

affordable homes, the District most certainly does and it is this level that is the most relevant. A total of 30% of the homes would be affordable, amounting to 40 dwellings in the case of Appeal A and 21 dwellings in the case of appeal B. The mix and tenure proposed would meet local needs. Each scheme would make an important contribution towards addressing affordable housing need. I afford this benefit very substantial weight.

193. Each development would deliver ecological enhancements and there would be gains to biodiversity well above the current policy expectation. There would also be employment benefits relating to both the construction phase and the operative phase of each development. The local economy would have the advantage of increased spend in the nearby towns and settlements. I afford these benefits significant weight.

194. Each development would provide open space and in the case of Appeal A there would be children's play space as well. Whilst there could be some wider use by the local community, these facilities are mainly intended to meet the needs of the development. I therefore afford them limited weight as a benefit.

195. The benefits are of considerable importance and as an overall package I conclude that they can be given substantial weight in favour of each of the appeal developments.

The planning balance

196. There was a great deal of discussion at the inquiry about what comprises the basket of most important policies for determining these applications. Whilst this may have been an interesting debate, I consider it an unnecessary one in this case. This is because for the purposes of deciding whether the presumption in favour of sustainable development applies, a 5 year housing land supply shortfall is sufficient. There is no need to explore more than one route and it can be safely concluded that paragraph 11(d) applies.

197. For the reasons I have given there would be no significant adverse impact on the South Downs National Park, the AONB or European sites. In such circumstances there are no policies in the Framework protecting assets of particular importance that provide a clear reason for refusing the development. The tilted balance in paragraph 11(d)(i) is therefore engaged.

198. The adverse landscape and visual effects arising from Appeal A and Appeal B individually is a matter of considerable importance, especially bearing in mind that despite some amelioration through mitigation it would endure in the long term, apart from the visual effects in respect of Appeal B, which could be successfully mitigated over time. It is though relevant that the harmful effects in all scenarios would be both localised and contained, as I have explained under Issue One. Development Plan policy is consistent with the Framework in respect of landscape matters and the conflict overall of both Appeal A and Appeal B with policy 48 in the LP and policy EM3 in the NP is a matter to which I afford significant weight.

199. Appeal B would fail to accord with the first criterion of the IPS. Both proposals would conflict with the spatial strategy because they would involve development on greenfield land outside of the settlement boundary

of Nutbourne East. However, policies 2, 4, 5 and 45 in the LP and policy LP1 in the NP are out-of-date for the reasons I have explained. These conflicts are a matter to which I give limited weight.

200. There would be some additional adverse effects if the two developments were both to be built. This would relate to a greater level of landscape harm identified under Issue One, and an additional loss of agricultural land from the central nitrate mitigation site. On the other hand, the footpath link would open up views of the South Downs and have benefits for accessibility both for new residents and the established community. These gains and harms would balance each other out.

201. Drawing the above points together, there would be adverse impacts that would weigh significantly against both of the appeal proposals. However, in my judgement these would be insufficient to significantly and demonstrably outweigh the substantial benefits, when assessed against the policies of the Framework taken as a whole.

The development plan

202. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

203. The appeal proposals would not comply with the development strategy in Policy 2 in the LP or policies 4, 5 and 45 in the LP and policy LP1 in the NP relating to housing supply. There would also be conflict with policy 48 in the LP and policy EM3 in the NP relating to landscape issues. Whilst there would be compliance with a number of other policies, including those concerning the AONB and ecology, I consider that overall, there would be conflict with the development plan when taken as a whole.

204. However, in this case there are material considerations that indicate that the decisions should be made otherwise than in accordance with the development plan. Most important of these is the Framework and the presumption in favour of sustainable development, which is also given statutory weight through policy 1 in the LP. The Framework is a material consideration of very substantial weight and importance and leads to my overall conclusion that the appeal proposals should be determined otherwise than in accordance with the development plan.

205. I have considered all other matters raised in the representations and at the inquiry. However, I have found nothing to alter my conclusion that both Appeal A and Appeal B should succeed.

Christina Downes

INSPECTOR

ANNEX ONE: APPEARANCES**FOR THE LOCAL PLANNING AUTHORITY: CHICHESTER DISTRICT COUNCIL**

Mr Stephen Morgan

Counsel, instructed by Ms N Golding, Principal Solicitor, Chichester District Council

He called:

Mr A Roberts BSc (Hons) Director of Lambert Smith Hampton
 Assoc RTPI
 Mrs T Kirk PGDip LA Landscape Director, Hankinson Duckett
 GDIP LA CMLI Associates
 Mr N Gray BSc (Hons) Ecological Consultant, Gray's Ecology
 ACIEEM
 Mrs V Owen BA (Hons) Principal Planning Policy Officer at Chichester
 MPhil MRTPI District Council
 Miss J Thatcher BA Senior Planning Officer in Development
 (Hons) PGCE MSc MRTPI Management at Chichester District Council
 *Ms J Bell MRTPI Development Manager at Chichester District Council

*Present at the round table session on Planning Conditions

FOR THE APPELLANT: PALLANT HOMES LTDMr Sasha White
Ms Kimberley ZiyaKings Counsel
Counsel, both instructed by Neame Sutton Limited*They called:*

Mr D Neame BSc (Hons) Director of Neame Sutton Limited
 MSc MRTPI
 Mrs C Brockhurst FLI Director of Leyton Place Limited
 BSc (Hons) Dip LA
 Mr D West MEnv Sci Associate Director of Tetra Tech
 (Hons) CEnv MCIEEM
 Mr M Akmenhalns Dip Managing Director of Bright Plan Civils
 Construction HNC
 Building Studies FIHE
 Mr E Dodd BSc (Hons) Senior Consultant of Bright Plan Limited

FOR THE RULE 6 PARTY: CHICHESTER HARBOUR CONSERVANCY

Mr Scott Stemp

Counsel, instructed by the Chichester Harbour Conservancy

He called:

Mr D Hares Dip LA CMLI Director of David Hares Landscape Architecture
 FBIAC
 Mr P Hughes BSc (Hons) Ecologist with Chichester Harbour Conservancy
 PGD CM AONB Unit
 Mr S Lawrence BSc Principal Planning Officer with Chichester
 (Hons) Dip TP Dip UD Harbour Conservancy AONB Unit

INTERESTED PERSONS WHO SPOKE AT THE INQUIRY:

Mr A Kerry-Bedell West Sussex County Councillor for Bourne
 Mr A Moss Chichester District Councillor for Harbour Villages Ward
 Mr S Johnson Chichester District Councillor for Harbour Villages Ward and Parish Councillor
 Mrs J Towers Chair of the Chidham and Hambrook Parish Council. She also read a statement from a local resident Ms S Reid
 Mr B Garrett Chidham and Hambrook Parish Councillor. He also read a statement from a local resident, Mr A Green
 Mr A Sargent Chidham and Hambrook Parish Councillor
 Dr J Sutcliffe Member of the Sussex Branch of the CPRE
 Miss Evie Clark Local resident
 Ms S Cunliffe Local resident, biologist and environmental and wildlife film maker
 Mrs Brown Local resident
 Mrs A Johnson Local resident
 Ms L Dinnage Local resident
 Mr M McBride Local resident
 Mr G Tomlinson Local resident
 Mr T Towers Local resident
 Ms S Green Local resident
 Mr D Rodgers Local resident
 Mr N Burns Local resident
 Mr R Seabrook Local resident
 Ms L Surgeon Local resident

INTERESTED PERSONS WHO SPOKE AT THE HIGHWAYS Q&A SESSION

Mrs Towers
 Mr Kerry-Bedell
 Mr McBride
 Mr Sargent
 Mr Garrett
 Mr P Sims
 Mr M Blackwell

INTERESTED PERSONS WHO SPOKE AT THE FOUL DRAINAGE Q&A SESSION

Mr Seabrook
 Mr Burns
 Mr Kerry-Bedell
 Mrs Towers

ANNEX TWO: DOCUMENTS

- 1 Design and Access Statement (Site A)
- 2 Design and Access Statement (Site B)
- 3 Written representation by Mr and Mrs Robertson
- 4 Land East of Manor Road, Selsey (ref 22-02236-REM): Environmental Health Department comments
- 5 Land East of Manor Road, Selsey (ref 22-02236-REM): WSCC Highways Department comments
- 6A Site A – Site location plan
- 6B Site A - Indicative site layout
- 6C Site A – Access overview and visibility splays
- 7A Site B – Site location plan
- 7B Site B – Indicative site layout
- 7C Site B – Access overview and visibility splays
- 7D Site B – Drift Lane visibility splays
- 8 Ms Kirk's revised landscape visual effects summary table
- 9A Mr West's additional bat emergence and return survey (April/ May 2023)
- 9B Mr Gray's response to the additional bat emergence and return survey
- 10 Mr Roberts' update on the Manor Road, Selsey housing site
- 11 West Sussex County Council update on the proposed Broad Road shared cycleway
- 12 Statement delivered orally at the inquiry by Mrs Towers on behalf of the Parish Council
- 13 Statement delivered orally at the inquiry by Cllr Moss
- 14 Statement delivered orally at the inquiry by Cllr Johnson
- 15 Statement delivered orally at the inquiry by Cllr Kerry-Bedell
- 16 Written statement from Ms S Reid
- 17 Statement delivered orally at the inquiry by Mr Sargent
- 18 Statement delivered orally at the inquiry by Mr Seabrook
- 19 Statement delivered orally at the inquiry by Mr Tomlinson
- 20 Statement delivered orally at the inquiry by Mr Rodgers
- 21 Statement delivered orally at the inquiry by Mr Green
- 22 Statement delivered orally at the inquiry by Mr McBride
- 23 Statement delivered orally at the inquiry by Dr Sutcliffe
- 24 Statement delivered orally at the inquiry by Mrs Johnson
- 25 Statement delivered orally at the inquiry by Ms Dinnage
- 26 Statement delivered orally at the inquiry by Miss Evie Clark
- 27 Statement delivered orally at the inquiry by Mr Towers
- 28 Statement delivered orally at the inquiry by Ms Green
- 29 Written representation from Mr T Edom
- 30 Statement delivered orally at the inquiry by Mr Garrett
- 31 Statement delivered orally at the inquiry by Mrs Brown
- 32 Statement delivered orally at the inquiry by Mr Burns
- 33 Government guidance on what can count towards a development's biodiversity net gain
- 34 Southern Water: Drainage and Investment Management Plan for Thornham Wastewater Treatment Works (May 2023)
- 35 Questions and responses from Cllr Kerry-Bedell for the Foul Drainage Q&A session
- 35A Information from Cllr Kerry-Bedell regarding sewage capacity for new houses served by Thornham Wastewater Treatment Works

- 35B A Position Statement on managing new housing development in the Thornham Waste Water Treatment Works catchment submitted by Mr Kerry-Bedell with highlighted sections
- 36 Questions on bats asked to Mr West by Mrs Towers on behalf of Mr Johnson
- 37 Background information on matters raised by Cllr Kerry-Bedell at the Highways Q&A session
- 38 Response by Bright Plan on behalf of the Appellant to the highway matters raised by Cllr Kerry-Bedell
- 39 Committee Report relating to the appeal at Highgrove Farm, Bosham (APP/L3815/W/23/3322020)
- 40A Draft conditions relating to Site A
- 40B Draft conditions relating to Site B
- 40C Observations on the draft conditions relating to Site A by the Rule 6 Party
- 40D Observations on the draft conditions relating to Site B by the Rule 6 Party
- 41 Updated statement from Dr Sutcliffe (see Document 23)
- 42 Questions put to Mr Neame by Cllr Johnson
- 43 IPS schemes provided by Miss Thatcher
- 44 Section 106 Agreement, dated 10 August 2023, for Site A
- 45 Section 106 Agreement, dated 10 August 2023, for Site B

ANNEX THREE: CONDITIONS FOR APPEAL A

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than one year from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall not be carried out other than in accordance with the plans: 18044-HNW-02-ZZ-DR-A-2101 (Site Location Plan) and 2020-6214-201/ Rev E (Access Overview and Visibility Splays).
- 5) No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CMP shall be implemented and adhered to throughout the construction period. The CMP shall include details of the following:
 - a) The location and specification for vehicular access during construction.
 - b) Provision for the parking of vehicles by contractors, site operatives and visitors.
 - c) Provision for the loading and unloading of plant, materials and waste.
 - d) Provision for the storage of plant and materials.
 - e) Details of the erection and maintenance of security hoardings.
 - f) Details of the location of any site huts/cabins/offices.
 - g) Provision for wheel washing facilities and any other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders.
 - h) The contact details of the site operator.
 - i) Measures to control the emission of dust and dirt.
 - j) Measures to protect surrounding properties from construction noise in accordance with the standards in BS 5228: *Code of practice for noise and vibration control on construction and open sites - Noise*.
 - k) Provision of any external lighting.
 - l) Provision for the storage of fuel and chemicals.
 - m) Provision for the recycling and disposal of waste management including confirmation that there will be no on-site burning of waste materials.
- 6) During the construction period the following ecological mitigation measures shall be adhered to at all times:

- a) Any works to the trees or vegetation clearance on the site shall be undertaken outside of the bird breeding season between 1st March to 1st October. If works are required within this period an Ecological Clerk of Works must check the site within 24 hours of any work taking place.
 - b) Any bush pile, compost and debris piles on the site shall be removed outside of the hibernation period for hedgehogs between mid-October to mid-March inclusive. The piles shall undergo soft demolition.
 - c) Clearance routes shall be checked prior to mowing, cutting or topsoil removal to ensure that no deer are harmed during works.
 - d) Any trenches shall be covered overnight or a means of escape made available to protect wildlife.
 - e) Any hazardous chemicals shall be suitably stored away so that they are not accessible to animals.
 - f) Before any development commences, including ground clearance, a badger scoping survey shall be undertaken to ensure badgers are not using the site. If a badger sett is found on site, Natural England must be consulted and a mitigation strategy produced.
 - g) The method of works and mitigation measures for reptiles shall be carried out in accordance with the recommendations in the Reptile Survey Report by Tetra Tech (July 2021).
 - h) For the purpose of reptile translocation, clearance of flora and other materials within the exclusion zone shall only occur under the direction of the Ecological Clerk of Works.
 - i) Wildlife exclusion netting of trees and hedges shall not be used, unless it is under the direction of a qualified ecologist for an express purpose, such as reptile exclusion fencing.
- 7) No development shall commence until protective fencing has been erected around all trees, hedgerows, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS 5837: *Trees in Relation to Design, Demolition and Construction* (2012). Thereafter the protective fencing shall be retained for the duration of the works, with regular inspections and maintenance. No unauthorised access or placement of vehicles, machine plant, goods, fuels or chemicals, soil or other materials shall take place inside the fenced area and soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered.
- 8) No development shall commence until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and approved in writing by, the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

- 9) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: *Investigation of potentially contaminated sites - Code of Practice* and the *Environment Agency's Model Procedures for the Management of Land Contamination* (CLR 11) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the Local Planning Authority.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority.

The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority for approval before construction is recommenced.

- 10) No development shall commence until a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details and a timetable to be agreed in writing by the Local Planning Authority.

- 11) No development shall commence, until details of the proposed overall site wide surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design shall follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the *Building Regulations* and the *SuDS Manual* produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. The surface water drainage scheme shall be implemented as approved.

No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

- 12) No development shall commence until details of the arrangements for the future access and maintenance of any watercourse or culvert crossing or abutting the site have been submitted to and approved in writing by the Local Planning Authority. The future access and maintenance shall thereafter be carried out in accordance with the approved details. At no time shall current and future landowners be restricted or prevented as a result of the development from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

- 13) No development shall commence until details of the management and maintenance of the sustainable drainage system approved under Condition 11 have been submitted to and approved in writing by the Local Planning Authority so that it continues to operate satisfactorily for the lifetime of the development. Development shall be carried out in accordance with the approved details.

- 14) At the same time as the first reserved matters application full calculations to establish the capacity at Thornham WwTW, in accordance with the latest "Headroom Monitoring for Thornham WwTW", shall be submitted to and approved in writing by the Local Planning Authority. These shall include calculations taken from the date of the grant of outline planning permission. The following sequential strategy shall be adopted in these calculations:

- a) Allowance for dwellings to be constructed and occupied up to the headroom capacity limit at Thornham WwTW prevailing at the date of the grant of outline planning permission without the need to demonstrate no net increase in flow to Thornham WwTW; and/or
- b) At the same time as the first Reserved Matters application that seeks permission for any dwellings exceeding the agreed headroom capacity, a detailed document shall be submitted to and approved in writing by the Local Planning Authority that demonstrates no net increase in flow for up to 30 additional dwellings, including full calculations, any mitigation proposals and full maintenance and monitoring details. All mitigation proposals shall be implemented as approved prior to first occupation of the additional dwellings and maintained and monitored as approved in perpetuity; and/or
- c) Restriction on the construction and occupation of any further dwellings until a solution has been implemented in collaboration with Southern Water to achieve sufficient capacity at Thornham WwTW or other opportunities advised by Southern Water. Prior to commencement of the

remaining dwellings, full details of this updated solution and any supporting documentation shall be submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with this approved strategy and calculations.

15) No development shall commence until a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out before the dwelling is first occupied.

16) No development shall commence until a detailed Sustainable Construction and Design Statement has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate how CO₂ emissions will be minimised through improvement to the fabric of the buildings. At least 10% of the predicted residual energy requirements, after the fabric improvements energy savings, shall be met through the use of renewable resources. The development shall be carried out in accordance with the approved Sustainable Construction and Design Statement.

17) No development shall commence above slab level, until details have been submitted to and approved in writing by the Local Planning Authority of the Electric Vehicle charging facilities in accordance with the West Sussex County Council: Guidance on Parking at New Developments (September 2020 or any superseding document). No dwelling which is to be provided with an Electric Car charging facility shall be first occupied until it has been provided and is ready for use. The Electric Vehicle charging facilities shall therefore be retained and maintained in accordance with the manufacturer's instructions.

18) No dwelling shall be first occupied, until the approved off-site improvement works necessary to provide foul drainage for the whole development have been completed.

In the event that the approved off-site improvement works are not completed in full by the time of first occupation, detailed interim on-site measures for the disposal of foul water sewage shall be first agreed in writing by the Local Planning Authority. The details of the on-site measures shall include a timetable for implementation and how they will be managed and maintained for as long as they are in place. Development shall be carried out in accordance with the approved details.

19) Before first occupation of any dwelling, details showing the location, installation and ongoing maintenance of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. The approved fire hydrants shall be installed before first occupation of any of the dwellings that they will serve and shall thereafter be retained for their intended purpose.

20) Before first occupation of any dwelling the main access serving the development from Broad Road shall be constructed and visibility splays provided of 2.4 metres by 43 metres in both directions up to base course level, in accordance with the details shown on drawing number 2020-6214-201/RevE (Access Overview and Visibility Splays). The top wearing coat for the access shall be constructed prior to the occupation of the last dwelling on the site. Once provided, the visibility splays shall be kept free of all obstructions over a height of 0.6m above adjoining carriageway level.

21) At the same time as the first Reserved Matters application is submitted, details of the external lighting of public areas, including roadways and amenity spaces, shall be submitted to and approved in writing by the Local Planning Authority. The lighting details shall seek to avoid potential impacts on bats using trees and hedgerows by avoiding artificial light spill onto these features, through the use of directional lighting sources and shielding. The external lighting details shall set out how the design of the lighting has taken account of *Guidance Note 08/18: Bats and Artificial Lighting in the UK* by the Bat Conservation Trust and the Institution of Lighting Professionals.

22) At the same time as the first Reserved Matters application is submitted and notwithstanding any details already submitted, the measures for ecological mitigation and enhancement and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Native species replacement tree planting at a 2:1 ratio.
- b) The areas of wildflower grassland planting.
- c) The grassland areas to be managed for the benefit of reptiles.
- d) A wildlife pond and/or the ecological enhancement of the SuDS for the benefit of bats and other fauna and flora.
- e) The infilling of gaps in tree lines or hedgerows with native species.
- f) The installation and future retention of a minimum of 10 bat bricks onto dwellings in low lit or unlit locations away from windows and external lighting and a minimum of 6 bat boxes on retained trees around the site.
- g) The installation and future retention of a minimum of 10 bird bricks onto dwellings and 6 bird boxes on trees around the site.
- h) The installation and future retention of 3 hedgehog nesting boxes.
- i) The installation of log piles.
- j) The provision and permanent retention of gaps under boundary fences to allow free movement of hedgehogs and small mammals across the site.
- k) The retention of an unlit ecological corridor along the southern boundary of the site with ecological enhancements across the area and wider site and extended planting buffer to the eastern and northern boundaries (as detailed on Plan 6A of the Section 106 Agreement). The on-site open amenity space and LEAP shall be located outside the ecological corridor.

- l) The provision of dark corridors within the lighting scheme approved under Condition 20 to ensure there are areas of no lighting which wildlife can move between.
 - m) An ongoing programme of management and maintenance for 30 years.
- The development shall be carried out in accordance with the approved ecological and enhancement measures and shall be managed and maintained for a period of 30 years.
- 23) The dwellings hereby permitted shall be designed to ensure that the consumption of wholesome water by the occupiers shall not exceed 110 litres per person per day. The fixtures, fittings and appliances shall thereafter be retained to comply with this requirement.
 - 24) The maximum height of any dwelling shall not exceed 2 storeys.
 - 25) Construction works, including works of site clearance and ground preparation, and deliveries to and from the site, shall not take place other than between 0730 and 1730 Monday-Friday, 0830 and 1300 on Saturdays and at no time on Sundays or on Bank or Public holidays.

End of conditions 1-25

ANNEX FOUR: CONDITIONS FOR APPEAL B

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than one year from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall not be carried out other than in accordance with the plans: 18044-HNW-03-ZZ-DR-A-2101/ Rev P2 (Site Location Plan); 2020-6214-301/ Rev E (Access Overview and Visibility Splays) and 2020-6214-304/ Rev C (Drift Lane Accesses Visibility Splays).
- 5) No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CMP shall be implemented and adhered to throughout the construction period. The CMP shall include details of the following:
 - a) The location and specification for vehicular access during construction.
 - b) Provision for the parking of vehicles by contractors, site operatives and visitors.
 - c) Provision for the loading and unloading of plant, materials and waste.
 - d) Provision for the storage of plant and materials.
 - e) Details of the erection and maintenance of security hoardings.
 - f) Details of the location of any site huts/cabins/offices.
 - g) Provision for wheel washing facilities and any other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders.
 - h) The contact details of the site operator.
 - i) Measures to control the emission of dust and dirt.
 - j) Measures to protect surrounding properties from construction noise in accordance with the standards in BS 5228: *Code of practice for noise and vibration control on construction and open sites – Noise*.
 - k) Provision of any external lighting.
 - l) Provision for the storage of fuel and chemicals.
 - m) Provision for the recycling and disposal of waste management including confirmation that there will be no on-site burning of waste materials.

6) During the construction period the following ecological mitigation measures shall be adhered to at all times:

- a) Any works to the trees or vegetation clearance on the site shall be undertaken outside of the bird breeding season between 1st March to 1st October. If works are required within this period an Ecological Clerk of Works must check the site within 24 hours of any work taking place.
- b) Any bush pile, compost and debris piles on the site shall be removed outside of the hibernation period for hedgehogs between mid-October to mid-March inclusive. The piles shall undergo soft demolition.
- c) Clearance routes shall be checked prior to mowing, cutting or topsoil removal to ensure that no deer are harmed during works.
- d) Any trenches shall be covered overnight or a means of escape made available to protect wildlife.
- e) Any hazardous chemicals shall be suitably stored away so that they are not accessible to animals.
- f) Before any development commences, including ground clearance, a badger scoping survey shall be undertaken to ensure badgers are not using the site. If a badger sett is found on site, Natural England must be consulted, and a mitigation strategy produced.
- g) The method of works and mitigation measures for reptiles shall be carried out in accordance with the recommendations in the Reptile Survey Report by Tetra Tech (July 2021).
- h) For the purpose of reptile translocation, clearance of flora and other materials within the exclusion zone shall only occur under the direction of the Ecological Clerk of Works.
- i) Reptile translocation shall be co-ordinated with Water Vole which shall be carried out in accordance with a Method of Working agreed in writing by the Local Planning Authority.
- j) Wildlife exclusion netting of trees and hedges shall not be used, unless it is under the direction of a qualified ecologist for an express purpose, such as reptile exclusion fencing.

7) No development shall commence until protective fencing has been erected around all trees, hedgerows, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS 5837: *Trees in Relation to Design, Demolition and Construction* (2012). Thereafter the protective fencing shall be retained for the duration of the works, with regular inspections and maintenance. No unauthorised access or placement of vehicles, machine plant, goods, fuels or chemicals, soil or other materials shall take place inside the fenced area and soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered.

8) No development shall commence until plans of the site showing details of the existing and proposed ground levels and finished floor levels shall be submitted to, and approved in writing by, the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

9) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: *Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination* (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the Local Planning Authority.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development has been submitted to and approved in writing by the Local Planning Authority.

The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority for approval before construction is recommenced.

10) No development shall commence until a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details and a timetable to be agreed in writing by the Local Planning Authority.

11) No development shall commence, until details of the proposed overall site wide surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design shall follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the *Building Regulations* and the *SuDS Manual* produced by CIRIA. Winter ground water monitoring to establish highest

annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. The surface water drainage scheme shall be implemented as approved.

No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

- 12) No development shall commence until details of the arrangements for the future access and maintenance of any watercourse or culvert crossing or abutting the site have been submitted to and approved in writing by the Local Planning Authority. The future access and maintenance shall thereafter be carried out in accordance with the approved details. At no time shall current and future landowners be restricted or prevented as a result of the development from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.
- 13) No development shall commence until details of the management and maintenance of the sustainable drainage system approved under Condition 11 have been submitted to and approved in writing by the Local Planning Authority so that it continues to operate satisfactorily for the lifetime of the development. Development shall be carried out in accordance with the approved details.
- 14) At the same time as the first Reserved Matters application full calculations to establish the capacity at Thornham WwTW, in accordance with the latest "Headroom Monitoring for Thornham WwTW", shall be submitted to and approved in writing by the Local Planning Authority. These shall include calculations taken from the date of the grant of outline planning permission. The following sequential strategy shall be adopted in these calculations:
 - a) Allowance for dwellings to be constructed and occupied up to the headroom capacity limit at Thornham WwTW prevailing at the date of the grant of outline planning permission without the need to demonstrate no net increase in flow to Thornham WwTW; and/or
 - b) At the same time as the first Reserved Matters application that seeks permission for any dwellings exceeding the agreed headroom capacity, a detailed document shall be submitted to and approved in writing by the Local Planning Authority that demonstrates no net increase in flow for up to 30 additional dwellings, including full calculations, any mitigation proposals and full maintenance and monitoring details. All mitigation proposals shall be implemented as approved prior to first occupation of the additional dwellings and maintained and monitored as approved in perpetuity; and/or

- c) Restriction on the construction and occupation of any further dwellings until a solution has been implemented in collaboration with Southern Water to achieve sufficient capacity at Thornham WwTW or other opportunities advised by Southern Water. Prior to commencement of the remaining dwellings, full details of this updated solution and any supporting documentation shall be submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with this approved strategy and calculations.

- 15) No development shall commence until a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out before the dwelling is first occupied.
- 16) At the same time as the first reserved matters application is submitted, a Water Vole mitigation strategy, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include:
 - a) An update to surveys more than one year old.
 - b) A 5 metre protective buffer from the top of the bank to be maintained at all times during the construction period.
 - c) Post-development monitoring of Water Vole populations to check that mitigation measures are working as intended and to inform appropriate ongoing management.
 - d) Appropriate vegetation management to maintain shelter and foraging resources.
 - e) Details of net gain improvements to ditch and riparian habitat.
 - f) Methods for managing the potential risks from increased human presence.
 - g) Water quality management to make sure water quality is maintained or improved at the site.
 - h) The arrangements for the management and maintenance of the Water Vole habitats for the lifetime of the development.

Development shall be carried out in accordance with the approved Water Vole mitigation strategy.
- 17) No development shall commence until a detailed Sustainable Construction and Design Statement has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate how CO₂ emissions will be minimised through improvement to the fabric of the buildings. At least 10% of the predicted residual energy requirements, after the fabric improvements energy savings, shall be met through the use of renewable resources. The development shall be carried out in accordance with the approved Sustainable Construction and Design Statement.

18) No development shall commence above slab level, until details have been submitted to and approved in writing by the Local Planning Authority of the Electric Vehicle charging facilities in accordance with the West Sussex County Council: *Guidance on Parking at New Developments* (September 2020 or any superseding document). No dwelling which is to be provided with an Electric Car charging facility shall be first occupied until it has been provided and is ready for use. The Electric Vehicle charging facilities shall therefore be retained and maintained in accordance with the manufacturer's instructions.

19) No dwelling shall be first occupied, until the approved off-site improvement works necessary to provide foul drainage for the whole development have been completed.

In the event that the approved off-site improvement works are not completed in full by the time of first occupation, detailed interim on-site measures for the disposal of foul water sewage shall be first agreed in writing by the Local Planning Authority. The details of the on-site measures shall include a timetable for implementation and how they will be managed and maintained for as long as they are in place. Development shall be carried out in accordance with the approved details.

20) Before first occupation of any dwelling, details showing the location, installation and ongoing maintenance of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. The approved fire hydrants shall be installed before first occupation of any of the dwellings that they will serve and shall thereafter be retained for their intended purpose.

21) Before first occupation of any dwelling the main access serving the development from the A259 shall be constructed and visibility splays provided of 2.4 metres by 43 metres in both directions up to base course level, in accordance with the details shown on drawing number 2020-6214-301/ Rev E (Access Overview and Visibility Splays). The top wearing coat for the access shall be constructed prior to the occupation of the last dwelling on the site. Once provided, the visibility splays shall be kept free of all obstructions over a height of 0.6m above adjoining carriageway level.

22) Before first occupation of any dwelling the main accesses serving the development from Drift Lane shall be constructed and visibility splays provided of 2.4 metres by 43 metres in both directions up to base course level, in accordance with the details shown on drawing number 2020-6214-304/ Rev C (Drift Lane Accesses Visibility Splays). The top wearing coat for the accesses shall be constructed prior to the occupation of the last dwelling on the site. Once provided, the visibility splays shall be kept free of all obstructions over a height of 0.6m above adjoining carriageway level.

23) At the same time as the first Reserved Matters application is submitted, details of the external lighting of public areas, including roadways and amenity spaces, shall be submitted to and approved in writing by the Local Planning Authority. The lighting details shall seek to avoid potential impacts on bats using trees and hedgerows by avoiding artificial light spill onto these features, through the use of directional lighting sources and shielding. The external lighting details shall set out how the design of the lighting has taken account of *Guidance Note 08/18: Bats and Artificial Lighting in the UK* by the Bat Conservation Trust and the Institution of Lighting Professionals.

24) At the same time as the first Reserved Matters application is submitted and notwithstanding any details already submitted, the measures for ecological mitigation and enhancement and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Native species replacement tree planting at a 2:1 ratio.
- b) The areas of wildflower grassland planting.
- c) The grassland areas to be managed for the benefit of reptiles.
- d) A wildlife pond and/or the ecological enhancement of the SuDS for the benefit of bats and other fauna and flora.
- e) A wetland area for the benefit of Water Voles.
- f) The infilling of gaps in treelines or hedgerows with native species.
- g) The installation and future retention of a minimum of 10 bat bricks onto dwellings in low lit or unlit locations away from windows and external lighting and a minimum of 6 bat boxes on retained trees around the site.
- h) The installation and future retention of a minimum of 10 bird bricks onto dwellings and 6 bird boxes on trees around the site.
- i) The installation and future retention of 3 hedgehog nesting boxes.
- j) The installation of log piles.
- k) The provision and permanent retention of gaps under boundary fences to allow free movement of hedgehogs and small mammals across the site.
- l) The retention of an unlit ecological corridor along the west and north boundaries of the site with ecological enhancements across the area and wider site and extended planting buffer to the eastern and northern boundaries (as detailed on Plan 6B of the Section 106 Agreement).
- m) The provision of dark corridors within the lighting scheme approved under Condition 23 to ensure there are areas of no lighting which wildlife can move between.
- n) An ongoing programme of management and maintenance for 30 years.

The development shall be carried out in accordance with the approved ecological and enhancement measures and shall be managed and maintained for a period of 30 years.

- 25) The dwellings hereby permitted shall be designed to ensure that the consumption of wholesome water by the occupiers shall not exceed 110 litres per person per day. The fixtures, fittings and appliances shall thereafter be retained to comply with this requirement.
- 26) The maximum height of any dwelling shall not exceed 2 storeys.
- 27) Construction works, including works of site clearance and ground preparation, and deliveries to and from the site, shall not take place other than between 0730 and 1730 Monday-Friday, 0830 and 1300 on Saturdays and at no time on Sundays or on Bank or Public holidays.

End of conditions 1-27