policy HO7 is clear that substantial weight should be given to the benefits of providing homes to meet evidenced needs. Given the acknowledged lack of a five year supply, the proposal would meet evidenced needs in the area, with the housing mix to be assessed at the reserved matters stage. Further weight is given to this by 35% of those dwellings being secured as affordable. There would be economic benefits arising during both the construction and occupation stages of the development. I ascribe moderate weight to this given the number of dwellings proposed and the time construction is likely to take. It is not necessary for jobs to go to people resident in the area or for expenditure to be in the authority where the development would be located for there to be an economic benefit.
54. The benefits of the proposal would not be substantially outweighed by any adverse effects. The proposal therefore benefits from the presumption in favour of sustainable development as set out in Framework Policy S3.

Conditions

55. The Council has suggested several conditions should the appeal be allowed. I have had regard to these in light of the advice contained within Framework Policy DM6(1) and the PPG. I have made amendments to some of them for clarity and to ensure the measures are carried out.
56. The Council suggested reducing the length of time for the submission of reserved matters and their subsequent commencement to eighteen months each. While there is a clear need for housing delivery to occur at pace, it would not be reasonable to reduce the time to implement a scheme of this scale from the standards set in legislation. I have substituted for these conditions more commonly in use [1, 2, 3]. I have imposed an approved plans condition to define the terms of the permission [4].
57. To ensure satisfactory living conditions for future occupiers with respect to noise, any reserved matters application should be accompanied by a noise report [5]. It is reasonable and necessary to require the development to be carried out in accordance with the mitigation measures set out in the FRA to ensure the development will be safe from flooding [6]. A flood management plan would also be necessary as means to address the residual flood risk to the site [22].
58. A Code of Construction Practice would ensure development was carried out in a manner that would minimise the effects on surrounding occupiers and support the safe operation of the surrounding road network. The controls over drainage are also necessary to ensure there would not be an adverse effect on the Pevensey Levels SAC. Its inclusion would therefore be reasonable [8]. Not all matters have been included, such as routing of lorries as access to the site can only be taken from the A22, or the requirement for a traffic regulation order as control over this lies with another authority.
59. It is reasonable and necessary to impose conditions to ensure that any contamination is dealt with such that the land can be properly used for the

proposed development [9, 10, 11]. To ensure satisfactory living conditions for future occupiers, it is reasonable and necessary to ensure appropriate provision is made for foul drainage [12]. For this reason, and to ensure flood risk is not increased elsewhere, it is also reasonable and necessary to ensure that appropriate provision is made for surface water drainage and its future maintenance. Given the presence of watercourses throughout the site and the presence of flood zones 2 and 3, it is necessary for the surface water scheme to be submitted for consideration as part of any reserved matters application involving layout [7, 13]. These three conditions are also necessary to ensure there would not be an adverse effect on the Pevensey Levels SAC.

60. It is reasonable and necessary to make appropriate provision for the investigation and recording of any archaeological remains within the site [14] to understand the significance of any archaeological remains and for any results to be appropriately investigated and disseminated [20].
61. In the interests of biodiversity, it is necessary to ensure appropriate mitigations are in place to protect great crested newts [15], badgers [16], bats [19] with respect to lighting and wildlife more generally [17], along with the long term management of the open areas of the site [21] which is also necessary to ensure the development is of a high quality. In the interests of enforceability, condition 21 only refers to public areas of the development. It is also reasonable and necessary for appropriate air quality mitigation to be carried out [18] in the interests of air quality.
62. The policies of the local plan do not provide sufficient justification to require construction standards beyond those required by the building regulations, which in any event had been revised since the development plan was adopted (6).

Conclusion

63. The proposed development conflicts with the development plan when read as a whole. For the reasons given above, I have attached limited weight to this conflict, and there are no other material considerations which would weigh against the proposal. The policies of the Framework are a material consideration which weigh strongly in support of the appeal as the benefits would not be substantially outweighed by the adverse effects.
64. I therefore consider that in the specific circumstances of this case, the material considerations indicate that the decision should be taken other than in accordance with the development plan. Accordingly, the appeal should be allowed.

Jennifer Wallace

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Lord Banner KC

Andy Stevens

Shannon Fenlon

Andy Keen

Tom Butler

Simon Mirams

Nicola Gooch

FOR THE LOCAL PLANNING AUTHORITY:

Kirstin Roberts

Charlie Cooper

INTERESTED PARTIES:

Karen Chapman

Christine Hansen

DOCUMENTS

Document 1 – Public Rights of Way map

Document 2 – Suggested flood risk condition

Document 3 – Completed Planning Obligation

Document 4 – Public Representation Regarding Planning Obligation

Document 5 – Main Party Comments regarding Planning Obligation

Document 6 - Council comments on revised Framework dated 01 September 2026 and 21 September 2026

Document 7 – Appellant comments on revised Framework dated 18 September 2026 and 23 September 2026

Schedule of Conditions

Time Limit / Reserved Matters / Approved Plans

- 1) Details of the appearance, landscaping, layout and scale (hereinafter referred to as “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. The development shall be carried out in accordance with the approved details.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan 1017.2 / 01C (Site Location Plan).

Reserved Matters Submission Requirements

- 5) The reserved matters application(s) shall be accompanied by a Noise Impact Assessment prepared by a suitably qualified person. The assessment shall:
 - a) identify existing and predicted external noise sources affecting the proposed dwellings;
 - b) assess likely internal and external noise impacts on future occupiers;
 - c) demonstrate how site layout, orientation and design have sought to minimise noise exposure; and
 - d) identify any mitigation measures necessary to achieve appropriate internal and external noise standards, including glazing, ventilation and acoustic screening where required.

Any approved mitigation measures shall be implemented prior to first occupation of the relevant dwellings and thereafter retained

- 6) The reserved matters application(s) shall be accompanied by details demonstrating compliance with the approved Flood Risk Assessment (Ref. 16003/01/HOP/FRA, April 2022), including:
 - a) the siting of built development within areas at lowest risk of flooding;
 - b) finished floor levels for all dwellings set no lower than 300mm above the relevant design flood level;
 - c) retention of flood flow routes and flood storage areas; and
 - d) any finished ground levels and mitigation measures necessary to manage flood risk on and off the site.

The development shall thereafter be carried out in accordance with the approved details and the relevant measures retained thereafter.

- 7) The reserved matters application(s) shall be accompanied by details demonstrating a suitable surface water drainage scheme can be provided. The scheme shall be based on sustainable drainage principles and shall include:
 - a) detailed plans and hydraulic calculations demonstrating the proposed drainage network and attenuation features;

- b) evidence that runoff rates from the developed site will be restricted to no greater than the greenfield mean annual runoff rate (Q_{bar}) for all rainfall events up to and including the 1 in 100 year storm event plus an appropriate allowance for climate change;
- c) an allowance for urban creep;
- d) details of all outfalls, connections to receiving watercourses, cross sections and invert levels;
- e) groundwater monitoring data, together with evidence that a minimum 1 metre unsaturated zone will be maintained between the base of infiltration features and the highest recorded groundwater level, or details of alternative measures where this cannot be achieved;
- f) details of exceedance flow routing to ensure flooding does not occur on site or elsewhere;
- g) details showing the retention or safe diversion of existing overland flow routes, ponds and ordinary watercourses; and
- h) a timetable for implementation.

The drainage works shall be carried out in accordance with the approved scheme.

Prior to the first occupation of each phase, or first use of the drainage infrastructure serving that phase, whichever occurs first, written verification shall be submitted to and approved in writing by the Local Planning Authority confirming that the approved drainage system has been constructed in accordance with the approved details. The verification shall include as-built drawings and photographs.

Pre-Commencement Conditions

- 8) No development shall commence until a Code of Construction Practice (COCP) has been submitted to and approved in writing by the Local Planning Authority. The COCP shall include details of:
- a) construction vehicle access, egress and holding areas;
 - b) parking arrangements for contractors and visitors;
 - c) loading, unloading and storage of plant, materials and waste;
 - d) wheel washing facilities and other measures to prevent mud or debris on the highway;
 - e) temporary traffic management measures;
 - f) protection of public rights of way and associated pedestrian movements;
 - g) the erection and maintenance of site hoarding and security fencing;
 - h) measures for the control of noise, vibration, dust and air pollution;
 - i) measures to manage surface water runoff, flood risk and pollution during the construction phase;
 - j) site operating hours; and
 - k) site contact arrangements for neighbouring occupiers.

The approved COCP shall be implemented throughout the construction period.

- 9) No development shall commence until a phased scheme for the investigation and assessment of land contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) A Phase 1 Preliminary Risk Assessment comprising a desk study, site walkover survey, development of a conceptual site model, and preliminary risk assessment of risks to human health, controlled waters, property, ecological systems and archaeological remains; and
 - b) Where identified as necessary by the Phase 1 assessment, a Phase 2 Intrusive Site Investigation and detailed quantitative risk assessment to determine the nature and extent of any contamination present.
- 10) Where contamination requiring remediation is identified by Condition 9, no development (excluding remediation works) shall commence until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include:
- a) the remediation objectives;
 - b) the remediation works and methods proposed;
 - c) measures to manage risks during construction;
 - d) a timetable for implementation; and
 - e) arrangements for verification and any long-term monitoring.

The approved remediation scheme shall be fully implemented in accordance with the approved details.

Prior to the first occupation of any dwelling within the relevant phase, a verification report shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the approved remediation works have been completed and the site is suitable for its intended use.

- 11) If, during development, contamination not previously identified is found to be present, no further development within the affected area shall take place until a scheme to deal with that contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and risk assessment, together with any necessary remediation measures. The approved measures shall be fully implemented before development resumes in the affected area.
- 12) No development shall commence until a scheme for the provision of foul water drainage for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed means of foul drainage disposal, implementation timetable, and confirmation of available capacity within the existing network or any reinforcement works required. The approved foul drainage scheme shall be implemented in accordance with the approved timetable. No dwelling within the relevant phase shall be occupied until the approved foul drainage works serving that phase have been completed and brought into operation.
- 13) No development shall commence until a management and maintenance plan for the surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) details of the body or bodies responsible for management and maintenance of all drainage infrastructure, including piped systems and SuDS features;
- b) maintenance schedules and procedures; and
- c) arrangements to secure the ongoing implementation of the plan for the lifetime of the development.

The approved arrangements shall be implemented upon first occupation of the development and the development shall be managed and maintained in accordance with the approved plan thereafter.

- 14) No development shall take place until a Written Scheme of Investigation (WSI) for a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority. The WSI shall include details of the archaeological investigation, recording, reporting, publication, archive deposition and a timetable for implementation. The development shall thereafter be carried out in accordance with the approved WSI.
- 15) No development, including site clearance, vegetation removal, groundworks or other works likely to affect great crested newts or their habitat, shall commence until:
- a) a European Protected Species Mitigation Licence (EPSML) for great crested newts has been granted by Natural England; or
 - b) written confirmation has been submitted to the Local Planning Authority from Natural England that such a licence is not required.

The development shall thereafter be carried out in full accordance with the mitigation measures, method statement and timing requirements contained within the licence (where applicable). Any habitat creation, enhancement or compensation measures shall be completed in accordance with the approved timetable and retained thereafter.

- 16) No development, including site clearance, vegetation removal, or groundworks, shall commence until an updated badger survey of the site and land within 30 metres of the site boundary where accessible has been undertaken within the previous three months and the results submitted to the Local Planning Authority.

Where the survey identifies any active sett, newly established sett, or other significant badger activity likely to be affected by the development, no development shall commence until a Badger Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include details of avoidance, mitigation, timing of works, protection measures and any licence required from Natural England.

The development shall thereafter be carried out in full accordance with the approved Method Statement.

- 17) No development, including site clearance, vegetation removal, or groundworks, shall commence until a Wildlife Management Plan (WMP) has been submitted to and approved in writing by the Local Planning Authority.

The WMP shall include details, where relevant, of measures for the protection of bats, breeding birds, reptiles, great crested newt and badgers, together with measures to avoid, minimise or mitigate harm arising from the development.

The WMP shall include, where relevant, provision for:

- a) updated pre-commencement surveys where required;
- b) timing of vegetation clearance, demolition and construction activities;
- c) precautionary working methods and ecological supervision;
- d) protection of retained habitats, hedgerows, trees and commuting
- e) corridors during construction;
- f) temporary lighting controls to maintain dark corridors for bats during construction;
- g) species-specific mitigation measures; and
- h) a timetable for implementation.

Where any tree proposed for felling or pruning contains potential roost features, a Preliminary Roost Assessment and any further inspection identified as necessary by a suitably qualified ecologist shall be undertaken prior to works affecting that tree, and such works shall thereafter proceed in accordance with the ecologist's recommendations.

The development shall thereafter be carried out in full accordance with the approved Wildlife Management Plan.

- 18) No development above slab level shall take place until an Air Quality Emissions Mitigation Assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with the current version of the Air Quality & Emissions Mitigation Guidance for Sussex and shall include:
- a) an assessment of emissions arising from the development;
 - b) calculation of any required mitigation measures; and
 - c) a scheme of mitigation to minimise emissions from the completed development.

The approved mitigation measures shall be implemented in full prior to first occupation of the relevant phase of development and shall thereafter be retained.

- 19) No external lighting in any publicly accessible area of the site shall be installed within the development until a Sensitive Lighting Strategy for Biodiversity has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include:
- a) a baseline assessment of existing lighting conditions;
 - b) details of the location, height, design, specification and hours of operation of all proposed external lighting;
 - c) an assessment of likely impacts on retained vegetation, ecological corridors, habitats and biodiversity enhancement features;
 - d) measures to minimise light spill and glare, including shielding, directional fittings, dimming or timing controls where appropriate; and
 - e) a lux contour plan demonstrating that ecologically sensitive areas will remain suitably dark.

All external lighting shall thereafter be installed, operated and maintained in accordance with the approved strategy.

Pre-Occupation / Phase Delivery

- 20) No phase of the development shall be occupied or first brought into use until the archaeological site investigation and post-investigation assessment for that phase has been completed in accordance with the approved Written Scheme of Investigation and the results have been submitted to and approved in writing by the Local Planning Authority.

The post-investigation assessment shall include provision for analysis, publication, dissemination of results and archive deposition.

- 21) Prior to the first occupation of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:
- a) a description and evaluation of the landscape and ecological features to be managed;
 - b) management aims and objectives;
 - c) management prescriptions and operations for all landscaped areas, habitats and ecological features;
 - d) a timetable for implementation, including a rolling five-year work programme;
 - e) details of the body or organisation responsible for implementation;
 - f) details of monitoring, review and remedial measures; and
 - g) details of the legal and funding mechanisms to secure long-term implementation.

The approved LEMP shall thereafter be implemented and maintained for the lifetime of the development. Any amendments shall first be submitted to and approved in writing by the Local Planning Authority.

- 22) Prior to the first occupation of the development, a Flood Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
- a) an evacuation plan;
 - b) flood resilience measures;
 - c) measures, including signage, to manage any impacts of flooding on the vehicular access from Golden Jubilee Way and the secondary (pedestrian) access to the north of the site onto Rother Avenue; and
 - d) details of procedures (and resilience measures) for residents seeking safe refuge in the event evacuation is not possible.

Thereafter, the development shall be carried out in accordance with the approved Flood Management Plan.