

PLANNING APPLICATION REPORT

REF NO:	A/154/24/OUT
LOCATION:	Land West of Bewley Road Angmering
PROPOSAL:	Outline planning application with all matters reserved (except access from Bewley Road) for the construction of up to 190 No. residential dwellings and a community building (Use Class E (d,e) or F2(b)), together with the provision of open space, landscaping and associated infrastructure. This application is a Departure from the Development Plan, may affect a Public Right of Way, may affect the character and appearance of the Angmering Conservation Area and may affect the setting of Listed Buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>Outline permission is sought for the principle of residential development and access only with the following reserved for future consideration:</p> <ul style="list-style-type: none">- Appearance- Landscaping- Layout- Scale <p>The access is via Bewley Road, and will consist of a 5.5m access road that runs westwards into the site. To ensure the development protects the parking needs of existing residents, parking bays are provided adjacent to the access.</p>
SITE AREA	The site extends to 16.16 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	12 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Variety of screening along the boundaries, varying from hedging to sporadic trees along the boundary line with gaps in between.
BOUNDARY TREATMENT	Variety of screening consisting of hedging/sporadic trees along the boundary line with gaps in between.
SITE CHARACTERISTICS	Four rectilinear agricultural fields, separated by two defunct hedgerows, a sporadic tree line, and ditches. The northern boundary is defined by a woodland, whilst the southern boundary is undefined and runs across an arable field. The eastern boundary comprises a ditch with mature hedge line, and settlement along the northern and central sections; a mature conifer hedge runs along the southern section between the site and exiting settlement. The western boundary is open

CHARACTER OF LOCALITY

along the southern section, with a hedgerow along the northern and part of the central section.

Established, dense woodland to the north and north-west, with the A27 just beyond where the landscape gently rises and continues as dense woodland. Angmering is to the east, where the settlement is located along the eastern boundary of the site. To the south is Ham Manor Golf Club and semi urban areas to the southwest of the site. A farm complex with associated residential housing is adjacent to the south-western corner of the site. The landscape to the west is predominantly arable fields, with limited field boundary vegetation.

RELEVANT SITE HISTORY

A/50/24/ESO	Environmental Screening Opinion for up to 212 dwellings, access, open space and associated infrastructure.	ES Not Required 10-04-24
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A screening opinion was carried out under reference A/50/24/ESO through which it was concluded that the proposed development did not require an environmental impact assessment.

REPRESENTATIONS

Angmering Parish Council raise objections for the following reasons:

- Highway grounds including capacity and access which has further been supported by a Transport Assessment by their own accord carried out by Velocity Consultants.
- Outside BUAB.
- Flood Risk.
- Developing on Best and Most Versatile Land.
- Land for Cancer United building, whilst its valuable work is supported, this should not give weight in the determination of the application.

1723 letters of objection. General comments raised:

- Increased traffic and congestion.
- Increased pressure on public services and amenities (doctors, dentists, schools etc).
- Infrastructure capacity issues.
- No affordable housing.
- Loss of local green spaces.
- Loss of natural countryside.
- Harm to landscape.
- Harm to biodiversity, trees, habitats and local wildlife.
- Angmering has already provided enough houses.
- Disruption and disturbance to local residents.
- Loss of Grade A farmland.
- Not in accordance with the Local Plan and Neighbourhood Plan.
- Visual intrusion.

- Safety to residents and pedestrians, especially during pick up / drop off times at nearby school.
- Harm to an area of wildlife conservation.
- Increase in pollution (noise, air, light).
- Impact on food production and food security.
- Loss of countryside views.
- Sightings of protected species (badgers, roe deer, slow worms and more).
- Priority for use of brownfield sites.
- Pressure on water supply and network.
- Request deferral until new Government guidelines are published.
- Loss of privacy.
- Overshadowing, and loss of natural light.
- Inappropriate design and appearance.
- Increased flood risk.
- Impact on Listed Buildings.
- Local area is overcrowded and overdeveloped.
- Erosion of the countryside gap between Angmering and Poling.
- Impact on local health and wellbeing.
- Not wanted by the local community.
- Lack of sustainable transport services.
- Bewley Road unsuitable as a main access road.
- Lack of community infrastructure; no schools or doctors' surgery.
- Lack of suitable parking.
- Impact on SSSI and Arun Valley SPA.
- Overdevelopment of Angmering.
- Adverse impact on local character and Conservation Area.
- Loss of village identity.
- Loss of public rights of way.
- Loss of recreational amenity.
- Insufficient sewage / drainage management.
- Impact on the South Downs and the Dark Sky Reserve.
- Impact on crime rates.
- Inaccuracies and misleading information in support of the application.
- Angmering has a number of unsold properties existing.

14 letters of no objection. General comments raised:

- Larger premises for Cancer United opportunity to expand work for the community.
- Cancer United facilities provide support for NHS.
- The charity will be a positive for the community.

103 letters of support. General comments raised:

- Support the work of Cancer United and benefit of their work for local community.
- Centre of Excellence will be able to provide support for more patients and local area.
- Large green spaces will enhance the area.
- More housing is needed.
- Positive impact of nature for wellbeing of residents.
- Provides affordable housing.
- Good housing design.
- Varied range of housing.
- Economically sensible location for the centre near to the heart of the community.
- Enable improved health and social care, and the survivorship of cancer patients.

- Evidence of good community engagement as part of application.
- Necessity for more preparation and support for people with cancer.
- Provision of outdoor and community spaces.
- Positive addition to the community.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Any representations relating to material planning considerations are addressed in the Conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS

- No objection, subject to conditions.

NATIONAL HIGHWAYS

- Following receipt of additional data and information, holding objection was removed. No objections subject to conditions.

LEAD LOCAL FLOOD AUTHORITY (LLFA)

- Objection removed following additional data/information. (9/1/25) No objection subject to conditions.

ARUN DRAINAGE ENGINEERS

- With the submission of additional documents, the applicant has been able to overcome the objection. Conditions should be applied, to ensure that flood risk is not increased by the development. These conditions will ensure oversight and approval of the design, construction, maintenance and verification of the surface water drainage.

LEISURE AND GREENSPACE

- No objection.

TREES

- No objection.

ECOLOGY

- No objection, subject to conditions.

ENVIRONMENTAL HEALTH

- No objection subject to conditions (Air Quality, Lighting, Working Hours, CMP, Contaminated Land)

ARCHAEOLOGY

- No objections subject to condition.

SOUTH DOWNS NATIONAL PARK

- Neither objects nor support the proposal.

WSCC FIRE AND RESCUE

- Advice regarding imposition of a condition for provision of a fire hydrant.

NATURAL ENGLAND

- No objection.

SUSSEX POLICE

- Consideration should be given to Crime Prevention Through Environmental Design (CPTED) and Secure By Design (SBD) standards.

WSCC EDUCATION AUTHORITY

- Objected as there are not sufficient spaces within secondary schools within the area to accommodate new pupils. As an interim solution, WSCC require transport contributions to cover costs to transport pupils from Arun District to alternative secondary schools within West Sussex which cannot be covered by CIL payments. A S106 contribution is sought from WSCC Education for school transport to mitigate the impacts of the development upon Education.

ARUN HOUSING

- Neither objecting or supporting. Comments raised in relation to tenure mix, layout and housing need.

ECONOMIC DEVELOPMENT

- No substantial comments to make. Would like to see a skills and employment plan included.

ACTIVE TRAVEL ENGLAND

- Referred to standing advice and recommend this was followed through in determining the application.

SOUTHERN WATER

- No comments received at the time of writing report.

WSCC PUBLIC RIGHTS OF WAY

- Objection removed following additional information and clarification regarding the position of FP2198. Initial request that the Council consider imposing an obligation on the developer to seek external landowner permissions to improve and deliver improvements to the southern portion of FP2176 remains.

CONSERVATION OFFICER

- No harm to setting of designated asset and therefore no harm on significance.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and are considered in the conclusions section of the report.

POLICY CONTEXT

Designation applicable to site:
Outside of built up area boundary (BUAB)
Mix of Best and Most Versatile Land

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation

ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
SDSP1	SD SP1 Sustainable Development
SKILLSSP1	SKILLS SP1 Employment and Skills
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Angmering Neighbourhood Plan 2014 POLICY EH3](#) Flood Prevention

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD2 Parish Housing Allocation

Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Angmering Neighbourhood Plan (ANDP) was made on 11/03/2015 and its policies are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal conflicts with the development plan in that it would result in development outside of the defined settlement boundary and the loss of grade 2 agricultural land. There are conflicts with the specific requirements of Arun Local Plan policies SO DM1 & W DM1 and with the ANDP in respect of the loss of agricultural land and the lack of evidence about local housing need.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that:

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (a) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are material considerations that weigh in favour of the proposal, which are discussed in the Planning Balance section towards the end of this report.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

On site net gain provision of 51.59% habitat units and 76.37% hedgerow units.

CONCLUSIONS**PRINCIPLE**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan comprises the Arun Local Plan 2011-2031 ("ALP"), the Angmering Neighbourhood Development Plan made in 2015 ("ANDP") and the West Sussex Waste and Minerals Plans.

However, section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan,

the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the ANDP and the ALP, should be resolved in favour of the latter. The most relevant development policies in the Local Plan (C SP1 SD SP2) have reduced weight as Arun cannot demonstrate an adequate supply of housing land (3.41 years). Policies in the ANDP that relate to the supply of housing have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

Paragraph 14 of the NPPF states in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if two criteria apply. Criteria (a) and (b) are not applicable because the Neighbourhood Plan was made over five years ago. The presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The key policy considerations in the determination of this application are H SP1, SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2034.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document" (NSS-DPD).

Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will work to secure development that contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

The site is in a sustainable location, approximately 10-15 minutes walking distance of a range of local shops, services, health and education facilities. There are bus services which enable access to Angmering railway station and the surrounding area. Whilst the private car could be required for longer distances, future residents would not need to rely on a car to be able to live comfortably. Policy SD SP2 "Built up Area Boundary" states that the Built-Up Area Boundary (BUAB) is defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the BUAB and will be permitted, subject to consideration against other policies of the Local Plan.

The site lies outside but adjacent to the BUAB. The site does not form part of any proposed Local or Neighbourhood Plan allocation. Policy C SP1 "Countryside" states that residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. None of these relate to the development. As this site lies outside the BUAB, it is categorised as being within the open countryside and the scheme would therefore conflict with Local Plan Policies SD SP2 and C SP1.

The ANDP was made on 11th March 2015. Policy HD1 of the ANDP seeks to focus development within the BUAB as defined in the neighbourhood plan. The site is classed as open countryside by the ANDP and the outline planning application conflicts with the ANDP.

The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

In January 2025, the council republished its Authority Monitoring Report (AMR). This states the HLS is

now at 3.41 years and therefore the Council cannot demonstrate a five-year housing land supply required by the Framework. The HDT results for the district have also been below 70% since 2018. Given this position the policies most relevant to the determination of the application have reduced weight.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy but was meant as a guide for developers proposing development on sites outside the BUAB and to inform decision-making. The IHS applies to sites adjacent to settlement boundaries and this site meets the criteria as there is BUAB adjacent to the eastern boundary of the development. The IHS sets out criteria to help speed up determinations of suitable residential developments. The application scores highly against the criteria with the exceptions being the location of the site in the countryside and on agricultural land.

The NPPF & the Presumption in Favour of Sustainable Development; The NPPF is a material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS, paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), planning permission should be granted unless:

- (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape. In respect of (ii), the remainder of this report will show that there are no adverse impacts that would significantly and demonstrably outweigh the benefits.

The presumption in favour of sustainable development would apply. Paragraph 8 of the NPPF states that to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The site is environmentally sustainable as it lies on the northern edge of Angmering and it will be possible for residents to use non-motorised means of transport to access schools, shops and other services. Pedestrians would have the benefit of a street lit pavement on Bewley Road linking to Arundel Road to access services to the east and south-east of the application site in the village centre.

The proposal would help to support the local community by providing up to 190 dwellings with a mix of bedrooms and tenure to meet future needs. The scheme will provide a building to support and to be used by the local community. The development would be required to provide affordable housing and an Education Transport Contribution. There would be further benefit to the local community.

The development will likely result in economic benefits to the local area through an increase in Council Tax receipts; creation of construction jobs and additional spending by new residents within the local area.

The BUAB excludes the site. Planning application A/122/19/OUT to the northeast of the site has committed residential development for up to 160 houses outside of the BUAB. There would be limited harm to the character of the countryside if the site was developed. If development on this site was allowed, it would be possible to secure improvements to the footpath link to the PRow and make contributions towards the delivery of a cycle route.

Paragraph 14 of the Framework, identifies that where the presumption in favour of sustainable development applies to applications involving the provision of housing, the adverse impacts of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

The ANDP was made 11 March 2015 and as such has been part of the development plan for more than 5 years. Therefore, Paragraph 14 of the NPPF would not apply in the determination of this application.

SUSTAINABLE DEVELOPMENT

The site is within walking distance of a range of key facilities and services found within Angmering including local shops, eateries/pubs and Angmering Day Nursery, St Margarets C of E primary School, The Angmering Secondary School and Angmering Sixth Form. The secondary school and sixth form are approximately 1900m from the site. As the site is not a town centre location it is generally accepted that distances of 400m-1200m for day-to-day journeys and in respect of school/work commuting, 500m-2000m are sustainable.

The nearest bus stop to the site is on Arundel Road approximately 350m from the centre of the site, providing access to the Stagecoach route No. 9 to Shoreham-by-Sea, Worthing and Arundel. Angmering railway station is approximately 2.1km south of the site, with frequent peak (three per hour) and off-peak (two per hour) services to London Victoria, Worthing, Chichester and Crawley. The station can be accessed via the no. 9 bus service, which is a seven-minute journey. The acceptability of residential development in this location is established by the permitted 160 dwelling scheme to the north (A/122/19/OUT). Previous pre-application discussions with West Sussex County Council (WSCC), in relation to a larger scheme of 250 dwellings on the site, did not identify any significant issues.

A single storey 'community building' has been proposed. The documentation provided in support of the application refers to Cancer United as a potential occupier. Future occupiers could change, therefore this is not material to the assessment.

The cycle/pedestrian pathways proposed would link well within the site and provide appropriate connections to the existing footway and cycle network and as such the overall sustainability of the site is acceptable. The site proposes the provision of formal and informal open space which would serve the needs of future occupiers as well as the wider community.

Paragraph 8 of the NPPF sets out three objectives in relation to sustainable development comprising social, environmental, and economic. Taking each in turn, the proposal would provide some social gains resulting from the provision of affordable housing; the proposed mix of house types; increase in accessible open space and the increased use of local services and facilities. Subject to a S106 being in place, the proposal would comply with these elements.

In terms of the environmental aspect of the proposal, such as impacts on trees and impacts upon the strategic highway network are considered in detail in the report below. It is to be acknowledged that the site lies outside of, but adjacent to the western edge of the BUAB. Whilst there would be some adverse environmental impacts through introducing built form into the open countryside, this is outweighed by the public benefits generated from the development which are discussed further within the report.

Overall taking the above into consideration, environmental gains would be provided in this scheme through the proposed biodiversity net gain as well as enhanced landscaping with additional planting. There would be limited harm to the environment through the loss of the open and undeveloped nature of

the site, due to the degree of containment and retention of the most important landscape features which would screen it from wider view. However, this is discussed in more detail in the report below.

There would be some economic benefits through the creation of construction jobs, increased local spending, and broader benefits of housebuilding contributing to wider economic recovery. The ANDP states there is the identification of land for possible future housing sites for a minimum of 100 new dwellings between 2014 and 2029 in accordance with ADC's Local Plan, based on local housing need, location appropriateness and availability. Taking this into consideration, the site, is in a 'sustainable location' on the edge of a settlement with clearly defined links along with a sizeable contribution to the housing land supply with 30% affordable housing proposed. In conclusion, the site is sustainable.

AGRICULTURAL LAND

ALP policy SO DM1 states that unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect land in the long term. Grades 1, 2 and 3a are classified as Best and Most Versatile Agricultural land (BMVAL).

A detailed Agricultural Land Classification (ALC) assessment was carried out on the 9 April 2024. The survey found that the site comprised Grade 2, Subgrade 3a, Subgrade 3b and non-agricultural land. At approximately 9.9 ha of BMV land, the site is under 50% of the threshold for consultation with Natural England. Given the size of the site and the development proposed, this loss would not be so significant as to warrant refusal and this justification is further supported by recent appeal decision (WA/2/22 - APP/C3810/W/22/3309365) Land West of Yapton Lane, Walberton for 48 dwellings where the Inspector concluded that whilst weight is given to the loss of best and most versatile (BMV) land, in the absence of a five year supply of housing land; the consideration of these elements must be considered within the planning balance. The Inspector concluded to approve the appeal.

Policy SO DM1 makes it clear that to fully justify the loss of the agricultural land, the policy criterion should be met. These require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures. The applicant has provided a detailed Agricultural Classification Report which sets out economic status, yield, margins etc. which supports the redevelopment of this BMV land. The applicant has not provided a Soil Resource Plan (SRP). Whilst the need for the development is accepted, there is conflict with the remaining parts of the policy. However, a suitably worded condition could be imposed to secure a SRP to ensure protection and secure reuse of the important soils in accordance with policy SO DM1 of the ALP.

Concerns have been raised by objectors around the loss of agricultural land and the implications of this following the Government's 12-week consultation on the Land Use Framework (LUF) (started 31 January 2025). Representations have sought to argue that this consultation has implications for planning decisions. The LUF consultation refers to a potential way in which the Government might ensure that its various objectives for the countryside (food production, sustainable farming, nature recovering etc...) are more cohesively planned and pulled together. This is only a consultation and even in its final form it is not intended to replace the planning system or the provisions of the NPPF/PPG. The consultation document states that it "is not going to tell people what to do with their fields or replace the planning system". It is confirmed any future LUF will not "bind decision makers or prescribe specific land uses in specific places; we want it to inform decisions, not impose them". The document states any LUF will "support Government's commitment to build 1.5 million homes and the new infrastructure needed to deliver resilient and sustainable growth and clean energy". Even at this very early stage in the LUF it is apparent that it is not intended to provide a greater level of protection to the country side, or to stifle the delivery of housing. The conclusion of officer's is that this consultation has no material bearing on the determination

of this application.

Therefore, subject to the imposition of a suitably worded condition the development would accord with relevant development plan policy.

CHARACTER AND VISUAL AMENITY

The ANDP sets out several key aims for development with expected bulk of development to be focused within the built-up area of Angmering village. It further states that the village needs to accommodate a degree of growth to prosper. However, this must be balanced against the need to preserve its role as a rural settlement which does not encroach unduly on the open countryside that surrounds it. The site is outside of, but adjacent to the BUAB and within the open countryside.

Policy D DM1 of the ALP requires that the Council seeks to make the best possible use of land by reflecting or improving on the character of the site and the surrounding area. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. New housing should make efficient use of land while providing a mix of dwelling types and maintaining character & local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires that the scale of development is kept within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character.

The National Design Guide (NDG) is a material consideration in the determination of this application. It states that achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing. It sets out ten characteristics of beautiful, enduring, and successful places: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes & Buildings, Resources and Lifespan. The applicant provided a supplemental Design Statement which responds to these headings and concludes the scheme will blend harmoniously in the surrounding area providing high-quality, well-designed dwellings and spaces for future residents. The scheme is outline only so it can not be fully determined now.

The Arun Design Guide (ADG) suggests a density of 15-25 dwelling per hectare (dph) for detached/semi-detached houses in village locations and states density should decrease with distance from the centre of a settlement, to ensure development relates sensitively to its setting and addresses edges of the site in a positive way. The average gross density of the proposals is 12dph, based on the site area of 16.16ha with the average net density, only including the areas for residential development (excluding public open space, landscape and the area for the community building), is 31dph. The density will vary across the developable part of the site, having regard to the site context, proposed character, making efficient use of land, and ensuring the proposals provide an appropriate transition of lower density to the west and north which abuts the wider open landscape. Whilst layout is indicative and would not form part of the approval, it has demonstrated development of the site could be achieved in a form which would appear to comply with policy requirements. This matter would be subject to determination at detailed design stage.

Policy C SP1 of the ALP is concerned with development outside BUABs and states that land defined as countryside, such as the 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 proposition of this is that types of development not listed would be contrary to Policy C SP1.

The immediate locality is rural in character with residential development located immediately to the east.

The development would impact on the established character of Bewley Road and wider area. Given the existing rural nature of the site there would undoubtedly be a change in this character and an urbanising effect through the introduction of up to 190 dwellings, roads and other infrastructure and domestic paraphernalia. It is acknowledged, as set out in the Landscape and Visual Impacts Assessment (LVIA) submitted, that the site is not constrained by any landscape designations, nor would it have harmful impacts upon views into or out of the South Downs National Park.

The illustrative masterplan indicates scope for significant additional planting which would further screen the development from views within the wider countryside. The LVIA states that views of the site are mainly limited to nearby properties close to the boundary of the site and at proposed access points. The site would integrate well to the north with approved application A/122/19/OUT whereby the adjacent scheme appears to have a large SUDs basin and recreational grounds which would abut the proposed open space, including the NEAP on the northern parcel of the application site.

While there would be harm to the open countryside through the loss of the undeveloped nature of the site and introduction of urban built form, contrary to policy C SP1, the views to and from the site are relatively well screened which would limit any harmful impact to the immediate area surrounding the site with the built form largely abutting residential development. The indicative plans show that the northernmost part of the site would feature open space further minimising impacts in the wider context. A locally equipped area of play (LEAP) is proposed at the head of the main access road which is to be screened by planting/trees/landscaping and would limit immediate impact of built form as you enter the site.

The development would conflict with policy C SP1 by virtue of the development being outside of the BUAB. This conflict with the ALP will need to be taken into consideration in the planning balance.

LIGHT POLLUTION

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape, particularly regarding the South Downs International Dark Sky Reserve designation. Further, it is required that schemes proposing outdoor lighting be accompanied by a lighting assessment.

The development of up to 190 dwellings would introduce lighting to an area that derives its character from its unlit nature. Whilst a lighting strategy has not been submitted, this is acceptable given the application is submitted in outline with all matters reserved save for access. It would be prudent to impose a condition to ensure artificial lighting installed on site for safety, security and amenity is low level and during hours of darkness.

The Design and Access Statement identifies that lighting will be covered at reserved matters stage but will seek to avoid impacts on sensitive habitats, foraging and commuting routes. Lighting can be reserved to a condition and this will ensure lighting is designed to be sensitive to bats/other wildlife using site boundaries. Subject to the imposition of a condition the proposals would accord with relevant development plan policies.

TRAFFIC, ROAD SAFETY & PARKING

ALP policy T SP1 seeks to ensure any development provides safe access onto the highway network whilst ensuring that proposals incorporate appropriate levels of parking. Policy T DM1 requires new development to be located in easy access of non-car transport modes whilst contributing to the improvement of such routes. HD8 of the ANDP supports the WSCC parking standards and encourages new development to follow them.

Paragraphs 115 of the NPPF seeks to ensure that, inter alia, there is safe and suitable access to the site

that can be achieved for all users whilst paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

WSCC Highways have raised no objection subject to the imposition of relevant conditions. They are satisfied the proposal will not result in an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal is not contrary to the NPPF (para 116), and there are no transport grounds to resist the proposal from a local highway perspective.

The site will be accessed from Bewley Road, which is a cul-de-sac. The proposal will provide a 5.5m access road that runs westwards into the site. To ensure the development meets the parking needs of residents, it is proposed that parking bays are provided adjacent to the access, to formalize parking along Bewley Road. Driveway access to No's 42/44 Bewley Road will be redesigned to accommodate the access.

Following objections from local residents around the redesigned driveway access for No's 42/44 the applicant has voluntarily prepared tracking to demonstrate the manoeuvre when using the driveway. This tracking plan was based upon a 4.7m long car (estate or mid-sized SUV) and has been shared with WSCC Highways who have confirmed that the manoeuvre whilst tight is acceptable given the low speed environment and the likely frequency of the manoeuvres.

The existing public right of way (PRoW) 2176 runs parallel with, and outside the site boundary adjacent to Bewley Road. The site access will cross PRoW 2176, therefore it has been proposed that the access measures 3.7m to reduce vehicular speeds and reduce crossing distance, with a raised table and tactile paving to promote safe use of the crossing.

Footpath 2176 lies outside of the site boundary and this will be retained with a new parallel path provided within the site. The scheme also provides an opportunity to enhance and widen to 2m the (widen to 2.0m and surface) PRoW 2198 that crosses the application site. This will provide a significant enhancement to the existing provision, which is relatively narrow and constrained by adjacent boundaries, and will provide better connections to the centre of Angmering and wider countryside routes.

Extensive consultation has taken place with WSCC in relation to traffic detailing and capacity. Several technical matters required clarification and/or further information to be provided for review. An i-Transport Technical Note (TN), dated 18 February 2025, was subsequently submitted, together with supporting information (video and model files) for which National Highways were then reconsulted.

It has been clarified that the times reported within the transport assessment (TA) are correct and the times within the junctions model are confirmed to have now been updated. The video files have been reviewed and are concluded to align with the queue data presented within Appendix C of the TN dated 11 October 2024. The updated traffic flow diagrams are confirmed to address earlier comments and align with the revised trip assignment.

The TA contains assessment of two junctions on the strategic road network (SRN), A27 / Arundel Road priority junction and A27 Clapham Interchange. The assessment at Clapham Interchange comprises a separate assessment of the south and north roundabouts. National Highways are content with the model results and have confirmed that there is no requirement for any mitigation at the junctions listed.

Due to the outline nature of the application, there are no details as to the layout, size of the houses nor is parking provision detailed. Compliance with the Arun Parking Standards SPD will be considered at reserved matters stage. Due to the quantum of development and site size, it is likely that parking provision as per the requirements could be achieved. There is a requirement to ensure 5% of all spaces

are suitable for the disabled and a condition is to be imposed to ensure the requirement is complied with. Application documents indicate a policy compliant level of cycle storage and electric vehicle charging points would be provided. These matters would be considered fully at the reserved matters stage and a suitably worded condition used to secure this information.

There are no adverse impacts identified with regards traffic generation subject to conditions. The inclusion of a travel plan would be funded by the applicant and secured through a S106 legal agreement should the application be granted. The development would have an acceptable highways impact with reference to development plan policies and guidance on highway safety within the NPPF.

BIODIVERSITY

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. Policy ENV SP1 confirms that Arun will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment.

The northernmost parcel of the site, comprising approximately 1.9ha lies within the Arun Valley SPA IRZ2. One of the qualifying species of the Arun Valley SPA are Bewick Swans, who migrate over the winter period to the Arun Valley. This northern parcel is proposed as POS which will be heavily planted and screened to allow for biodiversity enhancements to minimise impacts on wildlife. There has been an updated Environmental Impact Assessment (EIA) screening which includes the northernmost parcel of the application site and concluded that EIA is not required.

The site comprises four rectilinear agricultural fields, separated by two hedgerows, a sporadic tree line, and ditches. The northern boundary is defined by a woodland, whilst the southern boundary is undefined and runs across an arable field. The eastern boundary comprises a ditch with mature hedge line, and settlement along the northern and central sections; a mature conifer hedge runs along the southern section between the site and existing settlement. The western boundary is open along the southern section, with a hedgerow present along the northern and part of the central section.

An appropriate assessment (AA) has been carried out and approximately 1.9ha of the northernmost part of the site is within the Arun Valley SPA IRZ2. The EIA includes the existing Biodiversity Net Gain (BNG) baseline and condition assessment of the current habitats on site. The indicative BNG metric has been prepared based upon the indicative site layout and demonstrates that the development would exceed the minimum 10% BNG in line with the Environmental Act 2021.

Further updates have been provided in line with comments made by the Council's Ecologist dated December 2024. The Arboricultural Impact Assessment (AIA) submitted in August 2024 has identified 27 individual trees, 15 groups of trees, 18 hedgerows and 1 woodland, totalling 61 items. Of these 61 items, 12 have been categorised as A, of high quality; 16 have been categorised as B, of moderate quality; and 31 have been categorised as C and are of low quality. In addition, 2 items have been categorised as U and are considered unsuitable for retention.

Out of the trees above, sixteen within/adjacent to the site were identified with Potential Roosting Features (PRFs).

Night time bat walkover surveys were undertaken in May, July and September 2024. The survey provided by the Ecological Impact Assessment (EcIA) Addendum December 2024 shows that for the walk over surveys, six bat species were recorded foraging and commuting along the boundaries, with Barbastelle recorded along the eastern and northern boundaries.

For the static detectors at least eight bat species were identified during the static detector surveys with a

cumulative total of 91,177 registrations recorded across all static detector locations. This included 1735 registrations for Barbastelles. Long-eared bats were also recorded, these bats are less tolerant of lighting so could be impacted by the development.

It has been brought to the attention of officers that burrow holes have been identified recently. It has been confirmed from the agent that one of these holes is within the red line boundary but outside the area proposed for built development (located in the northern area of open space) whilst the other is outside of the site to the west. Badgers can regularly create and abandon setts and both the desk study and site survey carried out May-July 2024 state that there was no evidence of badgers, however, the site provides foraging habitat. In taking a precautionary approach, a condition is to be imposed ensuring that no development shall take place until further surveys have been undertaken.

Advanced planting of the western and southern boundaries of the site started in October/November 2024. This was undertaken primarily for landscape purposes. However, the advanced planting will also ensure that an established linear, dark feature will be in place along the western and southern boundaries of the site in advance of the impacts of street light installation and residential occupation.

To provide additional maternity/hibernation roosting habitat within the site, a 1FW Schwegler bat maternity/hibernation box (or similar approved) would be installed on a retained tree within the northern part of the site (on an existing mature tree proposed within the POS). The location would be detailed in the CEMP and confirmed on site by the ECoW during construction.

Specific enhancements that have been included within the Landscape and Ecological Management Plan (LEMP) are as follows:

The EcIA indicates that there would be specific enhancements as part of the proposals, these include:

- The proposed habitat creation measures, along with installation of 20 dormouse boxes, would enhance the site for hazel dormouse. It is likely that the species will extend further into the site, once the proposed woodland, hedgerow and shrub planting establishes.
- The proposed development would lead to a gain in foraging habitat for bats. Habitats within the proposed Public Open Space (POS) in the north of the site; the proposed landscape buffer along the western and southern boundaries (comprising native species-rich hedgerow; dense woodland interspersed with groups of specimen trees; wildflower meadow and SUDS basins); and hedgerow creation and enhancement along the central and eastern boundaries, would provide foraging habitat.
- The proposed POS in the north of the site and the landscape buffer along the western and southern boundaries would be dark; all bat species would be able to forage and commute within/along these areas. Whilst some bat species are known to be relatively tolerant of artificial lighting e.g. common pipistrelle and noctule, street lighting and residential lighting from properties could, however, have a negative effect on other bat species foraging and commuting along the eastern and central hedgerows, particularly for the more light-sensitive species such as barbastelle, Myotis and long-eared bat. The proposed POS in the north of the site and the landscape buffer along the western and southern boundaries would become the principal north-south commuting route for these bats.
- Advanced planting of the western and southern boundaries of the site started in October/November 2024. The advanced planting will ensure that an established linear, dark feature will be in place along the western and southern boundaries of the site in advance of the impacts of street-light installation and residential occupation. Planting will be monitored annually up to the point of installation/first occupation to ensure delivery in accordance with the specification and landscape proposals. An Advanced Planting Management and Monitoring Plan will be produced for this period. A Lighting Mitigation Strategy will be

produced for the post-construction phase, as set out previously in the EclA Report.

- To provide additional maternity/hibernation roosting habitat within the site, a 1FW Schwegler bat maternity/hibernation box (or similar approved) would be installed on a retained tree within the northern part of the site (on an existing mature tree within the proposed POS). This would be in addition to the batbox proposals set out previously in the EclA Report.

All of these matters could be secured by way of condition. An increase in artificial light would negatively impact foraging, commuting and roosting bats. A detailed lighting strategy would be secured through condition imposed on any permission.

Subject to mitigation and enhancement measures, the development would contribute in the 'preservation, restoration and enhancement of biodiversity and the natural environment' in accordance with Policy ENV SP1 of the ALP. It would avoid adverse impacts on designated sites of biodiversity or geological importance as required by Policy ENV DM1 and would 'incorporate elements of biodiversity minimising adverse impacts on existing habitats' in accordance with Policy ENV DM5.

TREES

ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy ENV DM4 of the ALP requires development to protect and manage existing trees wherever possible. It also requires development to take a comprehensive view of tree issues at the early stages of the design process.

The survey has identified 27 individual trees, 15 groups of trees, 18 hedgerows and 1 woodland, totalling 61 items. Of these 61 items, 12 have been categorised as A, of high quality; 16 have been categorised as B, of moderate quality; and 31 have been categorised as C and are of low quality. In addition, 2 items have been categorised as U and is considered unsuitable for retention.

High value trees are concentrated to the northern parcel, a majority of which are subject to a Tree Preservation Order. Native hedgerows within and around the site are important wildlife corridors. Both features have significant landscape/amenity value and are strategically important for the accrual of ecological benefits for this site and its environs as well as providing high levels of visual amenity. These trees must be afforded sufficient room to allow future growth (above and below ground level) without constraint if they are to flourish post-development. Mature native oaks are varying condition and form although the majority are high value retention category A.

An Arboricultural Assessment and Method Statement was submitted with a Tree Protection Plan (TPP). Whilst the layout is illustrative, further consideration at reserved matters stage could be afforded to the impact within root protection zones, especially that of higher value trees.

The Tree Officer has concluded that "in general the principle of development as illustrated is achievable without undue detriment to retained on and off site trees". Further thought on any subsequent reserved matters applications will need to include a sympathetic approach to trees being retained/enhanced on site which maintain the balance of open space/landscaping throughout the development.

The development would protect the existing trees on site which would contribute sufficiently to local amenity and would therefore comply with ALP policies D DM1, ENV DM4.

HERITAGE

Policy HER SP1 seeks to conserve the historic environment through protecting designated and non-designated heritage assets. It states that developments that prejudice the conservation of the assets or their setting will be refused. Policy HER DM3 outlines how the Council will preserve and enhance the character and appearance of Conservation Areas.

Paragraph 210 of the NPPF requires decision taking to take account of the desirability of preserving the significance of a heritage asset and the positive contribution that the conservation of the asset can make to sustainable communities. Paras 207-208 set out how the significance of an asset will be assessed and para 212-213 confirm how harm to assets will be quantified.

There are no designated or non-designated heritage assets within the site boundary. There are a number of Listed Buildings, and Conservation Areas which the development could impact upon. The closest are:

Angmering Conservation Area.

Longback Cottages Grade II.

Church Farm House Grade II.

Newplace Farmhouse Grade II.

Decoy House Grade II.

Locally Listed non-designated heritage assets - Crossrigs, Grey Barn, St.Wilfreds and Presbytery.

The heritage statement considers both the assets significance and their setting and concludes that the proposed development would have no impact on either their significance or setting. The Conservation Officer is content that on balance the impact of the proposed development would not result in harm to the setting of the designated heritage assets and therefore not harm their significance.

The proposal results in no adverse impacts upon both designated and non-designated heritage assets in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, ALP policies HER SP1, HER DM1 and ANDP EH1 and EH2.

ARCHAEOLOGY

ALP Policy HER DM6 requires development within sites of archaeological interest to be supported by an archaeological assessment to demonstrate that there would be no harm to the interest of the site.

The application submission includes an archaeological and heritage report which confirms that archaeology constraints would not be grounds for refusal of the application. While the site does have potential to contain remains of interest this could adequately be investigated through geophysical survey, trial trenching and archaeological and geoarchaeological evaluation appropriately.

ADC's archaeology consultee agrees with the conclusions made in the assessment subject to conditions which may highlight prehistoric, Roman and medieval periods. Trial trenching will ensure appropriate works are undertaken prior to development taking place on site to ensure that any remains found are appropriately recorded. No objection has been raised subject to condition.

RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out guidance on garden depths and interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;

- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

Given the outline nature of the proposal and the detail of the indicative proposed plans it is not possible to make a detailed assessment of residential amenity. Considering the size of the site, quantum of development and indicative plans there is adequate space within the confines of the site to design a scheme which would accord with the requirements of ALP policies D DM1 and QE SP1, and the ADG.

AFFORDABLE HOUSING

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The policy states affordable housing should be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes.

The application will provide a mix of dwelling types, sizes and tenures. The exact mix will be determined at reserved matters stage. In order to comply with the relevant policies, the units will need a tenure split of 67% affordable rent and 33% intermediate dwellings, which accords with the requirements of the Council's Interim Affordable Housing Policy. Ensuring the affordable units are pepper potted around the site, will be a consideration when the reserved matters application comes forward.

Subject to the completion of a S106 agreement the proposal would accord with ALP policy AH SP2.

HOMES FOR OLDER PEOPLE

Arun DC agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration. It is supported by references in ALP policies D DM1 & D DM2. This requires at least 50% of the homes are designed to the M4(2) standard, and that 2 are designed to meet M4(3) i.e. be wheelchair accessible, for every 50 dwellings. Schemes over 100 units should include provision for bungalows.

Given the outline nature of the proposal and the detail of the indicative plans it is not possible to make a detailed assessment of this element, but it would be possible to design a scheme that is compliant with policy. It is proposed to impose a condition to secure the provision of these dwellings.

FLOOD RISK & SURFACE WATER DRAINAGE

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development. ANDP policy EH5 requires that new development make appropriate provision for accommodating the surface water arising from the development.

The site is in Flood Zone 1 and is at low risk from fluvial and pluvial flooding. Part of the site is at risk (1 in 30) of surface water flooding. A combined Flood Risk Assessment and Drainage Strategy was submitted. Additional information was submitted to address the objection raised by the Lead Local Flood Authority (LLFA). Following further consultation with the LLFA and Arun Drainage Engineers, no objections were raised subject to the imposition of conditions.

Sequential Test:

Notwithstanding the above, Paragraph 175 of the NPPF states that a sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

Both Arun Drainage and original comments from WSCC LLFA state the requirement for the submission of a Sequential Test. Whilst the Mayer Brown response to the previous WSCC objection (Appendix P of the FRA), states that surface water flood risk will be removed once the site is developed, the justification for this is based on the assertion that no offsite flows contribute to the area of surface water flood risk.

The Arun Drainage Engineers response states that this is directly contradicted by the watercourse mapping and their own knowledge that there is an upstream pipe outfall at the eastern end of Ditch A.

Due to the presence of surface water flood risk on site the a sequential test is required for the development. Weight is given to the recent Inspectors decision APP/D2320/W/23/3329702 for a site in Chorley (outside Arun). Within this decision, the Inspector highlighted that a conclusion of low surface water flood risk based on proposed mitigation was not relevant in assessing whether a sequential test was required.

A Flood Risk Sequential Test (FRST) has now been submitted by the applicant (document ref: 'Flood Risk Sequential Test' - Nexus Planning, May 2025).

Within the Sequential Test, it is necessary for the applicant to identify 'Reasonably Available' Sites. Paragraph 028 of the PPG (Reference ID: 7-028-20220825, dated 25/08/22) defines this as the following:

'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.

These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available.'

It is important to note the final point of Paragraph 028, that for the determination of a Sequential Test, consideration of the 5-year housing land supply (HLS) is not relevant. Therefore, the fact that Arun cannot demonstrate a HLS does not play part in whether the Sequential Test is passed or failed. This is rather a matter for separate consideration within the planning balance.

The methodology of the FRST sets the following criteria. Sufficient justification for each criteria has been provided:

- Be located within Arun District.
- Be located within or adjacent to one of the settlements identified by the Council in the Arun Local Plan 2018 (to ensure consistency with the Council's sustainable development objectives).
- Have a developable area of between 6.5ha and 12.5 ha, or be part of a larger site / a series of smaller sites that could reasonably accommodate the proposed development.
- Capable of delivering between 133 and 247 new homes.
- Capable of delivering these homes no later than Summer 2031.

- Be materially preferable to the Application Site in terms of flood risk, in conjunction with other planning constraints.
- Not already have an extant planning permission (these would already be part of, and would not therefore add further to, housing land supply).
- Be free from site-specific constraints which would inhibit the ability to be developed in the shorter-term.

Having reviewed the site specification methodology within the FRST, Officers are satisfied that this approach is acceptable.

In line with the above criteria, a total of sixteen sites were identified through the FRST, of these three sites were identified as sequentially preferable:

- Land at Middle Field, Drove Lane (HELAA Ref: 23Y8) - with a theoretical potential capacity of up to 216 homes;
- Land north of Ford Lane, Yapton (HELAA Ref: 18Y4) - with a theoretical potential capacity of up to 441 homes; and
- Land West of Lidsey Road, Aldingbourne (Planning App Ref: AL/89/24/OUT) - with a potential capacity of up to 130 homes.

An exception test has been undertaken. The Sequential Test has been failed, as there are three sequentially preferable sites identified. In accordance with Paragraph 177 of the NPPF, as development could be located in an area at lower risk of flooding, the exception test need not be applied.

It is concluded that there are 3 sites that are sequentially preferable to the appeal site, capable of accommodating the type of development proposed and with a reasonable prospect that they would be available for development at the point in time envisaged for this development. Therefore, the proposal does not pass the Sequential Test.

It is pertinent to bring to reference relevant Case Law and Appeal Decisions which have been used within the justification and methodology of this FRST, and are of significant relevance to the assessment of this application. The Case Law concerns two judgements handed down by the Court of Appeal and High Court, which both addressed matters of flood risk / the sequential test:

- Substation Action Save East Suffolk Ltd R (on the Application Of) v Secretary of State for Energy Security and New Zero & Ors EWHC31877 ("the Substation Judgment"); and
- Mead Realisations and Redrow Homes Ltd v Secretary of State for Levelling Up, Housing and Communities EWHC 279 ("the Mead / Redrow Judgment")

The Planning Appeal of relevance is the decision issued for Rectory Farm (North), Yatton (APP/D0121/W/24/ 3343144) (hereby referred to as the Yatton appeal). This appeal related to a proposal for up to 190 homes, on a greenfield site located in Flood Zone 3a. Despite the flood risk constraint and failure of the sequential test, this appeal was allowed. The Inspectors approach to Flood Risk and the Sequential Test in the Yatton appeal is therefore of significant relevance to this application; given it sets clear instruction for the assessment and interpretation of the Sequential Test and its weight when applied in the overall planning balance of the scheme. However, only the Sequential Test is assessed within this section, with flood risk and the planning balance discussed separately.

Flood risk and drainage

A combined Flood Risk Assessment and Drainage Strategy (SL/GLBEWLYROAD.23 5th Issue: Mayer Brown - September 2024) was submitted and has been assessed by the Arun Drainage Engineers and the Lead Local Flood Authority (LLFA). Further information has been supplied (document reference

SL/GLBEWLEYROAD.23 - 17 September 2024), in response to an objection by the LLFA. In addition, a Ground Appraisal Report (GE21521/GAR/MAY23 - 3 May 2023), Groundwater Monitoring Report (GWPR4490) and Phase II Site Investigation Report (LP3612/PH2 - 19 April 2024) have been submitted. This is in accordance with Footnote 63 of the NPPF (2024) in which a site-specific Flood Risk Assessment (FRA) is required for a site in Flood Zone 1, over 1ha, and subject to other sources of flooding where its development would introduce a more vulnerable use. Annex 3 of the NPPF identifies the vulnerability use as changing from 'Water-Compatible Development' to 'More Vulnerable'.

Paragraph 181 of the NPPF (2024) requires that development only be allowed in areas at risk of flooding where it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location.
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed.
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

In accordance with W DM2 of the Arun Local Plan, the following must be satisfied:

- a. The sequential test in accordance with the National Planning Policy Guidance has been met.
- b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place.
- f. New site drainage systems are designed to take account of events which exceed the normal design standard i.e. consideration of flood flow routing and utilising temporary storage areas.

Regarding fluvial and tidal flood sources, the site is in Flood Zone 1 and subsequently at low probability of flooding from these source. In addition, the site is at low probability of flooding from infrastructure flooding (sewer flood risk) and reservoirs. Mitigation measures are therefore not required for these sources of flooding. However, the ADC Strategic Flood Risk Assessment (SFRA) identifies the site as being at medium probability of susceptibility to groundwater flooding. This is identified to be equal or greater to 50% probability, but less than 75%. The centre of the site is also at high risk of surface water flooding, as identified through EA Surface Water Flood Risk Mapping. As such, sufficient assessment must be undertaken to demonstrate that the proposal will be safe from flood risk for its lifetime and would not increase the risk of flooding elsewhere.

The Phase II Site Investigation Report included groundwater monitoring at 5 locations across the site, with the shallowest depths being 0.45m below ground level, and the majority recording an excess of 3m below ground level. As floor levels of the proposed buildings are set above ground level, groundwater flooding is concluded to be of low risk.

The extent of the surface water flooding spans across a central band of the site (running east to west), with smaller areas along the western boundary, and in portions to the north. The highest area of risk is an area of approximately 3500 sqm to the centre of the site, which has an annual probability of 1 in 30 (3.3%). There are smaller areas of 3.3% surface water spaced across the site, and along the western boundary, however the remaining extent of surface water is lower risk, with an annual probability of 1 in 100 and 1 in 1000.

The proposal and submitted details have been subject to assessment and review by the Arun Drainage Engineers and the LLFA. This has included consideration of the flood and drainage risks arising from the surface water and groundwater sources on site, alongside existing ditches, pipes and watercourses across the site. Consultation with the ADC Engineers and LLFA has concluded the information submitted is sufficient to demonstrate that with an appropriately designed Sustainable Urban Drainage Systems (SUDS) there is no adverse risk of flooding on the site for the lifetime of the development, nor will the development increase flood risk elsewhere. This is subject to several conditions, which require the submission of further details to be approved by the Local Planning Authority prior to commencement of the development. Subject to approval by the LLFA and ADC, the site will be designed to sufficiently manage the surface water flood risk.

In addition to the no objection response from the LLFA and ADC Drainage Engineers, the information submitted satisfies the requirements of Paragraph 181 of the NPPF, and ALP policy W DM2 (with the exception of part(a)). Policy W DM2(a) pertains to the Sequential Test, which has been assessed separately. An appropriately designed SUDS scheme will be a betterment to the existing drainage on site and will sustainably drain the site to not create additional flooding on site, nor elsewhere. With these measures in place, there is no evidence to suggest that future occupiers of the site will not be safe from flood risk for the lifetime of the development, and will have available access and egress from the site during a flood event.

Therefore the proposal will not be subject to unacceptable flood risk, will be safe for its lifetime, and will not increase the risk of flooding elsewhere, subject to conditions.

Conclusion

The proposal does not pass the Sequential Test, and conflicts with Policy W DM2(a) of the Arun Local Plan, and the NPPF. However, regarding flood risk and drainage of the site itself, there is determined to be no residual risk of flooding nor issues in respect of drainage, subject to the imposition of conditions to secure an appropriately designed SUDS.

Failure of the Sequential Test will be attributed significant weight within the planning balance; with the residual risk additionally a material factor, given it has been shown the site can be kept safe from flooding during the lifetime of the development. This is discussed below within the planning balance.

FOUL DRAINAGE

ALP policy W DM1 states that all major developments must demonstrate that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. Policy W DM1 also states that a drainage impact assessment is required for all major development.

The site is greenfield land where there is no discharge of foul effluent. The topological surveys undertaken did not record any drainage features, routes, or details regarding an existing foul drainage system within the site. Southern Water sewer records shows a public foul sewer to the east in Bewley Road which flows in an easterly direction. The nearest public foul sewer is manhole 5701 (please refer to FRA and Drainage Strategy).

Due to the topography of the site, the foul drainage will flow via gravity into a pump chamber in the northernmost parcel. From this location it is proposed to pump up via a new rising main into a demarcation chamber before out falling into the Southern Water Foul system via gravity. Southern Water

confirm that there is currently adequate capacity in the local sewerage network to accommodate the foul flows from the development.

Appropriate foul drainage measures could be adequately dealt with through the use of condition. Subject to relevant conditions, the proposal would accord with Policy W DM1 of the ALP.

ENERGY AND CLIMATE CHANGE

ALP policy ECC SP2 requires new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change and that all major developments must produce 10% of total predicted energy requirements from renewables unless unviable.

The application suggests the dwellings will be designed to conform with prevailing requirements and standards in respect of energy efficiency and performance and reducing water consumption. Conditions will need to be imposed to ensure that the policy requirements are incorporated into the reserved matters application and the final build. This will ensure compliance with the relevant policies.

PUBLIC OPEN SPACE & PLAY

ALP policy OSR DM1 requires housing developments to provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Council's Supplementary Planning Document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 13,376 sqm of Public Open Space (POS) and a separate play provision of an onsite of 2,299 sqm as well as locally equipped area of play (LEAP) and local area of play (LAP) provisions.

The masterplan would appear to indicate that the minimum standard requirement for POS is being exceeded in this development where the SPD requirement would be a minimum of 15,675m² (including play space). The proposed development indicates that 22,000m² would be provided throughout the site. A large proportion of this would be to the north of the site which would link well with the recreational areas to the west outside the boundary of the site and the wider area. Therefore, the proposed open space provision would meet the ALP OSR DM1 and Council's SPD.

The development does trigger the need for play in the form of onsite LAPs, LEAP and neighbourhood equipped area of play (NEAP) provision, which would need to be suitable for location in material choice and play experience offered. This element can be secured in subsequent reserved matters applications which would provide detailed equipment proposed for this area. There does not appear to be LAPs proposed within the masterplan, however given the large section of the northern parcel is POS, this could be integrated well here and secured via the S106 agreement. The areas of POS, including those with play areas, would need to be linked well within the site. This includes adequate street furniture, seating, bins, way finding, signage, and cycle stand provision.

The indicative masterplan shows that the proposed Community Building would sit to the south of the site with good accessibility links to the existing built form and movement networks.

The application would also trigger the need for on site allotment provision. This can be secured via condition and any funds allocated to such would be obtained through the requirement of CIL in any subsequent reserved matter applications.

The large amounts of open areas provide significant planting opportunities which would be of both a benefit to local wildlife but also serve to enhance landscape buffers to screen the built form proposed.

Subject to securing appropriate play space within the site, the proposal would meet the requirements of the ALP OSR DM1 and the Council's SPD. This includes appropriate conditions relating to a landscaping scheme to ensure a high-quality development is achieved.

WASTE AND MINERALS

The applicant has submitted a Waste Infrastructure Statement that concludes that the proposed development would not prevent or prejudice the continued operation of the waste site (although not formally identified as one within the WSCC Annual Monitoring Report).

The Minerals and Waste Planning Authority (MWPA) have raised no objection in principle to the development, subject to the Local Planning Authority being satisfied that the delivery of the development would not introduce new sensitive receptors within the close proximity of the existing waste infrastructure. This includes the potential noise and odour impacts upon future residents of the site. This can be controlled by way of condition on any approval to ensure noise limits do not exceed 5db above background noise at the nearest receptor.

SUPPORTING INFRASTRUCTURE

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. Any off-site provision or financial contribution must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010.

The Parish Council would be provided 25% of the CIL receipts to spend on their own projects. These payments go towards providing the infrastructure that the district needs to support existing and future development, this would include the required allotments to meet the requirement of the Open Space SPD. On this basis, there is no conflict with ALP policy INF SP1.

Affordable housing provision would need to be secured via a planning obligation. On site provision of open space and play equipment could be secured via planning condition.

WSCC as Local Education Authority object as there are not sufficient spaces within secondary schools within the area to accommodate new pupils. As an interim solution, WSCC require transport contributions to cover costs to transport pupils from Arun to alternative secondary schools within West Sussex which cannot be covered by CIL payments. A S106 contribution is sought from WSCC Education for school transport to mitigate the impacts of the development upon education.

Subject to a S106 agreement to secure the abovementioned obligations, the proposal would comply with the relevant policies. The S106 will also secure a travel plan and its associated monitoring fees together with open space provisions.

SUMMARY & PLANNING BALANCE

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year housing land supply (HLS), para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is engaged.

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless

(i) policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

In respect of the part (ii) test, the report identifies that the proposal conflicts with policies in respect of development in the countryside (C SP1) and the loss of high-grade agricultural land (SO DM1).

The loss of the agricultural land is unfortunate, but the policy does allow for development of such land where there is a clear need. On this basis, it would be appropriate to allocate only moderate weight to the loss of this resource. Development in the countryside is contrary to policy, but such a refusal reason would not be sustainable unless there was associated harm, and this report has found none.

In addition to this it has been identified that the proposal would fail the sequential test, with three sequentially preferable sites having been identified.

The weight to be applied to the failure of the Sequential Test was discussed in the Yatton appeal decision. This appeal was for a similar application of up to 190 homes. The appeal site was a greenfield site located in Flood Zone 3a, and as such was at higher risk of flooding than the application site. The Inspector in that case found that there was sufficient evidence to indicate that it would be necessary to allocate some sites at risk of flooding to meet housing needs, and whilst 18 sequentially preferable sites were identified, the site itself was a suitable and sustainable location in terms of accessibility. In addition, it was sufficiently evidenced that the proposed dwellings would not be at risk of flooding, nor would the development increase flood risk elsewhere. Despite this significant weight was attributed to this failure of the sequential test.

In the determination of this application, it has been concluded that the proposed dwellings would not be at risk of flooding, nor would the proposed development increase flood risk elsewhere. However, significant weight must be attributed to the failure of the sequential test, and this must be balanced against the benefits of the proposed development.

The development would constitute sustainable development, and the scheme will result in significant benefits to the local and wider area such as new housing (including affordable housing), provision of a community building, the creation of jobs during construction, new income to the council, spending by future residents on local shops/services, infrastructure improvements and biodiversity enhancements.

The three sequentially preferable sites identified in the Sequential Test would deliver a combined total of 787 dwellings. This equates to 0.44 years of housing land supply (HLS). The proposed development (190 dwellings) would equate to approximately 0.1 years of HLS. As such, even if these sequentially preferable sites all came forward alongside this proposed development the council would still only be able to demonstrate approximately 3.95 years of HLS. This would remain a significant shortfall from the required 5 years.

It would be appropriate to allocate significant weight to the developments contribution to the housing land supply as well as affordable housing to be provided. This is with moderate weight applied to the economic benefits associated with the development and BNG. This would align with the approach adopted through appeal on WA/35/23/OUT.

Given the weight attributed to the benefits associated with the proposed development, the adverse impacts identified would not significantly and demonstrably outweigh the benefits, and there are no conflicts identified with other policies within the NPPF. Therefore, it is recommended that the application is approved subject to the below conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

The Section 106 will secure the following:

- 30% Affordable Housing.
- Secondary School Transport Contribution.
- WSCC Travel Plan.
- Open space provision and management.
- Off-site pedestrian improvements.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:

1. Layout.

2. Scale.
3. Appearance.
4. Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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

- SITE BOUNDARY PLAN (LOCATION PLAN) P23-2720_DE_001_F_8; and
- POTENTIAL SITE ACCESS ARRANGEMENT ITS19620-GA-001 REV.G.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies C SP1, D DM1, QE SP1, QE DM3, T SP1 and T DM1.

- 4 The landscape and layout details to be submitted pursuant to condition 1 shall include the following items:

(1) Details of all existing trees and hedgerows on the land indicating which are to be retained and which are to be removed. These required details are to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule', a 'Tree Constraints Plan', and in the event that a root protection area of any tree which is proposed for retention overlaps the development, then an 'Arboricultural Method Statement' and a 'Tree Protection Plan'. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted, or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

(2) Full landscaping details including the use of native trees and compensatory planting on the basis of 2 trees/hedge units for every 1 lost.

(3) Details of the position, design, materials, height, and type of all boundary treatments to be provided. The boundary treatments shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Gaps shall be included at the bottom of the fences to allow movement of small mammals across the site. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter.

(4) 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). It must also:

- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important

routes used to access key areas of their territory, for example, for foraging; and
- show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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.

(5) Full details of the required public open space (POS) & play areas and management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as agreed prior to occupation of the 70th dwelling and permanently retained thereafter. The approved management details shall be permanently adhered to.

Reason: In the interest of visual amenity, the quality of the environment, the site biodiversity, the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with Arun Local Plan policies OSR DM1, D DM1, QE SP1, QE DM2, ENV DM4 and ENV DM5 and the NPPF.

5 The layout, scale, and appearance details to be submitted pursuant to condition 1 shall include the following items:

(1) A scheme for the provision of facilities to enable the charging of electric vehicles in accordance with the Arun Parking Standards SPD to serve the approved dwellings. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with electric ducting provided to all other spaces where appropriate to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations applicable at the time (or any subsequent guidance). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

(2) A detailed level survey of the site including existing and resulting ground levels and the slab levels of the buildings the subject of this approval.

(3) 5% of all parking provided as suitable for disabled persons. This must include a percentage of the proposed visitor parking spaces.

(4) Full details of cycle storage including elevations where such is provided in separate buildings; and

(5) A colour schedule of the materials and finishes to be used for the external walls and roofs of the proposed buildings.

Reasons: In the interests of visual amenity, road safety, the needs of the disabled, to mitigate against any potential adverse impact of the development on local air quality and as new petrol, diesel and hybrid cars/vans will not be sold beyond 2030 all in accordance with Arun Local Plan policies T SP1, D DM1, QE SP1, QE DM3, the Arun Parking Standards SPD and the NPPF.

6 Any works which will impact the breeding/resting place of dormice shall not in any

circumstances commence unless the Local Planning Authority has been provided with either:

(1) 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/development to go ahead; or

(2) 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.

Reason: To conserve and enhance protected and Priority species in accordance with Arun Local Plan policy ENV DM5 and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 7 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 Angmering Neighbourhood Development Plan Policy H2 and the Councils guidance note "Accommodation for Older People and People with Disabilities Guidance".

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with Arun Local Plan policies D DM1 and D DM2 and section 4 of the Councils guidance Note "Accommodation for Older People and People with Disabilities Guidance".

- 8 The layout, scale and appearance details referred to in Condition 1 shall include details of any temporary sales areas that may be required during the construction and marketing of the development. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall be returned to their approved permanent appearance within 3 months of the date of the last building sold.

Reason: In the interest of visual & residential amenity and the character/appearance of the surrounding area in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 9 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. In addition, there shall be no external working, an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area, biodiversity (particularly bats) and in the interests of highway safety in accordance with Arun Local Plan policies D DM1, ENV DM5, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan.

- 10 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:

(1) A Preliminary Risk Assessment which has identified: all previous (historical) uses; 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.

(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.

(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.

(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.

Any changes to these parts, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to occupation of any dwelling or part of the site (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.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 11 Prior to the commencement of construction works details of a 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) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory means of disposing of foul sewerage in accordance with Arun Local Plan policies W DM1 and W DM3. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 12 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Arun Local Plan policies W DM1, W DM2 and W DM3 and to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 13 Prior to commencement of development the applicant shall prepare and submit for approval 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.

Reason: In accordance with Arun Local Plan policy SKILLS SP1. This must be a pre-commencement condition as it relates to the construction phase of development and to ensure measures are in place so that local crafts people and apprentices are employed on the development.

- 14 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 by the Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan policy HER DM6 of the Arun Local Plan. This is required to be a pre-commencement condition because otherwise the disturbance of earth could harm important deposits.

- 15 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.

Prior to the first occupation of any dwelling forming part of the development, the 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.

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.

Reason: In the interests of amenity and in accordance with Arun Local Plan policy INF SP1 and T SP1 and in accordance with The Fire & Rescue Service Act 2004.

- 16 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 ITS19620-GA-001 Rev G.

Reason: In the interests of road safety and in accordance with Arun Local Plan policy T SP1.

- 17 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with Arun Local Plan policy T SP1.

- 18 No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Once provided, the spaces shall be retained thereafter and are only to be used for the parking of vehicles.

Reason: In the interests providing adequate parking throughout the development with Arun Local Plan policy T SP1.

- 19 No part of the development shall be first occupied until the Electrical Vehicle Charging spaces have been provided in accordance with the plans and details to be submitted and approved in writing by the Local Planning Authority and retained thereafter.

Reason: In the interests providing adequate EV parking throughout the development with Arun Local Plan policy T SP1.

- 20 No dwelling shall be first occupied until covered and secured parking spaces serving the respective dwelling have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority and retained thereafter.

Reason: In the interests providing alternative travel options throughout the development with policy T SP1 of the Arun Local Plan.

- 21 No development shall take place, including any works for demolition, until a Construction Management 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. The Plan shall provide details as appropriate but not limited to the following matters:

- The anticipated number, frequent and types of vehicles used during construction.
- The method of access and routing of vehicles during construction.
- The parking of vehicles by site operatives and visitors.
- The loading and unloading of plan, materials and waste.
- The storage of plant and materials used in construction of the development.
- The erection and maintenance of security hoarding.
- The provisions of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including provisions of temporary Traffic Regulation Orders).
- Details of public engagement both prior to and during construction works.
- Details of the drainage phases.

Reason: In the interests of road safety and in accordance with Arun Local Plan policy T SP1.

- 22 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 23 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment & prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 24 Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways) for the A27. The plan shall include as a minimum:

- Construction phasing;
- Construction routing plans; and
- Permitted construction traffic arrival and departure times.

Thereafter, all construction activity in respect of the development shall be undertaken in full accordance with such approved details, unless otherwise approved in writing by the LPA in consultation with National Highways.

Reason: To mitigate any adverse impact from the development on the A27 in accordance with DfT Circular 01/2022 and Arun Local Plan policy T SP1.

- 25 Development shall not commence, until a Soil Resource Plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out how soils on the site are to be protected during construction and then recycled/reused in the new development layout. The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction and development of the site.

Reason: In accordance with Arun Local Plan policy SO DM1 of the and the NPPF. It is necessary for this to be a pre-commencement condition to protect the best and most versatile soils on the site prior to the construction commencing.

- 26 No development shall take place, until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include the following:

- (1) Purpose and conservation objectives for the proposed works.
- (2) Review of site potential and constraints.
- (3) Detailed design(s) and/or working method(s) to achieve stated objectives.
- (4) Extent and location/area of proposed works on appropriate scale maps and plans.
- (5) Type and source of materials to be used where appropriate, e.g., native species of local provenance.

- (6) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- (7) Persons responsible for implementing the works.
- (8) Details of initial aftercare and long-term maintenance of the receptor area(s).
- (9) Details for monitoring and remedial measures.
- (10) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To conserve and enhance protected and Priority species in accordance with Arun Local Plan policy ENV DM5 and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 27 No development shall take place, until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- (1) Purpose and conservation objectives for the proposed enhancement measures.
- (2) detailed designs or product descriptions to achieve stated objectives.
- (3) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans (where relevant).
- (4) persons responsible for implementing the enhancement measures; and
- (5) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To conserve and enhance protected and Priority species in accordance with Arun Local Plan policy ENV DM5 and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 28 No development shall take place until a further survey has been undertaken to confirm the continued absence of badgers and badger setts and the results shall be submitted to the Local Planning Authority for approval in writing. If there is evidence then no development shall take place until a comprehensive method statement indicating how the protected species are to be safeguarded during the construction period and how appropriate mitigation measures are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before the first occupation and retained as such thereafter, together with proposals for mitigation if required. The development shall be carried out in complete accordance with the approved survey's.

Reason: To conserve and enhance protected and Priority species in accordance with Arun Local Plan policy ENV DM5 and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species). This is required to be a pre-

commencement condition because badgers must be protected during construction.

- 29 The layout and landscaping details submitted pursuant to condition 1 shall include supporting surface water drainage information to show that the site can be sustainably drained within the proposed layout. The supporting surface water drainage information must include:

- (1) A full winter's groundwater monitoring
- (2) Winter infiltration testing in accordance with BRE DG 365 or similar approved
- (3) Details of the proposed method and location of surface water disposal, in accordance with the SuDS hierarchy
- (4) Impermeable area or catchment plan
- (5) Calculations modeling the surface water drainage network for the following storm events:
 - 100% Annual Exceedance Probability
 - 10% AEP + climate change allowance
 - 3.33% AEP + climate change allowance
 - 1% AEP + climate change allowance
- (6) All storm events must include an allowance for urban creep and surcharged outfalls where appropriate
- (7) Detailed drainage plans conforming to Local Planning Authority guidance
- (8) A plan showing no conflicts between existing and proposed trees, their potential growth and the surface water drainage design
- (9) Details of surface water flood compensation storage design, demonstrating level-for-level and volume-for-volume compensation
- (10) A plan showing the impact of the proposed development on existing watercourses
- (11) Details of any necessary permissions relating to the discharge location, works to watercourses or adoption of the SuDS scheme

Reason: In order to comply with Arun Local Plan policy W DM3 and the NPPF.

- 30 Prior to the commencement of development, full details of the proposed surface water drainage scheme must be 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 the reserved matters condition. The full details submitted for approval shall include:

- (1) Detailed drainage plans conforming to Local Planning Authority guidance.
- (2) Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms.
- (3) Any relevant permissions relating to the discharge location, works to watercourses or adoption of the SuDS scheme.

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.

Reason: In order to comply with Arun Local Plan policies W DM2 and W DM3 and the NPPF. This is required to be a pre-commencement condition because it is necessary to implement the foul and surface water drainage system prior to occupation of the building.

- 31 Prior to commencement of development, a site-specific SuDS Maintenance and Management Manual must be submitted and approved in writing by the Local Planning Authority. The SuDS

Maintenance and Management Manual submitted for approval shall include:

- (1) Details of SuDS features, connecting drainage infrastructure and watercourses with maintenance requirements for each element.
- (2) A management and maintenance plan for the lifetime of the development, including a schedule for the timing and funding of planned replacement of components at the end of their design life.
- (3) Details of the financial management of the maintenance of the surface water drainage on the site.
- (4) Details of who is responsible for the implementation of the SuDS Maintenance and Management Manual.
- (5) Details of the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme for the lifetime of the development.

Upon completed construction of the approved drainage system, the persons responsible for the maintenance of drainage on the site shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the surface water drainage for the site is adequately maintained, and therefore not increasing flood risk for the lifetime of the development with Arun Local Plan policies W DM2 and W DM3 and the NPPF. This is required to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

32 Prior to commencement of development, a drainage construction programme must be submitted and approved in writing by the Local Planning Authority. The construction programme submitted for approval shall include:

- (1) Details of the phasing arrangements for the approved surface water drainage design. Each drainage design phase of development must be able to operate in isolation from later phases.
- (2) Details of any temporary arrangements to enable the surface water drainage of the entire site whilst under construction.
- (3) Details of reinstatement of any surface water drainage features after construction.
- (4) A programme detailing inspections of surface water drainage features during the construction of the development.
- (5) A programme detailing the functional operation of the approved final surface water drainage design for the development.

The surface water drainage scheme for the development must then be constructed in accordance with the approved surface water drainage construction programme.

Reason: To ensure that flood risk is not increased and water quality not decreased during the construction of the development with Arun Local Plan W DM2 and W DM3 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to approve the construction methodology prior to construction commencing.

33 Prior to occupation of the first building of each drainage phase (as approved under the construction management condition), a verification report must be submitted and approved in writing by the Local Planning Authority. The verification report submitted for approval must:

- (1) Be written and informed by a surveyor or engineer that is independent of the contractor.
- (2) Demonstrate that the surface water drainage system has been constructed in accordance

with the approved details.

(3) Include full as-built survey drawings.

(4) Include photographs of excavations, installation of any surface water structure, control mechanism or other drainage infrastructure.

(5) Detail any corrective works that are necessary with a timetable for their completion.

Where corrective works are required, these must be carried out in accordance with the approved timetable. Corrective works must be subsequently resurveyed with the findings submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately address for each new dwelling and not increase and in accordance with NPPF and Arun Local Plan policies W DM2 and W DM3.

- 34 No development shall take place within 3m of the edge of any watercourse without the prior written consent of the Local Planning Authority. This includes any building, structure, planting of trees, shrubs, or similar growth. All plans shall clearly show the 3m easement from all watercourses (open and culverted) and no development shall encroach within these protected areas.

Reason: To ensure that appropriate access to the watercourse is retained to facilitate maintenance ensuring that the drainage system operates satisfactorily in accordance with the NPPF and Arun Local Plan policies W DM2.

- 35 At least 10% of the energy supply of the development shall be secured from on-site decentralised, renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to, and approved in writing by the Local Planning Authority before any development above damp-proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure the generation of on site renewable energy to meet the predicted demand in accordance with national planning policy, and with Arun Local Plan policy ECC SP2.

- 36 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the first occupation of any part of the development (or specified phase of the development).

The content of the LEMP shall include the following:

1. Description and evaluation of features to be managed.
2. Ecological trends and constraints on site that might influence management.
3. Aims and objectives of management.
4. Appropriate management options for achieving aims and objectives.
5. Prescriptions for management actions.
6. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
7. Details of the body or organisation responsible for implementation of the plan.
8. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-

term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reasons: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and Arun Local Plan policy ENV DM5.

- 37 Prior to any part of the new development being first brought into use/occupied, a bat friendly Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority.

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.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and policy Arun Local Plan ENV DM5.

- 38 Prior to the commencement of development, a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM "Biodiversity Net Gain Report and Audit Templates" (July 2021), shall be submitted to and approved in writing by the Local Planning Authority. This shall provide a minimum of 10% measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor. The content of the Biodiversity Net Gain report should include the following:

1. Baseline data collection and assessment of current conditions on site.
2. A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity.
3. Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity, and ecological functionality.
4. Details of the implementation measures and management of proposals.
5. Details of any off-site provision to be secured by a planning obligation.
6. Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure measurable net gains to biodiversity and in accordance with the Environment Act 2021 and Arun Local Plan policies ENV SP1 and ENV DM5. This is required to be a pre-commencement condition by virtue of schedule 7A to the Town and Country Planning Act 1990.

- 39 1. Prior to the commencement of development but after the approval of the Biodiversity Net Gain Plan a 30-year Habitat Management and Monitoring Plan (HMMP) for the provision of a minimum 10% Biodiversity Net Gain (BNG) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall be based upon Natural England's Habitat Management and Monitoring Plan Template and shall include the HMMP Companion

Document and a list of what will form part of the Habitat Management and Monitoring Reports submitted for Part B) of this condition.

2. From the date of last occupation, or the date that the BNG creation and enhancement works have been completed, whichever is the earliest, a BNG Habitat Management and Monitoring Report must be submitted to and approved in writing by the Local Planning Authority by years 2, 5, 10, 15, 20, 25 and 29.

The development shall proceed on the basis of all approved documents and timings as approved under A) and B) for the duration of the HMMP.

Reason: To ensure measurable net gains to biodiversity and in accordance with the Environment Act 2021 and Arun Local Plan policies ENV SP1 and ENV DM5. This must be a pre-commencement condition because it relates to the creation and retention of biodiversity net gain in accordance with schedule 7A to the Town and Country Planning Act 1990.

40 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.

1. Risk assessment of construction activities potentially damaging to biodiversity.
2. Identification of "biodiversity protection zones".
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).
4. The location and timing of sensitive works to avoid harm to biodiversity features.
5. The times during construction when specialist ecologists need to be present on site to oversee works.
6. Responsible persons and lines of communication.
7. The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
8. Use of protective fences, exclusion barriers and warning signs.
9. Containment, control, and removal of any invasive non-native species present on site.

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.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species), and Arun Local Plan policy ENV DM5. This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitat.

41 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 42 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 43 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:
- (1) The provision of 30% affordable dwellings (consisting of 67% affordable rented, 25% First Homes & 8% Intermediate). The s106 will be tailored to include local housing clauses.
 - (2) Open space provisions,
 - (3) A Travel Plan and its associated fee for monitoring and auditing of the Travel Plan; and
 - (4) A Secondary School Transport Contribution as according to the formula set out in the report.
- 44 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.
- 45 INFORMATIVE: Following approval of details showing the proposed location of all fire hydrant(s) or stored water supply (in accordance with West Sussex Fire and Rescue Service's Guidance Notes) and prior to the first occupation of any dwelling or unit forming part of the development you are advised to contact West Sussex Fire and Rescue Service (WSFRS) make them aware of all the fire hydrants for the site and their locations. They can then be operated and tested, their location marked up locally and plotted on the water management system and mapping. This information is then available to all fire crews attending the site, essential for locating the nearest fire hydrants available in the vicinity of a fire without delay.
- Without this information WSFRS would not be aware of any fire hydrants available on the site and lead to valuable time being spent looking for a water supply to keep the fire appliance supplied with water. Without a supply of water people's lives and properties could be put at undue risk in the event of a fire. Fire hydrant information is to be sent to either the Planning Officer or directly to the Water and Access Department, WSFRS on the details given below: Frs.waterandaccess@westsussex.gov.uk.
- 46 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 47 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 12/05/23) as available on the Councils website.
- 48 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and/or ash from fires or noise from the cutting and/or chipping trees. In addition, air quality could be adversely affected on large projects. The

granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should be contacted regarding Exemption Permits to burn on site.

- 49 INFORMATIVE: We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air quality and reduce overall GHG emissions in the long term. If any heat pumps are to be included in the development the applicant shall be required to demonstrate that any pump/s meets the criteria detailed in the Micro Certification Scheme planning standards (MCS 020).
- 50 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided. Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

- 51 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 52 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition
- 53 INFORMATIVE: Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

- 54 INFORMATIVE: The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, should they wish to offer any internal roads for adoption or other infrastructure being offered to the Highways Authority under S38 of the Highways Act 1980. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
- 55 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring Temporary Traffic Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
- 56 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that any charge will be applied for this service. For temporary directional signs to housing developments (Maor applications only 10 units +), the applicant must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here:

<https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporary-development-signs/>

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or by clicking on this link and clicking on View Documents.](https://www.arun.gov.uk/weekly-lists)

A/154/24/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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