

PAGHAM

P/35/24/OUT

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Outline application with some matters reserved for a proposed residential development of up to 110 No. dwellings including means of access into the site (not internal roads), with all other matters (relating to appearance, landscaping, scale and layout) reserved. This application is a Departure from the Development Plan and affects a Public Right of Way.

Land South of Summer Lane  
Pagham

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## RECOMMENDATION

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ACS - App Cond sub to S106

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- 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 2 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 4 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:
  1. Location Plan - Red Line Boundary Dwg 01 Rev 01.
  2. Proposed Access Arrangement Dwg 04.
  3. Summer Lane Pedestrian/Cycle Access Dwg 05.
  4. Proposed Pedestrian/Cycle Access with Summer Lane (North) Dwg 06.
  5. Proposed Access Arrangements with Horns Lane Dwg 18 Rev B; and
  6. SFRA Parameter Plan Dwg 2051 DLA XXX DR L 45 Rev 01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1, QE SP1 and T SP1.
- 4      The approved development shall achieve a minimum of 10% energy supply generation from the use of decentralised, renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure the generation of on-site energy use to meet the predicted energy demand in accordance with Arun Local Plan policy ECC SP2 and the NPPF.
- 5      With the exception of bird/bat boxes, and insect boxes/hotels as covered by separate conditions, all mitigation and enhancement measures and/or works shall be carried out in accordance with the

details contained in the Ecological Assessment (Ecology Solutions, February 2024) as submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall supervise all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan 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).

6 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. The use of triple staggered native hedging along the open western site boundary to reflect the landscaping approved on the adjacent Church Barton reserved matters scheme.

4. A greater amount of Public Open Space than is policy compliant to ensure sufficient on-site mitigation to deter new residents accessing the Pagham Harbour SPA via footpaths in the area.

5. 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.

6. Full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage). This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also be designed to be sensitive to bats. The scheme shall include a bat friendly Lighting Plan. The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white with a clear view, no UV, a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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 policies D DM1, QE SP1, QE DM2, ENV DM2, ENV DM4 and ENV DM5 of the Arun Local Plan and the NPPF.

7 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 policies T SP1, D DM1, QE SP1, QE DM3 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 8 The layout and landscape details to be submitted pursuant to condition 1 shall include full details of the required public open space (POS) and play areas to include details of proposed management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as agreed prior to occupation of the 61st dwelling and permanently retained thereafter. The approved management details shall be permanently adhered to.

Reason: To ensure that the POS and Play provision is provided and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

- 9 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall ensure that the scheme makes provision for accommodation to meet the Building Regulations Standards M4(2) and M4(3) in accordance with the Council's guidance note "Accommodation for Older People and People with Disabilities Guidance".

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".

- 10 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 policies D DM1 and QE SP1 of the Arun Local Plan.

- 11 As part of the submission of each Reserved Matters application for the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates (2.86 l/s for the 1 in 1 year event and 9.06 l/s for the 1 in 100 plus climate change event) as contained within section 5.3 of the Drainage Strategy (prepared by Ridge, dated June 2024, Rev. P05). The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:

1. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system which utilises source control features prior to site control features and the measures taken to prevent pollution of the receiving surface waters.

2. Demonstrate that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration.

3. Demonstrate that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes, safe, and does not impact any of proposed built development.

4. Provide an exceedance plan for any storm event that exceeds the design standards of the surface water drainage SuDS system to ensure no built development is impacted.

Reason: To ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and Arun Local Plan policies W DM2 and W DM3.

- 12 Prior to the commencement of development of each phase for the development hereby permitted, construction drawings of the surface water drainage network, associated sustainable drainage components, flow control mechanisms and a construction method statement have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be constructed in accordance with the approved drawings, method statement and Micro drainage calculations prior to the first occupation of the development hereby approved. No alteration to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 13 No development, including preparatory works, shall commence until details and method statement of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. This should include the maintenance proposals during construction. The site works and construction phases shall thereafter be carried out in accordance with approved method statement, and the approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence for the relevant phase.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 14 Before the development hereby permitted is commenced, details of the proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance, if appropriate).

Occupation of the development shall be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that waste water network capacity is available to adequately drain the development and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details of any phase or sub-phase.

Reason: To ensure adequate infrastructure is provided to enable the scheme to be satisfactorily drained and avoids adverse impacts upon the Paghham Harbour SPA/Ramsar in accordance with policies D DM1, W DM1, W SP1, and ENV DM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the foul drainage system goes to the heart of the planning permission.

- 15 No development authorised by this permission shall commence unless and until full details (including appropriate drawings) of how the new access road will cross the existing ditch on the eastern boundary have been submitted to and approved in writing by the Local Planning Authority. The access road crossing shall be built in accordance with the approved scheme and permanently retained so thereafter.

Reason: The access road is shown to cross over an existing ditch which is wet at certain times of the year but no details have been submitted as to the form of the crossing. This condition is in accordance with Arun Local Plan policies D DM1 and T SP1 and must be a pre-commencement condition because it is required to access the site.

- 16 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 and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways, WSCC Highways, and the council's Environmental Health Officer as appropriate). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

1. The phased programme of construction works.
2. The anticipated, number, frequency, types, and timing of vehicles used during construction (construction vehicles should avoid the strategic road network during the peak hours of 0800-0900 and 1700-1800 where practicable).
3. The preferred road routing for all construction traffic associated with the development.
4. Provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders).
5. Details of street sweeping.

6. Details of a means of suppressing dust & dirt arising from the development.
7. A scheme for recycling/disposing of waste resulting from demolition and construction works (i.e., no burning permitted).
8. Details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination).
9. Details of areas for the loading, unloading, parking, and turning of vehicles associated with the construction of the development.
10. Details of areas to be used for the storage of plant and materials associated with the development.
11. Details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate).
12. Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
13. Details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works.
14. Details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage.
15. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).
16. Details of pest control.

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

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.

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, and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 17 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 the best and most versatile 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 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.

- 18 Prior to commencement of development the applicant shall prepare and submit for approval in writing, an Employment and Skills Plan. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

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.

- 19 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 proposed development, the applicant/developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

- 20 Details of bat tubes, bricks or boxes shall be submitted to and approved in writing by the Local Planning Authority prior to any development above damp-proof course (DPC) level.
- No less than 55 bat tubes or bricks shall be provided, and the details shall include the exact location, specification, and design of the habitats. The bat tubes, bricks or boxes shall be installed with the development prior to the first occupation of the building/s to which they form part or the first use of the space in which they are contained.
- The bat tubes, bricks or boxes shall be installed strictly in accordance with the details so approved and shall be permanently maintained in good working condition thereafter.
- Reason: To ensure the development provides the maximum possible provision towards the creation of habitats and valuable areas for biodiversity in accordance with Arun Local Plan policies ENV SP1 and ENV DM5.
- 21 Details of Bee bricks and/or invertebrate hotels shall be submitted to and approved in writing by the Local Planning Authority prior to any development above damp-proof course (DPC) level.
- No less than 16 bee bricks in sunny locations and 16 invertebrate hotels shall be provided, and the details shall include the exact location, specification, and design of the habitats. Bee bricks and/or invertebrate hotels shall be installed with the development prior to the first occupation of the buildings to which they form part or the first use of the space in which they are contained.
- The Bee bricks and/or invertebrate hotels shall be installed strictly in accordance with the details so approved and shall be permanently maintained in good working condition as such thereafter.
- Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Arun Local Plan policies ENV SP1 and ENV DM5.
- 22 Details of integral nesting bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any development above damp-proof course (DPC) level.
- No less than 55 integral universal nesting bricks shall be provided, and the details shall include the exact location, specification, and design of the bricks. The bricks shall be installed within the development prior to the first occupation of the building/s to which they form part or the first use of the space in which they are contained.
- The nesting bricks shall be installed strictly in accordance with the details so approved and shall be permanently maintained in good working condition as such thereafter.
- Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Arun Local Plan policies ENV SP1 and ENV DM5.
- 23 No part of the development shall be first occupied until such time as the access serving the adjacent development to the east, and the access included as part of this development (which it is shown to connect to) - including foot and cycle links to Summer Lane - have been constructed in accordance with the details shown on the approved drawings, including the recommendations contained in the associated Road Safety Audits.
- Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan.
- 24 No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with plans and details approved by the reserved matters permission. Once provided the spaces shall thereafter be retained at all times for their designated purpose.
- Reason: To provide car-parking space for the use and in accordance with Arun Local Plan policies T SP1 and T DM1.
- 25 No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with the plans and details as approved by the reserved matters permission and the discharge of relevant drainage conditions.
- Reason: To secure satisfactory standards of access for the proposed development and in accordance with Arun Local Plan policy T SP1.
- 26 Upon the first occupation of each dwelling, the Applicant shall implement the measures incorporated within the approved Residential Travel Plan (ref 23106/TP/02/A, June 2024). The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport and in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 27 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.

- 28 Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and Arun Local Plan policies W DM2 and W DM3.

- 29 Details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and Arun Local Plan policies W DM2 and W DM3.

- 30 No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, has been complied with for that dwelling and retained in perpetuity thereafter.

Reason: To improve the sustainability of the dwellings in accordance with Arun Local Plan policies ECC SP1 and W DM1.

- 31 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 and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 32 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:  
1. A Biodiversity Gain Plan has been submitted to the planning authority, and  
2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with

Schedule 7A of the Town and Country Planning Act 1990 (as amended).

33 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

34 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).
- (2) A contribution of £950 per dwelling towards the agreed Pagham Harbour Strategic Access Management and Monitoring Strategy.
- (3) A Secondary School Transport Contribution.
- (4) A Travel Plan monitoring fee of £3,815 (index linked).
- (5) On-site BNG and future management/monitoring.
- (6) ADC's standard monitoring fee of £1500; and
- (7) WSCC's standard monitoring fees (to be determined by WSCC during the drafting).

35 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](http://www.southernwater.co.uk). Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.

36 INFORMATIVE: Where the reserved matters submission is not made within 12 months from the date of the decision being issued, further supplementary ecological surveys for bats, wintering birds, badger and reptiles must be undertaken and submitted with the reserved matters application. The supplementary surveys shall be of an appropriate type for this species and survey methods shall follow national good practice guidelines.

37 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 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](mailto:Frs.waterandaccess@westsussex.gov.uk)

38 INFORMATIVE: Please note the advice from WSCC Public Rights of Way:

"The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by Arun District Council as the local planning authority. Further advice can be provided on request.

Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.

The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.



Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 8 weeks is needed to consider an application."

- 39      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 19/04/24) as available on the council's website.
- 40      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, should such works be required. 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 a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
- 41      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 a charge will be applied for this service.
- 42      INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover any off-site highway works. In the event these are required, the applicant should 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.
- 43      INFORMATIVE: Should the applicant intend to offer any of the internal estate roads for adoption under S38 of the Highways Act 1980, they will be required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover these. The applicant should contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk. Additionally, any works offered for adoption must connect to other roads that form part of the adopted highway network or are confirmed as being secured for adoption under S38.

# REPORT UPDATE

**Application no:** P/35/24/OUT  
**Page no:** 5  
**Location:** Land South of Summer Lane Pagham  
**Description:** Outline application with some matters reserved for a proposed residential development of up to 110 No. dwellings including means of access into the site (not internal roads), with all other matters (relating to appearance, landscaping, scale and layout) reserved. This application is a Departure from the Development Plan and affects a Public Right of Way.

## UPDATE DETAILS

### REASON FOR UPDATE/CHANGES:

#### Water Usage

On application P/15/24/OUT, Portsmouth Water (PW) requested that ADC restrict water usage at the development to a standard of 100 litres per person per day (l/p/d). PW did not make the same comment on this application.

Arun Local Plan Policy W SP1 states "Arun District Council will encourage water efficiency measures in order to protect the district's water resources and enhance the quality of the water environment which supports a range of habitats and ecosystems."

Water efficiency is also a Building Regulations (BR) matter and Part G of the BR states in accordance with the methodology set out in the "Water Efficiency Calculator for New Dwellings", wholesome water of a new dwelling should be no more than 125 l/p/d or 110 l/p/d where the optional requirement applies. The optional 110 l/p/d is used where there is an accompanying planning condition.

ADC's Building Control team have stated that whilst it is possible to achieve 100 l/p/d as per PW's request, BR will only ever assess schemes against the 125 or 110 requirements and any enforcement of the 100-litre requirement would therefore be solely up to the Planning department.

On the basis that there is no policy or regulatory basis for PW's 100 litre requirement, it is instead proposed to use the Council's existing condition which specifies 110 litres: "No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, has been complied with for that dwelling and retained in perpetuity thereafter."

There is no need to monitor actual householder water usage as the condition solely seeks to ensure that water saving technologies are installed. Compliance will be confirmed by the appointed Building Control Inspector.

#### Tree Preservation Orders

The Council's Tree Officer has recommended that Tree Preservation Orders be served in respect of the existing Poplar Trees along the southern and northern boundaries. These will be served at some time after the meeting.

### Tree Officer Comments

The Tree Officer has also now provided written comments which conclude that the general 'principle of development' is achievable without undue detriment to retained trees of high and/or amenity value and that there is no arboricultural impact associated with the proposed access into site.

### Additional Representations

Pagham Parish Council (PPC) have provided additional comments stating that it would be inappropriate to build homes on the application site as this would lead to too much disturbance to the Brent Geese and the failure of the Brent Geese Mitigation Plan (BGMP) which lies adjacent to the proposals. PPC request that the Councils Habitat Regulations Assessment be revised to consider the impact on the BGMP and state it must then conclude a likely significant effect on Pagham Harbour.

Nine other letters of objection have been received raising the following issues:

- The cycle path link between Honer Lane and Summer Lane must be completed before any further developments of scale are allowed on the south coast.
- Inadequate consultation.
- Traffic impacts.
- New housing development should instead be directed north of the A27.
- Loss of agricultural land.
- Pagham Geese and other wildlife should be protected.
- The site is adjacent to the BGMP buffer area so Brent Geese will not use these areas.
- Inadequate local infrastructure.
- Overdevelopment of the area.
- Impact on the ability of Church Barton House to access or egress their property via Horns Lane.

In respect of the relationship with the BGMP, members should note that the application red edge does not overlap with the 100m buffer area and that the buffer area is solely in place to provide additional mitigation against the short sharp 109 decibel noise associated with the use of bird scarers on agricultural land. The buffer area will remain in agricultural use but does not fall within the scope of the BGMP beyond minimising impacts associated with bird scaring. Residential related noise has a different noise profile which will contribute to background noise levels but would not result in significant disturbance in comparison to the impacts of bird scarers. Meanwhile, construction related noise will be temporary and its daily duration will be controlled by a condition.

Appropriate landscaping will be secured through condition to ensure that visual disturbance associated with the residential occupation of the site is mitigated. It is also material that the buffer area directly adjoins half of the approved Church Barton House residential site and this relationship was deemed acceptable by Natural England therefore the proposal does not result in

any relationships which have not already been assessed and deemed appropriate.

It is also important to note that Brent Geese already use the fields that are part of the BGMP area when they contain crops that the Geese like to forage on. The BGMP secures a like for like level of appropriate crop planting to offset for the loss of the fields due to the strategic allocation.

All of the other stated concerns have either already been considered in the officer report, or are not material to this application.

**OFFICERS COMMENT:**

The changes to the conditions (new condition no. 30) are provided on the attached amended recommendation sheet.

Outline application with some matters reserved for a proposed residential development of up to 120 No dwellings including means of access into the site (not internal roads), with all other matters (relating to appearance, landscaping, scale and layout) reserved. This application is a Departure from the Development Plan and affects a Public Right of Way.

Land South of Summer Lane  
Pagham

## RECOMMENDATION

ACS - App Cond sub to S106

- 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 2 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 4 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:
  1. Location Plan - Red Line Boundary Dwg 02 Rev P16.
  2. Proposed Access Arrangement Dwg 04.
  3. Summer Lane Pedestrian/Cycle Access Dwg 05.
  4. Proposed Pedestrian/Cycle Access with Summer Lane (North) Dwg 06.
  5. Proposed Access Arrangements with Horns Lane Dwg 18 Rev B; and
  6. SFRA Parameter Plan Dwg 2051 DLA XXX DR L 45 Rev 01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1, QE SP1 and T SP1.
- 4 The approved development shall achieve a minimum of 10% energy supply generation from the use of decentralised, renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling and shall be thereafter permanently maintained in good working condition.
 

Reason: In order to secure the generation of on-site energy use to meet the predicted energy demand in accordance with Arun Local Plan policy ECC SP2 and the NPPF.
- 5 With the exception of bird/bat boxes, and insect boxes/hotels as covered by separate conditions, all mitigation and enhancement measures and/or works shall be carried out in accordance with the

details contained in the Ecological Assessment (Ecology Solutions, February 2024) as submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall supervise all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan 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).

6 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. The use of triple staggered native hedging along the open western site boundary to reflect the landscaping approved on the adjacent Church Barton reserved matters scheme.

4. A greater amount of Public Open Space than is policy compliant to ensure sufficient on-site mitigation to deter new residents accessing the Pagham Harbour SPA via footpaths in the area.

5. 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.

6. Full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage). This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also be designed to be sensitive to bats. The scheme shall include a bat friendly Lighting Plan. The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white with a clear view, no UV, a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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 policies D DM1, QE SP1, QE DM2, ENV DM2, ENV DM4 and ENV DM5 of the Arun Local Plan and the NPPF.

7 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 policies T SP1, D DM1, QE SP1, QE DM3 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 8 The layout and landscape details to be submitted pursuant to condition 1 shall include full details of the required public open space (POS) and play areas to include details of proposed management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as agreed prior to occupation of the 61st dwelling and permanently retained thereafter. The approved management details shall be permanently adhered to.

Reason: To ensure that the POS and Play provision is provided and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

- 9 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall ensure that the scheme makes provision for accommodation to meet the Building Regulations Standards M4(2) and M4(3) in accordance with the Council's guidance note "Accommodation for Older People and People with Disabilities Guidance".

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".

- 10 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 policies D DM1 and QE SP1 of the Arun Local Plan.

- 11 As part of the submission of each Reserved Matters application for the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates (2.86 l/s for the 1 in 1 year event and 9.06 l/s for the 1 in 100 plus climate change event) as contained within section 5.3 of the Drainage Strategy (prepared by Ridge, dated June 2024, Rev. P05). The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:

1. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system which utilises source control features prior to site control features and the measures taken to prevent pollution of the receiving surface waters.

2. Demonstrate that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration.

3. Demonstrate that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes, safe, and does not impact any of proposed built development.

4. Provide an exceedance plan for any storm event that exceeds the design standards of the surface water drainage SuDS system to ensure no built development is impacted.

Reason: To ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and Arun Local Plan policies W DM2 and W DM3.

- 12 Prior to the commencement of development of each phase for the development hereby permitted, construction drawings of the surface water drainage network, associated sustainable drainage components, flow control mechanisms and a construction method statement have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be constructed in accordance with the approved drawings, method statement and Micro drainage calculations prior to the first occupation of the development hereby approved. No alteration to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority.
- Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.
- 13 No development, including preparatory works, shall commence until details and method statement of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. This should include the maintenance proposals during construction. The site works and construction phases shall thereafter be carried out in accordance with approved method statement, and the approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence for the relevant phase.
- Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.
- 14 Before the development hereby permitted is commenced, details of the proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance, if appropriate).
- Occupation of the development shall be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that waste water network capacity is available to adequately drain the development and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details of any phase or sub-phase.
- Reason: To ensure adequate infrastructure is provided to enable the scheme to be satisfactorily drained and avoids adverse impacts upon the Paghham Harbour SPA/Ramsar in accordance with policies D DM1, W DM1, W SP1, and ENV DM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the foul drainage system goes to the heart of the planning permission.
- 15 No development authorised by this permission shall commence unless and until full details (including appropriate drawings) of how the new access road will cross the existing ditch on the eastern boundary have been submitted to and approved in writing by the Local Planning Authority. The access road crossing shall be built in accordance with the approved scheme and permanently retained so thereafter.
- Reason: The access road is shown to cross over an existing ditch which is wet at certain times of the year but no details have been submitted as to the form of the crossing. This condition is in accordance with Arun Local Plan policies D DM1 and T SP1 and must be a pre-commencement condition because it is required to access the site.
- 16 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 and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways, WSCC Highways, and the council's Environmental Health Officer as appropriate). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:
1. The phased programme of construction works.
  2. The anticipated, number, frequency, types, and timing of vehicles used during construction (construction vehicles should avoid the strategic road network during the peak hours of 0800-0900 and 1700-1800 where practicable).
  3. The preferred road routing for all construction traffic associated with the development.
  4. Provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders).
  5. Details of street sweeping.



6. Details of a means of suppressing dust & dirt arising from the development.
7. A scheme for recycling/disposing of waste resulting from demolition and construction works (i.e., no burning permitted).
8. Details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination).
9. Details of areas for the loading, unloading, parking, and turning of vehicles associated with the construction of the development.
10. Details of areas to be used for the storage of plant and materials associated with the development.
11. Details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate).
12. Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
13. Details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works.
14. Details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage.
15. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).
16. Details of pest control.

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

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.

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, and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 17 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 the best and most versatile 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 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.

- 18 Prior to commencement of development the applicant shall prepare and submit for approval in writing, an Employment and Skills Plan. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

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.

- 19 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 proposed development, the applicant/developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

- 20 Details of bat tubes, bricks or boxes shall be submitted to and approved in writing by the Local Planning Authority prior to any development above damp-proof course (DPC) level.
- No less than 60 bat tubes or bricks shall be provided, and the details shall include the exact location, specification, and design of the habitats. The bat tubes, bricks or boxes shall be installed with the development prior to the first occupation of the building/s to which they form part or the first use of the space in which they are contained.
- The bat tubes, bricks or boxes shall be installed strictly in accordance with the details so approved and shall be permanently maintained in good working condition thereafter.
- Reason: To ensure the development provides the maximum possible provision towards the creation of habitats and valuable areas for biodiversity in accordance with Arun Local Plan policies ENV SP1 and ENV DM5.
- 21 Details of Bee bricks and/or invertebrate hotels shall be submitted to and approved in writing by the Local Planning Authority prior to any development above damp-proof course (DPC) level.
- No less than 16 bee bricks in sunny locations and 16 invertebrate hotels shall be provided, and the details shall include the exact location, specification, and design of the habitats. Bee bricks and/or invertebrate hotels shall be installed with the development prior to the first occupation of the buildings to which they form part or the first use of the space in which they are contained.
- The Bee bricks and/or invertebrate hotels shall be installed strictly in accordance with the details so approved and shall be permanently maintained in good working condition as such thereafter.
- Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Arun Local Plan policies ENV SP1 and ENV DM5.
- 22 Details of integral nesting bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any development above damp-proof course (DPC) level.
- No less than 60 integral universal nesting bricks shall be provided, and the details shall include the exact location, specification, and design of the bricks. The bricks shall be installed within the development prior to the first occupation of the building/s to which they form part or the first use of the space in which they are contained.
- The nesting bricks shall be installed strictly in accordance with the details so approved and shall be permanently maintained in good working condition as such thereafter.
- Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Arun Local Plan policies ENV SP1 and ENV DM5.
- 23 No part of the development shall be first occupied until such time as the access serving the adjacent development to the east, and the access included as part of this development (which it is shown to connect to) - including foot and cycle links to Summer Lane - have been constructed in accordance with the details shown on the approved drawings, including the recommendations contained in the associated Road Safety Audits.
- Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan.
- 24 No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with plans and details approved by the reserved matters permission. Once provided the spaces shall thereafter be retained at all times for their designated purpose.
- Reason: To provide car-parking space for the use and in accordance with Arun Local Plan policies T SP1 and T DM1.
- 25 No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with the plans and details as approved by the reserved matters permission and the discharge of relevant drainage conditions.
- Reason: To secure satisfactory standards of access for the proposed development and in accordance with Arun Local Plan policy T SP1.
- 26 Upon the first occupation of each dwelling, the Applicant shall implement the measures incorporated within the approved Residential Travel Plan (ref 23106/TP/01/B, May 2024). The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport and in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 27 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.

- 28 Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and Arun Local Plan policies W DM2 and W DM3.

- 29 Details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and Arun Local Plan policies W DM2 and W DM3.

- 30 No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, has been complied with for that dwelling and retained in perpetuity thereafter.

Reason: To improve the sustainability of the dwellings in accordance with Arun Local Plan policies ECC SP1 and W DM1.

- 31 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 and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 32 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:  
1. A Biodiversity Gain Plan has been submitted to the planning authority, and  
2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with

Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 33 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 34 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).
  - (2) A contribution of £950 per dwelling towards the agreed Pagham Harbour Strategic Access Management and Monitoring Strategy.
  - (3) A Secondary School Transport Contribution.
  - (4) A Travel Plan monitoring fee of £3,815 (index linked).
  - (5) On-site BNG and future management/monitoring.
  - (6) ADC's standard monitoring fee of £1500; and
  - (7) WSCC's standard monitoring fees (to be determined by WSCC during the drafting).
- 35 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](http://www.southernwater.co.uk). Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.
- 36 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 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](mailto:Frs.waterandaccess@westsussex.gov.uk)
- 37 INFORMATIVE: Where the reserved matters submission is not made within 12 months from the date of the decision being issued, further supplementary ecological surveys for bats, wintering birds, badger and reptiles must be undertaken and submitted with the reserved matters application. The supplementary surveys shall be of an appropriate type for this species and survey methods shall follow national good practice guidelines.
- 38 INFORMATIVE: Please note the advice from WSCC Public Rights of Way:
- "The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by Arun District Council as the local planning authority. Further advice can be provided on request.
- Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.
- The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.
- No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.
- Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 8 weeks is needed to consider an application."

- 39      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 21/03/24) as available on the council's website.
- 40      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, should such works be required. 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 a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
- 41      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 a charge will be applied for this service.
- 42      INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover any off-site highway works. In the event these are required, the applicant should 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.
- 43      INFORMATIVE: Should the applicant intend to offer any of the internal estate roads for adoption under S38 of the Highways Act 1980, they will be required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover these. The applicant should contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk. Additionally, any works offered for adoption must connect to other roads that form part of the adopted highway network or are confirmed as being secured for adoption under S38.

## REPORT UPDATE

**Application no:** P/15/24/OUT  
**Page no:** 41  
**Location:** Land South of Summer Lane Pagham  
**Description:** Outline application with some matters reserved for a proposed residential development of up to 120 No dwellings including means of access into the site (not internal roads), with all other matters (relating to appearance, landscaping, scale and layout) reserved. This application is a Departure from the Development Plan and affects a Public Right of Way.

### UPDATE DETAILS

#### REASON FOR UPDATE/CHANGES:

##### Water Usage

As set out in the agenda report, Portsmouth Water (PW) requested that ADC restrict water usage at the development to a standard of 100 litres per person per day (l/p/d). Unfortunately, the condition was omitted from the recommendation.

Arun Local Plan Policy W SP1 states "Arun District Council will encourage water efficiency measures in order to protect the district's water resources and enhance the quality of the water environment which supports a range of habitats and ecosystems."

Water efficiency is also a Building Regulations (BR) matter and Part G of the BR states in accordance with the methodology set out in the "Water Efficiency Calculator for New Dwellings", wholesome water of a new dwelling should be no more than 125 l/p/d or 110 l/p/d where the optional requirement applies. The optional 110 l/p/d is used where there is an accompanying planning condition.

ADC's Building Control team have stated that whilst it is possible to achieve 100 l/p/d as per PW's request, BR will only ever assess schemes against the 125 or 110 requirements and any enforcement of the 100-litre requirement would therefore be solely up to the Planning department.

On the basis that there is no policy or regulatory basis for PW's 100 litre requirement, it is instead proposed to use the Council's existing condition which specifies 110 litres: "No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, has been complied with for that dwelling and retained in perpetuity thereafter."

There is no need to monitor actual householder water usage as the condition solely seeks to ensure that water saving technologies are installed. Compliance will be confirmed by the appointed Building Control Inspector.

##### Other Conditions

It has been noted that the recommendation report had omitted the required foul drainage condition and also contained two conditions numbered 14. These issues have now been corrected.

### Tree Preservation Orders

The Council's Tree Officer has recommended that Tree Preservation Orders be served in respect of the existing Poplar Trees along the southern and northern boundaries. These will be served at some time after the meeting.

### Tree Officer Comments

The Tree Officer has also now provided written comments which conclude that the general 'principle of development' is achievable without undue detriment to retained trees of high and/or amenity value and that there is no arboricultural impact associated with the proposed access into site.

### Additional Representations

Pagham Parish Council (PPC) have provided additional comments stating that it would be inappropriate to build homes on the application site as this would lead to too much disturbance to the Brent Geese and the failure of the Brent Geese Mitigation Plan (BGMP) which lies adjacent to the proposals. PPC request that the Council's Habitat Regulations Assessment be revised to consider the impact on the BGMP and state it must then conclude a likely significant effect on Pagham Harbour.

Nine other letters of objection have been received raising the following issues:

- The cycle path link between Honer Lane and Summer Lane must be completed before any further developments of scale are allowed on the south coast.
- Inadequate consultation.
- Traffic impacts.
- New housing development should instead be directed north of the A27.
- Loss of agricultural land.
- Pagham Geese and other wildlife should be protected.
- The site is adjacent to the BGMP buffer area so Brent Geese will not use these areas.
- Inadequate local infrastructure.
- Overdevelopment of the area.
- Impact on the ability of Church Barton House to access or egress their property via Horns Lane.

In respect of the relationship with the BGMP, members should note that the application red edge does not overlap with the 100m buffer area and that the buffer area is solely in place to provide additional mitigation against the short sharp 109 decibel noise associated with the use of bird scarers on agricultural land. The buffer area will remain in agricultural use but does not fall within the scope of the BGMP beyond minimising impacts associated with bird scaring. Residential related noise has a different noise profile which will contribute to background noise levels but would not result in significant disturbance in comparison to the impacts of bird scarers. Meanwhile, construction related noise will be temporary and its daily duration will be controlled by a condition.

Appropriate landscaping will be secured through condition to ensure that visual disturbance associated with the residential occupation of the site is mitigated. It is also material that the buffer area directly adjoins half of the approved Church Barton House residential site and this relationship was deemed acceptable by Natural England therefore the proposal does not result in any relationships which have not already been assessed and deemed appropriate.

It is also important to note that Brent Geese already use the fields that are part of the BGMP area when they contain crops that the Geese like to forage on. The BGMP secures a like for like level of appropriate crop planting to offset for the loss of the fields due to the strategic allocation.

All of the other stated concerns have either already been considered in the officer report, or are not material to this application.

#### OFFICERS COMMENT:

The changes to the conditions (new conditions nos. 14 and 30) are provided on the attached amended recommendation sheet.



## REPORT UPDATE

**Application no:** K/27/24/PL  
**Page no:** 87  
**Location:** Land East Of Kingston House Kingston Lane Kingston  
**Description:** Proposed construction of new stables with welfare facility with associated parking. This application is in CIL zone 5 (zero rated) as other development.

### UPDATE DETAILS

#### Reason for Update:

Kingston Parish Council have provided further comments to say that they maintain their previous objection but with the following additional comment:

- The relocation of the proposed building and walk out area to the east by 1m, with no mitigation, increases the visual intrusion of the building by jutting further into the field and increasing separation from the hedgerow to the west.
- The Parish also state that the hedgerow along the western boundary appears to be mostly within the ownership of the neighbour.

#### Officers Comment:

The 1m relocation is not considered significant enough to warrant a change to the recommendation or conditions. No change to the recommendation or conditions are proposed.

It is acknowledged that some dispute regarding ownership along the western boundary has been raised by representations. The applicant has stated that they own the land within the red edge and has submitted a Land Registry Plan. No evidence has been provided by any third party to dispute the land ownership situation. If there is a land ownership dispute regarding the boundary, then this is a private matter and does not affect the determination of this planning application.

## REPORT UPDATE

Application no: P/59/24/DOC  
Page no:  
Location: Land South of Summer Lane and West of Pagham Road  
Description: Approval of details reserved by condition imposed under P/140/16/OUT relating to condition 30- management and maintenance for adjacent Pagham Harbour SPA Enhancement land.

### UPDATE DETAILS

The Applicant has advised council officers that they have met with the Parish Council on 18 January, 21 March and 2 May of this year to discuss other proposals in the district, and the mitigation scheme. The applicant offered a further meeting to discuss the contents on the updated BGMP, however due to availability prior to the committee, this was not possible.

The applicant has also confirmed that they extended an invitation to the Sussex Ornithological Society (SOS) in August 2024 to discuss the mitigation plan, however this was declined. A letter from the SOS to the applicants stated that they regarded the principal stakeholders in this matter to be Arun District Council, the Applicant and Natural England. Furthermore, the SOS clarified that their role was to provide data and records to support the consideration of the scheme. They added that as they did not manage land, they were also not able to offer any practical assistance in relation to the mitigation plan.

### **Consultation Updates:**

**Natural England** – No objection, and concur with the conclusions of the Appropriate Assessment (AA) undertaken by the Council.

Natural England have provided their written consultation response to the latest BGMP and highlight the extensive input they have had on this scheme with both council officers and the applicants.

Natural England are satisfied that the proposed mitigation site has been favourably located, in immediate proximity to the Pagham Harbour designated sites, and designed in order to serve as a replacement foraging habitat.

They note that the mitigation is considered successful on the basis that the fields are made available and are favourable in terms of management.

**Ecology officer** – No objection on the basis that Natural England are supportive of the proposals. Confirmed that changes raised verbally to the officer have been addressed as part of the revised BGMP.

**Drainage Engineers** – No objection. Confirmed that due to the works proposed omitting any new drainage features, and reliance on maintaining existing features, this will not require land drainage consent (LDC) or consent under Land Drainage Byelaws. In addition, the two scrapes do not require LDC or consent through bye-laws.

**Environment Agency (EA)** – It has been informally confirmed that they have no objection but advised that the activity would likely require a Flood Risk Activity Permit to be obtained for the scrapes. Written comments will be provided prior to the committee meeting.

### **Officer Comments to consultation responses**

The requirement for a Flood Risk Permit for the scrapes, as identified by the Environment Agency (EA), is a separate requirement to the consideration of this discharge of condition application. Securing discharge of this condition, does not negate the need for any relevant permits from the EA. If the landowner was unable to obtain a permit for the scrapes, a new Brent Geese Mitigation Plan would need to be submitted for consideration.

### **Further representations:**

An additional 15 no. representations have been received, all objecting to the application.

The additional representations received do not introduce any new material considerations, nor do they raise any issues that have not been dealt with as part of the assessment and committee report. Certain comments, including those concerning the principle of housing and the request for a south coast cycle highway, remain non-material to this decision.

There have been comments in relation to the need for the presence of Brent Geese on the mitigation site to discharge the condition and/or deem that the scheme is successful. However, the requirement of the condition is for the developer to submit details showing the Council how the mitigation land identified will be managed in a way to allow for an overwintering crop suitable for the Brent Geese, that provides an equivalent foraging value for the Brent Geese to that lost by the development, should they require it. The condition requires management of the land and favourable conditions, such as the removal of bird scaring and increased sight lines, which have been proposed. The condition does not require visual confirmation of the presence of the geese as a condition for discharging Condition 30, as such a requirement would be unreasonable and beyond the scope of the original condition imposed on P/140/16/OUT.

Several representations have also sought the application to be deferred to allow for consultation with the public, RSPB, Sussex Ornithological Society (SOS), EA and Natural England. Public representations have been considered throughout this application, which was validated by the Council on 26<sup>th</sup> June 2024. Natural England have provided their full consultation response supporting the discharge of the condition, and the council are seeking confirmation from the EA. While the SOS and RSPB are not formal consultees on the application, their responses have been considered and are summarised for completeness.

## Pagham Parish Council – Objection

- Concern over the lack of time to consider the revised BGMP
- Have concerns about the Appropriate Assessment on the following matters:
  - Dispute the quantum of foraging land lost as it didn't consider the wider farm crop rotation.
  - Dispute that the foraging value is enough given that the energy efficiency.
  - The drainage work undertaken already has not improved the drainage of the land – in January this was flooded.
  - The northernmost field of the proposed mitigation land has high trees on the western boundary which will interfere with sight lines.
  - The land has been previously planted with Winter Wheat but not used by Brent Geese.
  - The BGMP land is very close to the proposed development P/15/24/OUT and P/35/24/OUT and its construction and occupation would impact upon the mitigation lands success. The tree screen along Pagham Road helps shield the fields for the benefit of the Geese.
  - The hedgerow along the PROW will minimise sight lines.
- Failed to take account of views from the SOS, RSPB and representatives of the birding community.

### Officers Comments:

The planning report sets out that the quantum of foraging value lost as part of the development has been quantified using the average presence of winter wheat. This methodology, has been agreed by Natural England, who have confirmed that the quantum of foraging resource proposed has resulted in an equivalent foraging value. The sight lines have been assessed by officers and agreed with Natural England; the trees to the west of the northernmost field are not considered to impact upon the visibility throughout the existing field and would still be suitable for Brent Geese. The implementation of a hedgerow adjacent to the PROW is been supported by Natural England in order to reduce visual disturbance.

The proposed development under reference P/15/24/OUT and P/35/24/OUT have been assessed independently through a habitats regulation assessment (HRA) Appropriate Assessment. The mitigations proposed ensure that adequate visual screening is carried out to minimise any disturbance on the wider fields which may support Brent Geese. The 100m buffer of the BGMP does not sit within the red line boundary for these developments.

ADC have taken all responses into account and have amended the BGMP in line with comments from representations and advice from statutory consultees.

**RSPB** - Objected on 11<sup>th</sup> November 2024 on the basis that they uphold their previous objection submitted on P/13/24/DOC in April 2024. These comments related to an earlier version of the mitigation plan. This application was not supported by officers or Natural England and the applicant withdrew the application. The RSPB's original objection related to the following points:

- Drainage issues and the 'wetness' of the proposed mitigation site.
- Lack of information regarding planting and cropping regime.
- No detail on monitoring of the mitigation site.
- Believe the council have insufficient information to be assured of the effectiveness of the proposals.

### Officer comments:

The matter of drainage has been resolved through the omission of any proposed drainage features which require ADC Drainage Engineer input, as confirmed by their consultation response. It has been accepted that the species planted in this area are more water tolerant and are acceptable to provide varied habitat enhancements. Monitoring measures were added into the BGMP through further revisions. The Council have deemed that we have sufficient information, which has informed the Appropriate Assessment which has been reviewed and agreed by Natural England.

### **Sussex Ornithological Society (SOS) -**

- Want the mitigation to be proven to attract Brent Geese prior to planning permission being given, despite Natural England's comments.
- Wish for conditions to be imposed to the application.
- Want ADC to undertake long-term monitoring.
- Want financial penalties should the mitigation cease management cease.

### Officer comments:

A verbal conversation has taken place with the SOS to clarify the council's position. It was made clear that this application is a discharge of condition application and planning permission has already been granted. Further additional conditions are not able to be imposed at this stage, and that the monitoring of the plan will be undertaken by the applicants who will be required to submit monitoring reports to the planning department. Whilst no financial penalties can be imposed, the council has powers to enforce breaches of planning condition through the powers inferred by the Town and Country Planning Act 1990 (as amended). Additionally, the case officer advised SOS that the mitigation, once a Deed of Variation is completed, would be secured through the S106 agreement and the condition imposed would require the council to hold landowner to account.

## Recommendation

The recommendation remains unchanged and is as follows:

Planning Committee delegate authority to the Group Head of Planning in consultation with the Chair or Vice Chair authority to:

Discharge Condition 30 subject to the completion of a Deed of Variation to amend the Section 106 Agreement, with any minor amendments authorised by the Group Head of Planning. In the absence of a signed Deed of Variation, the proposal would conflict with the Section 106 agreements and will not be discharged.

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