

Recommendation Report for Planning Permission

**REF NO:** FG/10/26/PL

**LOCATION:** Eastlands  
Littlehampton Road  
Ferring  
BN12 6PB

**PROPOSAL:** Change of use from equestrian to secure dog exercising and associated development. This application is a Departure from the Development Plan and is in CIL Zone 3 (Zero Rated) as other development.

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| <b>SITE AND SURROUNDINGS</b> |
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|                            |                                                                                                                                |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above.                                                                                                                      |
| SITE AREA                  | 1.1ha.                                                                                                                         |
| SITE CHARACTERISTICS       | Two grassed equestrian paddocks with perimeter fences and access track between. Accessed from Littlehampton Road to the south. |
| CHARACTER OF LOCALITY      | Primarily open agricultural and equestrian land. Horse riding school to the east surrounded by mature trees.                   |

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| <b>RELEVANT SITE HISTORY</b> |
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|             |                                                                                                                                                                                                                                                                                                                 |                                   |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| FG/73/20/PL | Variation of Condition 4 approved under FG/8/20/PL for the condition to read 'The occupation of the dwelling shall be limited to a person or persons solely or mainly working, or last working, at the equestrian centre at Eastlands, or a widow or widower of such a person, and to any resident dependants'. | Approve<br>01-10-20               |
| FG/8/20/PL  | Erection of 1 No. equestrian dwelling & retention of 1 No. gazebo & 2 No. carports. This application is a Departure from the Development Plan & may affect a Public Right of Way.                                                                                                                               | Approve Conditionally<br>04-06-20 |

FG/8/20/PL and FG/73/20/PL - Granted planning permission for the construction of a single dwelling to the east of the proposal site within the wider equestrian site, amongst other things. The occupation of the residential unit was restricted by way of condition to be limited to a person solely or mainly working at the equestrian centre at Eastlands under FG/8/20/PL, and the restriction was subsequently varied under FG/73/20/PL to be limited to a person or persons solely or mainly working, or last working, at the equestrian centre at Eastlands, or a widow or widower of such a person, and to any resident dependants.

From review of remote imaging, it appears that this permission may have been commenced. Concern has been raised that the current proposal may impact this restriction. The restriction connects the occupier/future occupiers of the approved dwelling to be directly involved with the Eastland Equestrian Centre which covers many equestrian fields, not just those subject to this application. There is no evidence that the wider equestrian use of the Eastlands Equestrian Centre would be prejudiced by the change of use of these two fields, and it is unlikely that the aforementioned restrictions applied under FG/8/20/PL and FG/73/20/PL would be prejudiced by this application.

## **REPRESENTATIONS**

Ferring Parish Council - No response received but FPC lists no objection.

1 letter of support:

- General supports for the proposal
- Leisure use already established and appropriate for the site
- Low-impact with minimal development
- Clear and proven local demand for secure dog fields
- Similar existing nearby facilities are fully booked
- Wellbeing and other benefits for all dogs and owners
- Enclosed area prevents disturbance to livestock, wildlife, and other users

2 letters of objection:

- Concerns that FG/73/20/PL and FG/8/20/PL will be impacted by this proposal.
- The Public Right of Way is not clearly identified and may be impacted.
- Potential for increased highways traffic and pedestrian safety concerns.
- Concerns that the land is agricultural and should not be used for housing.

## **COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted.

The Public Right of Way will not be directly impacted by this proposal and is discussed further in the report below.

The host site is not agricultural land and no housing is proposed.

## **CONSULTATIONS**

### **CONSULTATION RESPONSES RECEIVED:**

Environmental Health - No comment.

Economic Regeneration - No comment.

Ecologist - No objection subject to conditions:

- The BNG report shows an increase of 10.02% in habitat units and a gain for hedgerows, however, there is no baseline for hedges so a % gain cannot be calculated. Any gain would be seen as a 100% gain.
- Conditions suggested.

WSCC Highways:

- No apparent visibility concerns with the existing point of access onto Littlehampton Road.

- Any works proposed to the privately maintained road will be subject to formal approval from the road's proprietor.
- Part of the access road is also maintained as Footway no. FEG/2138/2 so comments from the area PROW inspector should be sought.
- The proposed dog exercise fields will operate on an appointment-only basis to minimise vehicle conflict. If vehicles arrive early, there is sufficient space within the 6.5m private access track for waiting without causing nuisance.
- Overall, the proposal is not expected to generate a significant increase in traffic movements compared with the site's existing use.
- The proposed parking areas are appropriately sized to accommodate two cars per paddock. While some reversing manoeuvres may be required, low vehicle speeds and wide verges mean this does not present a significant safety concern. Vehicles would be able to exit the site onto the A259 in a forward gear.
- Do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network and there are no transport grounds to resist the proposal.

South Downs National Park - No objection:

- No comment on the principle of development.
- The site is approximately 290m south and 280m west of the National Park and the proposed change of use of the land would result in minimal impacts on its setting.
- Section 245 of the Levelling-up and Regeneration Act 2023 and NPPF Paragraph 189 identified as relevant.
- Officers need to assess the direct and indirect impacts of the development on the National Park.
- The paddocks will operate during daylight hours only, so external lighting is not required. Given the National Park's Dark Night Skies designation and the sensitivity of its setting, it is recommended that this be controlled through an appropriately worded planning condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions applied as required. Following the response from WSCC Highways and in acknowledgement of the proposals lack of development that would directly impact the Public Right of Way, the suggestion to consult WSCC PRoW was queried. WSCC Highways confirmed they had no immediate concerns pertaining to the PRoW on site, and that the Local Planning Authority should follow the consultation thresholds provided by WSCC PRoW. These thresholds confirm it is only necessary to consult WSCC PRoW where there is likely to be an impact on a PRoW. No development is proposed on or adjacent to the PRoW, and the character and intensity of traffic is unlikely to change materially, therefore, no consultation is required.

POLICY CONTEXT

Outside the Built-up Area Boundary (Countryside)  
Settlement Gap (Angmering - Worthing)  
Public Right of Way (FEG/2138/2 - Footpath).

DEVELOPMENT PLAN POLICIES

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

|       |                                          |
|-------|------------------------------------------|
| CSP1  | C SP1 Countryside                        |
| SDSP3 | SD SP3 Gaps Between Settlements          |
| DSP1  | D SP1 Design                             |
| DDM1  | D DM1 Aspects of form and design quality |

|        |                                           |
|--------|-------------------------------------------|
| LANDM1 | LAN DM1 Protection of landscape character |
| ENVSP1 | ENV SP1 Natural Environment               |
| QESP1  | QE SP1 Quality of the Environment         |
| TSP1   | T SP1 Transport and Development           |
| ENVDM5 | ENV DM5 Development and biodiversity      |

#### [Ferring Neighbourhood Plan 2014 Policy 1A](#)

Ferring Neighbourhood Plan 2014 Policy 7

A Spatial Plan for the Parish

Land north of Littlehampton Road, encouraging of existing rural businesses

#### PLANNING POLICY GUIDANCE:

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

#### POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

#### DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is complies with relevant Development Plan policies in that there will be no adverse harm to visual or residential amenity, highway amenity, ecology, or the settlement gap.

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

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

#### OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

#### BIODIVERSITY NET GAIN

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

- 100% net gain in hedgerow units.

- 10.02% net gain in habitat units.

## CONCLUSIONS

### PRINCIPLE

The site lies outside of the Built-up Area Boundary and is land defined as countryside in accordance with Arun Local Plan (ALP) policy C SP1. It also lies within the strategic settlement gap of Angmering - Worthing as set out in ALP policy SD SP3.

Policy 1A of the Ferring Neighbourhood Development Plan (FNDP) states that development located outside of the Built-up Area Boundary that does not accord with development plan policies in respect of the control of development in the countryside will be resisted.

ALP policy C SP1 outlines that development in the countryside will only be permitted for a defined list of countryside uses to prevent encroachment. These permissions include:

- a. for the operational needs of agriculture, horticulture, forestry, the extraction of minerals or management of waste;
- b. for quiet, informal recreation;
- c. for green infrastructure;
- d. for the diversification of the rural economy;
- e. for road and/or cycle schemes;
- f. in accordance with other policies in the Plan which refer to a specific use or type of development.

The proposal seeks a change of use from equestrian land to use of the site for exercising dogs. While some dogs may be more audible than others, this use constitutes both quiet, informal recreation, and the diversification of the rural economy; subsequently falling under permitted uses (b) and (d) of ALP policy C SP1. Consequently, the proposal is in accordance with FNDP Policy 1A.

### VISUAL AMENITY, CHARACTER, AND THE SETTLEMENT GAP

The site comprises two grassed equestrian fields with wooden fencing surrounding both fields. The proposal would result in the change of use of these equestrian fields into secure dog exercising fields alongside planting, the alteration of perimeter fencing, and the creation of two access enclosures with compact gravel and construction of two wooden shelters (one of each for each field).

During the lifetime of the application, it has become apparent that the perimeter fencing surrounding both fields and the access enclosures have been brought forward. The fencing and enclosures are not as proposed within the current elevations, but are of a lightweight, timber post with wire mesh design that is acceptable and appropriate for the rural context. Both the enclosures and fencing appear to have been brought forward in accordance with the layout prescribed by the proposed site and access plans.

To secure the design and materiality of the fencing and gated enclosures already installed and tie them to this permission, which are acceptable, the photographic evidence of the fencing and enclosures have been secured as an approved document.

The planting of native hedging (*Fagus* - Common Beech) proposed to the outside of the perimeter fencing either side of the access track, the west boundary of the fields, and the access enclosures (at 0.4m depth and 1.5-1.75m height once grown), also appears to have been brought forward. The extent and nature of this planting is acceptable and commensurate to the rural and largely open nature of the area.

The proposal includes the random planting of 11/12 native (*Betula Pendula* - Silver Birch) trees in the

western sides of each field. This element has not yet come forward but is commensurate to the nature and character of the area. The planting locations are identified as random, but to ensure they are suitably spread so as to prevent undue growth competition and for the avoidance of doubt, a condition securing the finalised locations of this planting has been attached.

The fencing and planting would primarily only be visible from distant views in the wider public realm context. Those traversing along the Public Right of Way to the west of the site would see this fencing up close, but it would be buffered by hedging once fully grown and in any event, the fencing maintains a lightweight and rural nature that is commensurate to the character of the area which features a large amount of post and rail fencing serving the wider equestrian fields/paddocks.

The proposal would add a notable amount of vegetation to the landscape but not such that it would reduce the prevailing open character of the landscape, noting that the site is also surrounded by predominantly open landscape to the north, south, and west.

There is no external/artificial lighting proposed and it is not intended for the units to be operational outside of daylight hours. It would not be reasonable to restrict the hours of use in this context, but in any event, unlikely that the enclosures would be used at night. It also would not be reasonable to impose a condition restricting outdoor lighting where none is proposed nor likely to be necessary, nor would it be reasonable to restrict the installation/use of external lighting that does not require planning permission. Should any external lighting that needs planning permission be desired at a later date, an application would need to be submitted for consideration at that time.

Overall, the limited prominence of the proposal would not be such that it has any detrimental impact on the setting of the South Downs National Park (SDNP).

The timber shelters on site are minor and utilitarian and would not compromise the rural and open character of the landscape.

For the reasons outlined above, the proposal would not undermine the visual separation of the settlement gap or compromise its integrity. In terms of impacts on the visual landscape and the gap, the introduction of modest vegetation around the site, two small timber shelters, and taller but lightweight rural fencing would not result in any meaningful harms or impacts.

ALP policy SD SP3 does stipulate that development will only be permitted within the gap(s) where it cannot be located elsewhere. No evidence of this has been provided, but it is acknowledged that the landowner controls the wider Eastlands Equestrian site and that this entire property is within the settlement gap, so it is unlikely that a proposal for the use would come forward elsewhere or in a more favourable part of the site. In any event, given the minimal intrusion into the landscape, there is no identified harms as a result of what has been proposed and a failure to provide evidence of why it cannot be located elsewhere is not in itself, a material harm.

The works will result in no adverse harm to the visual amenity or character of the locality, nor the setting of the SDNP and is in accordance with ALP policies D SP1, D DM1, and LAN DM1.

While the proposal has not given evidence as to why it cannot be located elsewhere, the proposal has no adverse impact on the integrity of the settlement gap and is otherwise in accordance with ALP policy SD SP3. The failure to evidence that it cannot be located elsewhere does not in itself amount to harm to the settlement gap and is not a reason to refuse on its own.

## RESIDENTIAL AMENITY AND NOISE POLLUTION

The nearest dwelling is approx. 120m to the southwest, but it also appears the dwelling approved under

FG/8/20/PL is under construction and may come forward in the future. Nonetheless, this dwelling remains approx. 80m from the site.

The proposed use will likely have new associated noises such as dogs barking more frequently within the area, but it is not a use that is likely to cause an intense or consistent noise nuisance such that it would be considered a specific 'noise generating use'. Given the likely limited number of dogs at any one time, and the substantial separation distances between the nearest noise sensitive receptors and the site, the proposal would not give rise to any adverse impacts on neighbouring residential amenity.

The proposal is in accordance with ALP policies D DM1 and QE SP1.

#### HIGHWAYS, PARKING AND ACCESS

WSCC Highways raised no visibility or highways safety concerns. They conclude that the use will not generate a significant increase in traffic movements compared with the site's existing use and that there is sufficient space for two vehicles to pass along the access track, and for two cars to wait in each entrance enclosure.

The fields are to operate on an appointment-based system where one/two vehicles can visit each field at a time, and that this will help manage vehicular visits.

There is no specific parking requirements for such a use, but based on the appointment system, limited parking availability per field, and that there is sufficient space for a car to park along the access and allow for two-way traffic if needed, it is clear that the proposal will be able to successfully manage its parking requirements adequately.

A Public Right of Way (PRoW) (footpath FEG/2138/2) exists along the access track to the west of the site, running north to south. There are no works proposed along this access track or the PRoW, and there is not expected to be any material/significant increase in traffic movements along the access. The track is straight with no visibility concerns that would prejudice pedestrian safety.

There are no transport grounds to prevent the proposal and the proposal is in accordance with ALP policy T SP1.

#### EMPLOYMENT/ECONOMIC BENEFIT

The proposal would generate economic benefits for the proprietor/business operator and the site is located outside of the Built-up Area Boundary. ALP policy EMP DM1 sets out the following criteria for such proposals:

- a. That it is an appropriately sized extension of an existing employment site, or no acceptable alternative can be identified within existing permitted or allocated sites, or within or through redevelopment of existing commercial premises;
- b. That it would not intensify uses at the site to the detriment of existing public access routes and highways;
- c. A high standard of design, layout and landscaping appropriate to the context;
- d. That it is capable of being well served by public transport or otherwise is readily accessible by means other than by private car to a significant residential workforce if employment intensive uses are proposed;
- e. Access arrangements and parking facilities will be provided in accordance with the Council's adopted standards;
- f. A sympathetic relationship to the surrounding areas that shows consideration of the landscape, habitat, built and historic environment contexts, the opportunities to deliver on-site habitats and protect key species.
- g. A satisfactory relationship with neighbouring uses in order that the amenities of nearby residents, in

particular, are protected; and

h. Where appropriate, crime prevention measures are incorporated.

Criteria a primarily seeks to prevent new commercial developments from prejudicing the countryside by trying to restrict new commercial premises to existing allocated or permitted sites or existing commercial sites. The proposal is not a typical employment/commercial use and is sympathetic to the rural landscape with little built form of significance and involves a significant increase on on-site biodiversity. The site is also part of an existing equestrian riding paddock, which will incur similar economic benefit/gains. It is unlikely that the proposed use would be suitable for within existing permitted/allocated/commercial redevelopment sites and it is not necessary for the proposal to review them.

Otherwise, the proposal would not prejudice the existing public access routes/highways, includes minimal built form and a high-standard of landscaping, does not involve an employment intensive use, includes sufficient parking provisions for the use, has a sympathetic relationship to the surrounding landscape and habitat, a satisfactory relationship with neighbouring residents, and no crime prevention measures are required.

The proposal would help diversify the economic income of the wider site, improving economic resilience and bolstering the viability of the wider equestrian sites operations.

The proposal is therefore, in accordance with ALP policy EMP DM1.

#### LOSS OF EQUINE LAND

FNDP Policy 7 pertains to Land North of Littlehampton Road and the encouragement of existing rural business. Stating that the Neighbourhood Plan will support:

- i. Any development shall minimise visual impacts on the surrounding countryside.
- ii. All new buildings are located as part of the existing clusters of buildings to ensure existing patterns of development are maintained and to avoid significant incursions into open countryside, wherever possible unless details show an improved siting.
- iii. Suitable measures are proposed to improve the setting and / or screening of the development within its wider setting of the National Park
- iv. Where appropriate, proposals shall be accompanied by drawings or other images showing impact of the proposed new development from key vantage points in the surrounding open countryside.
- v. Development will be permitted in exceptional circumstances for example, if it is essential to meet utility infrastructure needs and no alternative site is available.

The Neighbourhood Plan will resist any proposals for a change of use from an established agricultural, horticultural or equine use or any other unrelated uses.

The proposal is compliant with criteria i and iii for the reasons outlined in this report. Criteria iv and v are not of relevance to this proposal. Criteria ii seeks to avoid significant incursions into open countryside. While the proposal involves the introduction of two timber shelter buildings, they are minor and commensurate to the rural landscape and wider uses of the area. They do not result in any meaningful incursion into the landscape and located adjacent to two mature rows of trees. In this context, they do not need to be located amongst an existing cluster of buildings.

The policy goes on to resist proposals for the change of use from existing equestrian uses. The two fields subject to the current application are two established equestrian fields. They form part of the wider 'Eastlands' equestrian site which would retain over 15 acres of equestrian fields immediately to the north of the site.

Policy 7 identifies the desire to preserve the established equestrian uses in the area, but equally, Para 4.34, which adds context to this policy, supports their need to maintain viable operations to provide employment in Arun, also noting that where there is a need for replacement or additional operational premises, the need is met by using land that forms part of the clusters of existing buildings and to not cause any significant incursion into the surrounding open countryside.

It is clear that the intentions of Policy 7 are to preserve the identified established uses north of Littlehampton Road, that it is accepted that there may be a need for additional operational premises to support viable operations, and where development to support the viable operations of the sites come forward, that they should not result in significant incursions into the countryside.

The proposal would result in the loss of the equestrian use of two fields, but the wider Eastlands equestrian site would remain substantial and would not be prejudiced by the loss of two smaller fields. Indeed, the proposed use would add an additional source of income for the wider Eastlands site, diversifying its economy, and supporting the overall operations of the site. The development is also an acceptable form of development within the countryside and would not result in any significant incursion of the countryside or harm to the rural landscape.

While the proposal would result in the loss of part of an established equestrian use in conflict with FNDP Policy 7, for the reasons outlined above, it would not prejudice the wider use of the equestrian site.

#### ECOLOGY

The site currently consists primarily of two lawned equestrian paddocks with an access track between them. The proposal would include substantial lengths of native hedging (*Fagus* - Common Beech) around the north and west perimeter of the southern field, and the south and west perimeter of the northern field. It also includes the planting of some 22/23 No. total Silver Birch trees within the western sides of each field.

The submitted Biodiversity Net Gain (BNG) Assessment does not appear to include the hedging planted along the perimeter of the fields within its calculation and identifies the hedging to be planted around the access enclosures to be non-native/ornamental, which is inaccurate to *Fagus* (native) as proposed by the site plan, but nonetheless, would achieve a 100% net gain by virtue of there being no existing hedgerows on site. The BNG assessment also identifies a 10,02% net gain in habitat units.

The proposal would involve a significant biodiversity net gain overall and is in accordance with ALP policy ENV DM5. Conditions have been applied below to secure the BNG and ecological enhancement measures on site.

#### SUMMARY

The proposal is in conflict with FNDP Policy 7 in that it would result in the loss of two equestrian fields, but for the reasons outlined above, this would not result in any significant harm and the benefits of the proposal would support the wider equestrian use of the site by diversifying its economy.

The development is otherwise in accordance with the relevant Development Plan policies and as such is recommended for approval subject to the following conditions and informatives.

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

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

## **DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

## **RECOMMENDATION**

### **APPROVE CONDITIONALLY**

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
  - LOCATION AND BLOCK PLANS, DE1365/01, REVP5.
  - PROPOSED SITE PLAN, DE1365/03, REVP4.
  - PROPOSED ACCESS PLAN AND PHOTOS, DE1365/05, REVP2.
  - PROPOSED SHELTERS PLAN AND ELEVATIONS, DE1365/06, REVP2.
  - Photographic evidence of the design and materials of the fencing and access enclosures submitted 08/04/26.  
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies SD SP3, D SP1, D DM1, and ENV DM5.
- 3 Prior to the first use of the development hereby approved, finalised elevational and material details of all fencing/gates, including the access enclosures, hereby approved must be submitted to and approved in writing by the Local Planning Authority and subsequently implemented before the first use of the development.  
  
Reason: In the interests of amenity in accordance with Arun Local Plan policies SD SP3, D SP1, D DM1, and ENV DM5.
- 4 Prior to the first use of the development hereby approved, a Biodiversity Enhancement Layout, providing the finalised details and locations of the hedge and tree planting hereby approved, shall be submitted to and approved in writing by the Local Planning Authority.

The planting shall be implemented in full in accordance with the approved details prior to first use of the development hereby approved and all features shall be retained in that manner thereafter.

Reason: To enhance biodiversity and protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats and species).

5 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).

6 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the NPPF.