

Recommendation Report for Application for Approval of Details To Satisfy An Obligation

REF NO: LU/40/26/AOO

LOCATION: Central Wetland Area
Hampton Park
Toddington Lane

PROPOSAL: Application for approval of Landscape Management (Schedule 3, Part 1 and 2 (h)) and Ecology Scheme (Schedule 16, Part 1) as required under obligations set out in the Section 106 agreement dated 23rd January 2013 in relation to planning permission LU/47/11/ (and subsequent applications).

SITE AND SURROUNDINGS

DETAILS OF DECISION

Arun District Council hereby APPROVE the detail pursuant to S106 obligations for the following reasons.

This application seeks approval of the Landscape Management (Schedule 3, Part 1 and 2 (h)) and Ecology Scheme (Schedule 16, Part 1) as required under obligations set out in the Section 106 agreement dated 23rd January 2013 in relation to planning permission LU/47/11/ (and subsequent applications). This relates solely to the Central Wetland Area. These two obligations have been subject to a Deed of Variation dated 11/09/18.

Schedule 3 (Open Space), Paragraphs 1 (h) and 2 (h) previously required the following:

'1. Prior to the Occupation of the Development the Owners shall submit and obtain the approval of the District Council to: ... (h) the Central Wetland Area Scheme.'

'2. The Owners covenant with the District Council not to Occupy or permit the Occupation of the Development unless and until they have first submitted to the District Council for approval and the District Council has approved: ... (h) the Central Wetland Area Scheme.'

The wordings for these two obligations were amended in 2018 to:

'1. Prior to the Occupation of the first Dwelling in any phase which includes any of the Schemes listed below the Owners shall submit to and obtain the approval of the District Council to the relevant Scheme.'

'2. The Owners covenant with the District Council not to

Occupy or permit the Occupation of any dwellings in a Phase which includes any of the Schemes listed below until the Owners have first submitted to and obtained approval for the relevant scheme.'

In addition to the wordings above, an additional amendment was made to Paragraphs 17 and 18 of Schedule 3, pertaining to the trigger requirements for the Central Wetland Area. These two paragraphs were deleted, as was the definition for the Central Wetland Area Scheme from the Definitions section of the S106. As such it is determined that the requirement for part (h) of paragraphs 1 and 2 to provide the scheme for this area has fallen away, and this obligation has been deleted. Notwithstanding the deletion of this obligation for the Central Wetland Area Scheme, details have been submitted providing a breakdown of the scheme for this area; including the drainage strategy, planting plans and landscape strategy. As this obligation no longer exists, these documents do not need to be approved. This obligation is therefore confirmed to be approved, and discharged.

Schedule 16 (Ecology), Paragraph 1 requires the following (as amended under the DOV dated 11/09/18):

'1. Prior to the Commencement of the Development in any phase, the Owners shall submit and obtain the approval of the District Council to the Ecology Scheme in respect of that phase.'

'Ecology Scheme' 'means a scheme in respect of each Phase to be submitted by the Owners and approved by the District Council in accordance with Schedule 16 setting out details of:
(a) the ecological enhancement proposals within the Site including a programme for implementation; and
(b) the management and monitoring of the proposals referred to at (a) above'

LU/279/24/AOO was previously submitted to approve details for the Ecology Scheme for the Central Wetland Area, however was refused 'owing to the conflict with approved plans, uncertainty over the implemented badger tunnel and the absence of permanent water bodies'.

Since this refusal, an NMA has been submitted and approved (LU/257/25/NMA) to regularise the approved landscape drawings to align with the as built situation with the Central Wetland Area. This NMA included a copy of the Ecological Mitigation and Management Plan December 2025 (Rev 6), which has also been submitted for approval under this application, and was supported by the ADC Ecology Officer. As this document has been previously approved, it is determined that the submission of this document to satisfy the

obligations for an Ecology Scheme, is acceptable.

The Ecological Mitigation and Management Plan December 2025 (Rev 6) sets out the specific species and habitat ecological mitigations, which includes the enhancement proposals for each identified species, and provides a plan showing the location of each enhancement. This document also sets out the management and monitoring for the ecological mitigations and enhancements for the site, including timings of the works for when installation and maintenance will be carried out. This includes a Five-year management review, and walkover survey by a Suitably Qualified Ecologist in years 2, 4, 8 and 10. These details are considered to be sufficient to meet the requirements of the obligation.

As such, the following document is approved in respect of Schedule 16, Paragraph 1, and accepted as the Ecology Scheme for the Central Wetland Area:
- Ecological Mitigation and Management Plan December 2025 (Rev 6)

REASON FOR DECISION

The information has been reviewed by Hannah Kersley (Principal Planning Officer at Arun District Council) and meets the requirements of Schedule 3, Paragraphs 1(h) and 2(h) requiring details of Landscape Management for the Central Wetland Area; and Schedule 16 Paragraph 1 for an Ecology Scheme. The details submitted are in compliance with the information previously approved in respect of LU/47/11/ (and subsequent applications).

To fully comply with the obligation(s) the development must be completed in accordance with the above details. If subsequent changes are required, amended details will need to be submitted and approved again before provision.

Please note this letter does not constitute a formal legal deed of discharge under Section 106A of the Town and Country Planning Act 1990 however the obligation status has been noted in the Planning Obligation Monitoring Records for any future enquiries.

DEVELOPMENT PLAN POLICIES

RECOMMENDATION

APPROVE