

REPORT UPDATE

Application No: P/31/26/OUT

Reason for the Update / Changes

Reason for Update/Changes:

1. WSCC Public Rights of Way (PRoW) had requested that the section of Summer Lane within the red line boundary be dedicated as bridleway. However, the applicant is already obligated by the s106 relating to application P/140/16/OUT to provide cycling rights along the entire section of Summer Lane that they own whereas County are now asking for bridleway status on a small section of the Lane. This was therefore queried with PRoW, and they have agreed this change. Therefore, permissive cycle rights would be secured in the first instance, followed by an obligation on the applicant to enter into a bridleway agreement if requested by WSCC within 5 years of the permission being issued.
2. Members should note that there is an error on page 119 where it refers to the new signage proposals on Summer Lane. The new signage is only applicable to application P/30/26/OUT.
3. The Council's Landscape Officer has now provided their comments. They raise no objection subject to details of landscaping and open space being provided at the reserved matters stage.
4. Natural England responded to the Council's Habitat Regulations Assessment (HRA) to state they offer no specific comments. On the basis that Natural England do not make any specific comments on the council's HRA, it has to be concluded that the Council's stated position is appropriate and therefore, there is no policy conflict.

Officers Comment:

1. As per the above, the new Heads of Terms list is as follows:

- (1) The provision of 30% affordable dwellings (consisting of affordable rented, First Homes and Intermediate).
- (2) A contribution of £974 per new dwelling (at current 2026/27 rates) towards the agreed Pagham Harbour Strategic Access Management and Monitoring Strategy.
- (3) A Secondary School Transport Contribution.
- (4) Implementation of the Travel Plan and payment of the requisite monitoring fee (index linked).
- (5) The dedication of permissive cycle rights over the section of FP100 within the site boundary and an obligation on the applicant to enter into a bridleway agreement if requested by WSCC within 5 years of the permission being issued.
- (6) Provision of on-site BNG and future management/monitoring.
- (7) ADC's standard monitoring fee of £1,500
- (8) ADC's standard BNG monitoring fee (to be calculated during the drafting process); and
- (9) WSCC's standard monitoring fees (to be separately determined by WSCC).

The amended recommendation therefore is for the Planning Committee to delegate to the Group Head of Planning in consultation with the Chair or Vice Chair with authority to:

- (a) Grant full planning permission subject to conditions; and
- (b) Subject to a Section 106 Agreement, the terms of which are substantially in accordance with those

set out in this report update with any minor amendments authorised by the Group Head of Planning.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Outline Consent

REF NO: P/31/26/OUT

LOCATION: Land North of Summer Lane
Pagham

PROPOSAL: Outline application with some matters reserved, except access, for up to 130 No. residential dwellings including means of access into the site (not internal roads). This application is a Departure from the Development and affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application proposes to take access solely from the approved site (P/15/24/OUT) to the south of Summer Lane which in turn is linked to an estate road on the adjacent site to the east (approved by P/140/16/OUT). The vehicular link from the site to the south will cross Summer Lane and it is proposed that this take the form of a narrowed single lane crossing (similar to a chicane) with vehicles being instructed to stop prior to and proceed across Summer Lane only when safe (priority will be given to Summer Lane users). This will be 3.7m wide (with the road being 6.5m wide on either side of the crossing). There will also be a raised table and tactile paving to promote safe use of the crossing.

The arrangements include bollards positioned to prevent vehicles turning left or right onto Summer Lane and to prevent vehicles turning off Summer Lane onto the access road heading north or south. Signage will also be placed on Summer Lane to ensure drivers know there is no access to the site other than via the access junction after Jennings Close (in order to deter drivers from trying to access the site via the new Summer Lane crossing).

The access will also allow pedestrian/cycle movements across it. The proposed scheme also proposes a set of steps and a ramp up from Summer Lane to formalise the PAG/108/2 footpath on the eastern side of the main site area and respond to the necessary changes in levels. It will also be possible to access the site on foot from other parts of Summer Lane and the north/south footpath.

Although layout is a reserved matter, an illustrative masterplan

has been provided which indicates areas of new residential dwellings together with internal site roads, footpaths (including a circular path), play areas, areas of open space, landscaping, and drainage features. The existing trees on the southern side of Summer Lane are shown to be retained, and new trees are shown to the northern/western field edges and within the layout itself.

SITE AREA	8.01 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	16.23 dwellings per hectare (gross).
TOPOGRAPHY	Appears flat but the site survey shows that the main field falls gently from south to north. The part of the site between Mill Farm and the Summer Fields development is much lower than the larger field with a difference of up to 1.7m. The site is also lower where it adjoins with Mill Farm and in other places where ditches are present.
TREES	The only trees present are those along the southern side of Summer Lane and these comprise a line of mature Black Poplars with other trees (Oak, Hawthorn, Field Maple, and Willow). Two individual Oaks and two groups of Black Poplar (65 and 41 in number) are protected by TPO/P/2/24.
BOUNDARY TREATMENT	The boundaries are all open save for a solid retaining timber fence structure to Mill Farm and knee rail fencing to the edge of the Summer Fields development.
SITE CHARACTERISTICS	The site has two distinct areas. The main site area is part of an existing arable field located west of Mill Farm/west of PRow ref PAG/108/2. This is currently part of a much larger field extending west and north-west towards the edge of the Pagham Wastewater Treatment Works (WwTW). However, the applicant has reviewed historical mapping and determined the proposed red edge based off a historic field boundary (the site edge is shown on the Council's 1932-1943 historical maps). The second area is presently scrubland and sits between the Summer Fields development on the east side, Mill Farm to the North and Summer Lane to the south. It is also much lower in topography. Summer Lane marks the southern boundary and is a public footpath as well as vehicular access to Furzefield Barn, the Pagham WwTW and other farmland. Another footpath runs north/south through the site linking Summer Lane with a pedestrian entrance to Mill Farm. The footpath turn east at this point and goes through Mill Farm.
CHARACTER OF LOCALITY	The locality of the site is predominantly rural in character. However, there is an existing residential mobile home park adjoining the eastern and northern boundaries as well as an existing 90-home residential estate (Summer Fields) adjoining the far eastern boundary. Further residential development has also been approved to the south, beyond Summer Lane.

Pagham WwTW lies to the west.

The closest affected residential dwellings are the mobile homes within Mill Farm and the houses within Summer Fields. Those within Mill Farm are at a lower level than the surrounding land and it possible to look down on their small gardens from the site. Those within Summer Fields are predominantly two storey and currently sit higher than the site.

RELEVANT SITE HISTORY

P/30/26/OUT	Outline application with some matters reserved, except access, for up to 120 No residential dwellings including means of access into the site (not internal roads). This application is a Departure from the Development and affects a Public Right of Way.	
P/167/25/RES	Approval of reserved matters following outline consent P/15/24/OUT in relation to the spine road. This application is in CIL Zone 4 (Zero Rated) as other development.	ApproveConditionally 11-03-26
P/35/24/OUT	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.	App Cond with S106 16-04-25
P/15/24/OUT	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.	Refused 14-11-24
P/70/19/RES	Approval of reserved matters following outline consent P/58/15/OUT for 90 No. dwellings. Also seeking to address the terms of planning conditions 6 (Phasing), 8 (ecology), 9 (Surface Water), 12 (Vehicular Access), 15 (Parking), 18 (Travel Plan), 20 (Landscape Management), 24 (Parking Control), 25	Appeal: Allowed+Conditions 29-09-25 ApproveConditionally 28-02-20

(Dwelling Parking) and 26 (Materials).

There is no planning history for the site however the eastern boundary abuts the Summer Fields development as approved by P/58/15/OUT and P/70/19/RES. To the south, on the other side of Summer Lane is land approved by P/15/24/OUT for up to 120 dwellings (alternatively P/35/24/OUT for up to 110) and there has been a part approval of the associated reserved matters. A sister application for the currently proposed site has been lodged under P/30/26/OUT.

REPRESENTATIONS

Pagham Parish Council - object for the following reasons:

- This is residential development in the countryside and so not in accordance with the Development Plan.
- The proposed introduction of a crossover and additional vehicles will compromise the character of Summer Lane as a Public Right of Way.
- Loss of Best and Most Versatile Agricultural Land.
- Insufficient details regarding preventing vehicles turning onto Summer Lane from the site or from the site to the south.
- The use of a cycle path to Chichester cannot be relied upon as the required land is not in the applicant's control.
- Potential for increased risk of flooding to Mill Farm particularly due to land raising; and
- Disturbance to existing residents from increased vehicle traffic.

As of 26 June, 133 letters of objection raising the following issues:

- Departure from the development plan.
- Conflict with the Pagham Neighbourhood Plan.
- Pagham has already had enough development.
- Pagham has already had more than 1300 properties agreed.
- Pagham has seen a 43% increase in households compared to December 2022.
- Pagham was a medieval village and is becoming a town.
- Must build on brownfield land first.
- Loss of Best and Most Versatile Agricultural Land.
- No demand as not all plots on existing sites have been sold.
- An application to increase the Summerfields development by 15 extra homes was refused in 2020.
- Residents of Summer Fields were told no building would happen on land to the west.
- Harm to a strategic gap.
- Harm to existing rural character and the landscape.
- Harm to the amenities of those living in Mill Farm due to increased use of the public footpath through the estate including by dog walkers and children.
- Increased noise pollution.
- Increased anti-social behaviour.
- Increased air pollution.
- Odour pollution to new residents from the WwTW as the site lies within Southern Water's precautionary buffer zone.
- Further loss of dark skies.
- Loss of wildlife habitat.
- Harm to important habitats such as the Pagham Harbour area.
- Harm to protected Brent Geese.
- Poplar Trees were removed prior to the TPO being served.

- Highway safety risks.
- Summer Lane is already used by several homes, tankers accessing the WwTW and agricultural vehicles.
- Summer Lane access is dangerous due to poor visibility to the south and narrow width of the Lane.
- Lack of existing lighting on Summer Lane.
- Who maintains Summer Lane.
- Blocks renewal of safe footpaths.
- Harm to users of a PRow and cycle route.
- Need an off road cycle and pedestrian path created parallel to Summer Lane and to be designated as a Public Bridleway.
- Insufficient details regarding preventing vehicles turning onto Summer Lane from the site or from the site to the south.
- The crossover across Summer Lane will be abused and thus increase vehicles using Summer Lane.
- Not a sustainable location - residential occupiers will be reliant on the private car.
- The Travel Plan relies on use of a cycle path to Chichester but this cannot be relied upon as the required land is not in the applicant's control.
- Construction traffic will use Summer Lane.
- Insufficient parking provision in Pagham to cater for the additional demands placed on the area.
- Insufficient local infrastructure including doctors, dentists, school places, sewage facilities.
- No employment opportunities in the village.
- Will imbalance the community in economic and social terms.
- When will the school and local centre be delivered on the strategic site south of Summer Lane.
- Potential for increased risk of flooding to Mill Farm and other adjoining land.
- Unclear as to the implications for the Mill Farm flood protection wall.
- Need for significant land raising and the implications of this.
- Increased surface water runoff and further pressure on already inadequate surface and foul drainage systems and surrounding land.
- Lowered water pressure to existing dwellings.
- Arun DC does not care about Pagham.
- No consideration of the need for a s106 Agreement; and
- This and P/30/26/OUT will result in 250 homes on this site.

In addition, Sussex Ornithological Society have stated objection on the basis that:

- The site is 0.65km from the Pagham Harbour Special Protection Area (SPA)/Ramsar Site.
- The submitted winter bird surveys (of just one winter) clearly show that the site is of considerable value to wintering birds including the Red-listed Curlew and Lapwing.
- No amount of mitigation will prevent the loss of the habitats that these and other species use.
- No breeding bird survey has been carried out, and the bird survey report refers to the likely presence of at least one Red-listed breeding bird, the Yellowhammer.
- The total of 76 bird species recorded by the winter surveys is a high number although SOS records indicate 115 species in the wider area.
- They are extremely concerned about creeping urbanisation, and the infill of housing, on the land around the Pagham Harbour SPA/Ramsar site; and
- The Local Nature Recovery Strategy (LNRS) for West Sussex is likely to be approved imminently, and this stresses the need for connectivity of wildlife habitats not development of such habitats.

COMMENTS ON REPRESENTATIONS RECEIVED:

The majority of the objections are discussed in the conclusions section with the exception of those subject to the following comments:

- The proposed crossover will only alter the character of a small part of Summer Lane and this will not be significant. The new crossover will only have a minor impact as vehicles will be crossing not traversing along Summer Lane.
- The details of the crossing are fully set out on the submitted drawings. Vehicles travelling North or South will be required to give way to users of Summer Lane and will be prevented from turning west or east by strategically placed bollards. This arrangement has been used elsewhere and is effective at keeping crossing vehicles in a straight line. Anyone trying to turn left or right regardless will end up damaging their vehicle.
- It is recognised that the Travel Plan refers to use of a future cycle path to Chichester to be commenced in 2026. However, the submitted Transport Assessment has been amended to confirm that the route is currently only a footpath. There does remain a desire from WSCC to achieve the cycle route but this involves negotiations with third parties, and the applicant has no control over this process.
- One objector refers to conflict with the Pagham Neighbourhood Plan however, there is no Pagham Neighbourhood Plan, and the most recent version was withdrawn in September 2020.
- It is accepted that Pagham has seen significant housebuilding in recent years and that the population has increased substantially as a result. However, there remains a district wide shortfall of housing land to cater for the needs of the district.
- Whether some plots on sites are yet to sell or not is immaterial given that the Council cannot currently meet the central government-imposed housing targets.
- There is unlikely to be sufficient brown field land in the district to meet the required housing targets.
- The refusal of an extra 15 dwellings on the Summer Field site was on the grounds of harm to the character due to the increase in site density, increased scale of the houses, change from detached to semi-detached house types, greater amount of parking spaces in the streetscene, overall under provision of allocated parking spaces, remoteness of some allocated parking spaces, reduced landscaping, small size of some gardens, increased urbanisation of Summer Lane and insufficient interface distances between buildings. The refusal had nothing to do with access or highway safety concerns.
- This site does not lie within a defined strategic or local gap.
- The footpath through Mill Farm is existing and whilst there may be an increase in its use as a result of the development, some noise disturbance is to be expected.
- The proposal is unlikely to bring about a material increase in local anti-social behaviour.
- At this stage there are no lighting proposals, and this will instead be determined at the reserved matters stage. The Council will ensure that lighting is appropriate to the semi-rural setting and does not harm any wildlife species.
- The prior removal of trees is noted but this (a) concerned a different application; and (b) the trees were not protected when they were removed.
- Maintenance of a private road is a private matter for agreement between landowners.
- The proposal will not block the use of any footpaths. Existing users of Summer Lane will have priority.
- The proposed vehicular access arrangements do not seek to block Summer Lane. Users of Summer Lane will have priority over movements from and to the new development.
- An off road cycle and pedestrian path created parallel to Summer Lane would be positive but it is too late to secure this given the permissions already in place on other parts of Summer Lane.
- A Construction Management Plan will be subject of a condition and this will allow the Local Planning Authority to control how construction traffic access the site.
- This development cannot be held accountable for insufficient parking provision for facilities elsewhere in the area.
- The school land on the nearby strategic site has a 10-year window within which WSCC can call for the land and deliver the school. That window closes in November 2028; they have not yet called for the land. In terms of the local centre, it has a reserved matters approval under the reference P/155/21/RES. Northgate Properties are in the process of securing operators for the various aspects of the site and they hope to see a start on site in 2027.
- Planning policy requires that homes are provided with drinking water, but it does not protect or seek to ensure minimum standards of pressure. If the development is approved, then a condition will be imposed

to minimise the use of water and provide water efficiency measures.

- The recommendation will secure a s106 Agreement and this is discussed elsewhere in this report; and
- The developer will be able to implement one of P/30/26/OUT or P/31/26/OUT not both.

The Council's Habitat Regulations Assessment responds to the comments of the Sussex Ornithological Society.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - state no objection subject to a condition to ensure finished floor levels are set no lower than 5.4 metres above Ordnance Datum (AOD) and that ground level raising is limited to development parcels within Flood Zone 1, to a maximum of 4.8 metres above Ordnance Datum (AOD). Have also separately agreed a minor change to their condition requested by the applicant.

NATIONAL HIGHWAYS - no objection subject to conditions to secure a Construction Traffic Management Plan. Do not require any contributions towards the A27.

NATURAL ENGLAND - state have no specific advice.

NHS - no comments received on this application but stated for P/30/26/OUT that they request a contribution of £214,561 for the infrastructure needs of Grove House / other GP premises in the catchment area.

SOUTHERN WATER - no comments received on this application but stated for P/30/26/OUT they have undertaken a capacity check of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This study indicates that these additional flows may lead to a minor increased risk of impact on the sewer network. Therefore, request a phased occupancy condition to ensure the occupation of the homes aligns with the delivery of sewerage network reinforcement works. Also note a Rising Main crosses the site and request conditions to protect it during development.

Separately, raised concerns about the development within a 500m odour buffer area from the WwTW. Requested that no houses be placed within this buffer area. Following an assessment of the odour assessment submitted with this application Southern Water state that they will object to any proposed Development within the 1.5 Odour Unit contour of an existing WwTW. The report shows C98, 1-hour 3 ouE/m³ which does not meet their criteria.

SUSSEX POLICE - no objection at this stage.

WSCC DRAINAGE (LEAD LOCAL FLOOD AUTHORITY) - state no objection subject to three conditions. Advise that the risk from surface water flooding is low but there is a known risk from rivers or coastal as part of the site is located with Flood Zone 2 and 3. However, all built development will be located outside of these flood risk areas and the LLFA is not concerned with the risk to the proposed dwellings from surface water. The submitted Flood Risk Assessment (FREA) is suitable. Infiltration will not be viable due to the high groundwater levels and therefore surface water will be discharged at an appropriate rate to the neighbouring watercourse. The groundwater levels will be considered in the detailed design of the drainage strategy.

WSCC EDUCATION - objection due to it not being possible to expand secondary school provision for

pupils arising from the development, and the lack of an allocated or secured site for a new secondary school. Until such time that the new secondary school has been built & opened, would require a contribution towards home to school transport in order to enable pupils to access schools outside the district. Also request that this development provides a contribution towards the new School.

WSSC FIRE & RESCUE - no objection subject to a condition to secure fire hydrants.

WSSC HIGHWAYS - state no objection subject to conditions to secure the access and a construction management plan and a travel plan. The approval of the travel plan and associated auditing fee would be secured via a s106 agreement. Also state the bus stop by the Summer Lane/Pagham Road junction could be upgraded to provided real time information - and that this could be secured by a s106. The following is a summary of their advice:

- the applicant engaged in pre-application advice with WSSC in October 2025 and that a site visit was carried out in April 2026.
- have no concerns with the design of the access that crosses Summer Lane.
- the visibility splays at the crossover are acceptable.
- a Stage 1 Road Safety Audit has been undertaken and all matters that were raised within the Audit have been addressed by the designer.
- it is evident that the overall trip generation for the proposed development would result in 66 and 67 in the AM and PM peaks overall for the 130 units.
- the proposed development overall is likely to result in one movement every 2/3 minutes from the Pagham Road access points.
- state there is existing junction capacity and that it is likely the proposed vehicular accesses provide sufficient capacity to meet the traffic demands associated with this development.
- the proposed development will not have a severe impact on the operation of the local network; and
- state the site is sustainable in terms of accessibility with walking, cycling and bus travel being viable alternatives to the private car.

WSSC PUBLIC RIGHTS OF WAY - note that the applicant has agreed to build the steps to the WSSC specification and that any lighting of the Summer Lane crossing will be secured by condition. States that the dedication of bridleway rights over the section of FP100 within the site boundary should be secured through a s106 agreement and is welcome. However, expresses disappointment however that the applicant will not enter into negotiations with the neighbouring landowner adjacent to the site boundary in order to secure the relevant permissions needed to allow extended non-vehicular use, such as cycling, along the Public Right of Ways between the site and Chichester. However, they state objection on the basis that the planned bollards on the crossing should not be installed within Summer Lane without consent.

COUNCIL's ARCHAEOLOGIST - state that there would seem to be no archaeological grounds to refuse permission to develop this site but that there is potential for the site to contain deposits of interest is such that this should be evaluated beforehand. Recommends a condition and states that future investigation should include both a geophysical survey and trial trenching.

ADC ECOLOGIST - initially recommended holding the application pending further information on how the Biodiversity Opportunity Area designation would be addressed, the resolution of errors in the BNG metric, issues with habitats survey/lack of supporting Sussex Biodiversity Records Centre data, and lack of site boundary mitigation proposals. States that bats are not present whilst Great crested newts, water vole, dormice, and badgers can be scoped out as the habitats are not suitable. Reptiles are present and so there will need to be a reptile mitigation strategy provided at the Reserved Matters stage (to be secured by condition). Conditions will also need to secure sufficient ecological enhancements.

Following the receipt of amended documents (comprising the Ecological Assessment, Winter Bird, and Reptile Surveys, BNG Metric and Post Development Habitat Plan), the Ecologist has stated:

- there remain errors in the metric but that these can be resolved at the reserved matters stage.
- the scheme proposes to provide significant onsite BNG habitats and these habitats must be secured for 30 years through a S106 agreement and supported by a 30-year Habitat Management and Monitoring Plan (HMMP).
- the updated Extended Phase 1 Ecological Assessment now takes into account the Biodiversity Opportunity Area and this is acceptable.
- the ecological enhancement recommendations have been updated to include additional measures for breeding birds. This is addressed through habitat creation and nesting boxes. This is acceptable; and
- conditions are now recommended.

ADC ECONOMIC REGENERATION - no specific comments on this application but would ask that an Employment and Skills Plan is conditioned.

ADC ENVIRONMENTAL HEALTH - no objections subject to conditions to secure a construction management plan, a suitable lighting scheme, electric vehicle charge points, the stated air quality mitigations and to protect against unexpected land contamination.

CHICHESTER DC - no comments received on this application but stated for P/30/26/OUT that they have no comment to make.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

NHS - this site is CIL liable, so it is not possible to use s106 to secure contributions towards those forms of infrastructure that are able to bid for using CIL money. The CIL contribution will be determined at the reserved matters stage when the precise floorspace proposals are known. This has been communicated to the NHS.

SOUTHERN WATER - it is not possible to use planning conditions to protect sewers as Southern Water have their own powers to protect their assets. Southern Water have been advised of the findings of the Council's independent Odour Review. They may then wish to maintain their objection, but the Local Planning Authority (LPA) is content that there will be no harm to the operation of the WwTW from the siting of these dwellings.

WSCC EDUCATION - this objection is due to the current inability to expand secondary school provision to accommodate pupils arising from the development (and other developments in the district) and the lack of an allocated or secured site for the delivery of the new secondary school. This development does not itself generate the need for a new secondary school and there is no policy requirement for the development to provide a school on site or to fund the whole cost of one elsewhere.

It is material that CIL contributions can be used to fund new school facilities, and the developer will be liable for such. WSCC raised similar concerns in respect of the recent Land South of Barnham Station appeal, but the Inspector dismissed this stating "if allowed, the appeal proposal would be subject to a CIL liability in terms of contributing to wider infrastructure needs such as health and education". It is important to ensure consistency of decision making.

It has been agreed with WSCC that ADC will revisit looking at potential secondary school sites, but it is

unreasonable to reject this application solely on the absence of a secured school site when an appropriate contribution through CIL will be secured towards its delivery. The requested school transport contribution can be secured through a s106 agreement. However, it is not possible to secure a contribution towards the actual school as this application is liable for CIL.

WSCC HIGHWAYS - it is not possible to use section 106 to secure physical infrastructure on sites outside of the application red edge therefore the requested bus stop improvement would need to be secured through CIL monies instead.

WSCC PUBLIC RIGHTS OF WAY - the applicant responded to the objection on 17 June confirming that the bollards are situated in the verge outside of Summer Lane, and therefore not within the boundary of the PRow. They will be maintained by the developments management company or by the Highway Authority in the event that the road is adopted. A re-consultation request was issued to WSCC PRow and they responded on 24/06 to state following confirmation of the bollard positions, they remove their objection.

Members should also note that it is not possible to secure specific contributions towards cycling or walking infrastructure through this application due to the application being eligible for CIL. It would also not be reasonable to prevent or otherwise restrict this development due to the need to secure contributions and obtain agreement from a different landowner to facilitate a new cycle route on the Chichester side of the Rife.

POLICY CONTEXT

Designations/Constraints applicable to site:

- Countryside (except the very SE corner).
- Part of HELAA site ref 20P1A.
- T Class Road.
- PRow ref PAG/100/3 on Summer Lane.
- PRow ref PAG/108/2 crosses the site.
- Currently part Flood Zones 2 and 3.
- Greater Flood Zone 3a extent for the period 2070 to 2125 (based on no defences).
- High potential for groundwater flooding.
- Risk of surface water flooding (1:30, 1:100 and 1:1000 risk).
- A Southern Water Sewer crosses the site.
- Tree Preservation Order TPO/P/2/24.
- Pagham Zone B
- Area of Special Advert Control.
- Part within a Biodiversity Opportunity Area.
- Within 2km of the Pagham Harbour SSSI; and
- Within CIL Zone 5.

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change

ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
SDSP3	SD SP3 Gaps Between Settlements
SODM1	SO DM1 Soils
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space,Playing Pitches & Indoor& Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021
PDS	Pagham Parish Council's Village Design Statement by PaghamPC

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. There is no Pagham Neighbourhood Plan to

consider as the emerging Plan was withdrawn in September 2020.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with the development plan in that it would result in development outside of the defined settlement boundary, and will result in the loss of best & most versatile agricultural land. In addition, the required flood risk sequential test has not been passed.

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 other material considerations to be weighed in the balance with the Development Plan and these are set out in the conclusions section below.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and the following on-site BNG is proposed:

- 11.74% Habitat units (1.86).
- 286.04% Hedgerow units (1.78).
- 176.40% Watercourse units (1.2).

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For this application, the development plan solely comprises the Arun Local Plan 2011-2031 (ALP).

Paragraph 11(d) of the NPPF sets out the presumption in favour of sustainable development which is to be applied where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Paragraph 14 serves to provide additional weight to Neighbourhood Plans in cases where paragraph 11(d) is engaged but there is no Pagham Neighbourhood Plan for Pagham, so this is not applicable.

ALP policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development.

None of these relate to the proposal. Policy SD SP2 states development should be focused in the BUAB. A very small part of the site area (approx. 0.223ha) lies within the BUAB but as the greater extent is within the countryside, this report proceeds on the basis that the application conflicts with ALP policies C SP1 and SD SP2.

In January 2026, the Council published its Authority Monitoring Report (AMR) for 2024/25, and this shows that the Housing Land Supply (HLS) had fallen slightly to 3.23 years (from 3.41). On the basis of the new AMR, the policies most important for the determination in the ALP have reduced weight and remain out of date.

The Council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the council consider inviting applications from landowners / developers on 'deliverable' Housing and Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply. The site is listed as part of a wider HELAA site ref 20P1A which extends up to the boundaries of the WwTW. This was assessed to be not currently developable due to the site constraints therefore the Action Plan does not lend any weight to the proposal.

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

The proposal, despite being within the countryside, is sustainably located as it adjoins with the defined BUAB and is well related to the nearby Local Plan residential allocation sites. It will be possible for residents to use non-car means of transport (primarily walking or cycling) to access pubs, shops, the village hall, and other local services. There are also bus stops on Pagham Road at the end of Summer Lane. The site will link with the strategic development approved by P/140/16/OUT which includes areas of new retail, community, and commercial uses in addition to the 350 homes.

Some residents argue that there are no employment opportunities in the village, but this has not been evidenced, and it is clear that agriculture is a significant local employer plus there are various shops and services nearby. Public transport can be taken to reach nearby population centres (or by car), and many employers also allow remote working. It is also unlikely that this proposal will have a significant or harmful impact on the social and economic balance of the community.

In summary, the principle of development on this site conflicts with the ALP in respect of development in the countryside. However, these conflicts do not automatically result in a refusal as it is necessary to determine the application in accordance with the NPPF presumption in favour of sustainable development under paragraph 11(d). This report now proceeds to discuss the other issues before concluding on para 11(d) at the end.

AGRICULTURAL LAND:

Some residents have stated that the land is classed by local farmers as grade 1 Agricultural Land. However, the applicants have provided a site survey by Reading Agricultural Consultants which states that the agricultural land quality across the site is limited by soil wetness and/or droughtiness, to Grades 2 (45%), 3a (36%) and 3b (15%) with 4% in non-agricultural use. Therefore, 81% of the site can be termed as Best and Most Versatile (BMV) agricultural land.

The survey also states that the proposed development would leave the remaining arable field with more than 7ha and an existing agricultural access. It states this is a typical field size for the locality and so there is no reason why the remaining part of the field could not continue to be farmed in the same way as currently.

ALP policy SO DM1 states the use of Grades 1, 2 and 3a of the ALC for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the proposal outweighs the need to protect such land in the long term.

Although this land is currently being used for crops, the Council's HLS shortfall is significant, and agricultural land will need to be built on to meet the shortfall. Sites that are close to existing settlement boundaries such as this would be preferred to meet this need.

Policy SO DM1 makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met. These require assessment of the land's economic status, the land's environmental & other benefits, and mitigation measures. The applicant has not responded to these criteria and has not provided a Soil Resource Plan (although this can be required through a planning condition). However, the applicant states:

- There are a number of appeals in the district whereby Inspectors have concluded that the policy is more restrictive than Paragraph 187(b) of the NPPF, which just requires the economic and other benefits of BMV agricultural land to be recognised.
- In addition, appeal decisions concerning residential development in Arun have typically given low weight to the loss of BMV agricultural land.
- It is clear from Natural England's mapping, that the majority of land around Pagham and the settlements of the district are either Grade 1 or 2 agricultural land.
- Land quality is generally lower Grade 3 further inland, away from the settlements, but these areas are generally detached from the settlement edge and further away from the services and facilities and therefore are less suitable and sustainable.
- In this context, there are unlikely to be many 'better and more sustainable' options in line with the policy requirement.
- Land immediately south and east of the site is soon to be developed for residential development and it is bound to the south by Summer Lane and the Pagham WwTW to the north-west. As a result, the application site will form a small parcel of land separated from the wider land generally used for farming.
- In this sense, the loss of the site would not prejudice farming on the wider holding.

On a relatively recent appeal in the Pagham area (ref P/178/21/OUT), the Inspector ruled a conflict with the soil policy but determined, in the overall balancing exercise, that this conflict was outweighed by the scheme's benefits. The Inspector gave the loss of agricultural land (Grades 3a/3b) moderate weight and stated that the shortfall in housing land supply is significant and is likely to continue for some time with no imminent remedy through the plan making process. The Inspector noted that most countryside surrounding the main coastal towns in Arun is characterised as best and most versatile land, but it is difficult to avoid new development on the edge of such settlements resulting in the loss of some high value agricultural land.

Agricultural land was also considered in the more recent Bewley Road and Ancton Lane appeals but in both cases only moderate weight was attributed to the loss of BMV agricultural land. The Bewley Road site was a mix of Grades 2, 3a and 3b whilst Ancton Lane was entirely grade 2 (albeit used for grazing). Notwithstanding, there remains a conflict with the agricultural land policy in respect of criteria (a) to (b) and (d) to (g).

TRAFFIC & ROAD SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

Para 115 of the NPPF states: "In assessing ... specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 116 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

The application proposes to take vehicular access from the recently approved site bordering Summer Lane to the south. The site to the south is in turn accessed via the strategic allocation site (as approved by P/140/16/OUT) which in turn links to Pagham Road.

The proposed access arrangements are fully detailed in the application description section of this report and on the submitted access drawings. Furthermore, the comments of WSCC Highways are set out in full on the council's website and summarised elsewhere in this report. They raise no concerns with the access arrangements and advise of no concerns with the ability of existing junctions to cope with the extra traffic. The access arrangements have also been subject to an independent Road Safety Audit, and all of the identified issues have been resolved by the scheme designer to the satisfaction of WSCC Highways.

As this application is in outline with all matters reserved save for access, it is not appropriate to consider parking provision. Compliance with the Arun Parking Standards SPD will instead be determined at the reserved matters stage. This would include a requirement to ensure 5% of all spaces are suitable for disabled people. It should also be noted that National Highways raise no objection and do not request any financial contribution to A27 junction improvements.

The various concerns of residents and the Parish Council are acknowledged but in the absence of objection from the Highway Authority and given the high bar set by the NPPF for an objection to be raised (i.e. there must be an unacceptable or severe impact), a refusal on the grounds of highway safety would not be sustainable and very difficult to defend at appeal. The proposal is compliant with the relevant development plan policies and the NPPF on highway safety.

HERITAGE ASSETS:

There are no heritage assets within or adjacent to the site. There are listed buildings to the east on Pagham Road including the Grade II Listed "Martins Cottage and Summer Lane Cottage" at the junction of Summer Lane and Pagham Road (approx. 350m to the east). However, these listed buildings are all obscured from any views by intervening development and so will not be impacted.

The officer reports for the nearby strategic allocation sites (P/140/16/OUT and P/25/17/OUT) identified the potential for impacts on heritage assets in the wider area including:

- St Thomas a Becket's Church, Church Lane (Grade I Listed).
- Becket's Barn, Church Farm Holiday Village (Grade II Listed); and
- The Old Cottage, Church Lane (Grade II Listed).

The recently approved site to the South (refs P/15/24/OUT and P/35/24/OUT) also identified the potential for an impact to the setting of these.

These three listed buildings are all to the south of the site and at a distance of approximately 1km. It is noted that views of the church spire are possible from Summer Lane. However, the previous reports for the adjacent sites highlighted the presence of existing screening between the sites and the assets which serve to reduce the inter-visibility. Both of the previous reports referenced the comments of the Conservation Officer, Historic England and those expressed by a Heritage Impact Assessment and the view was taken that there would be less than substantial harm to these assets but that this harm would be outweighed by the strength of public benefits (as per NPPF para 215).

The application includes a Heritage Impact Assessment (January 2026) which concludes that development to the north of Summer Lane is highly unlikely to harm the setting of the church. The appreciation of the church and various groups of heritage assets will not be directly harmed by any change of land use and landscape character in the broader sense.

The proposed site is further north than the site approved to the south of Summer Lane. The presence of the strategic site (P/140/16/OUT) to the south-east will also help to mitigate any impact. In addition, there is a row of protected Poplar Trees along Summer Lane.

If the applicants' position is accepted, then it would be concluded that there is no harm and no need to consider this issue any further. However, given the views expressed by the reports for the adjoining strategic developments, it is deemed best to proceed with caution and therefore the LPA's view is that the impact to the setting of Church will be 'less than substantial harm' (but on the lowest end of the scale). Due to the other two listed buildings being lower in height and therefore not visible in views from Summer Lane, it is safe to determine no harm to them.

This harm must then be weighed against the public benefits of the scheme. This application will make a significant and meaningful contribution to the Council's HLS shortfall and will also deliver new affordable housing, biodiversity net gain and contribute to the local economy. These benefits are such that this harm can be outweighed and as such, there is no conflict with ALP policies HER DM1 or HER SP1 or the guidance in the NPPF.

ARCHAEOLOGY:

ALP Policy HER DM6 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires a desk based archaeological assessment be submitted and one has been submitted. This identifies predominantly low potential for archaeological finds with the exception of Bronze Age and Roman (both low-moderate). This site is not within a designated Archaeological Notification Area, but the Council's Archaeologist has been consulted and has requested a condition. On this basis, there is no conflict with policy HER DM6.

LANDSCAPE, CHARACTER & DENSITY:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas.

The Pagham Village Design Statement (PDS) is a material consideration, but it is now over 18 years old.

The site falls in the 'Pagham Road' character area and the PDS states views over open fields are valued and should be preserved.

Section G of the Arun Design Guide (ADG) suggests a density of 5-15 for detached/semi-detached houses and 15-20 for terraced houses in rural locations. The ADG also states density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The illustrative layout plan shows a mix of detached, semi-detached, and terraced housing.

The gross density for this application is a maximum of 16.23dph and this is within the range set by the ADG. It is material that permission is applied for up to 130 dwellings and so the LPA would be able to seek a lower number of dwellings at reserved matters stage should this be required following assessment against the detailed design policies. It is also noted that one of the applications concerning the site to the immediate south of Summer Lane (P/15/24/OUT at 21.6 dph gross) was refused for having an unacceptable density to the detriment of the character and appearance of the site but then allowed on appeal.

The application is in outline and does not seek the approval of layout, external appearance, scale, or landscaping. The illustrative masterplan suggests the site layout will ensure significant buffer planting to the new northern and western boundaries (where the site will adjoin open fields). Given the potential for use of the fields to the north and west by important bird species including possibly Brent Geese, any permission would be accompanied by a condition to require that the landscaping along the western edge would include triple staggered native hedging.

This would reflect the conditions imposed on the sites permitted by P/25/17/OUT (Church Barton) and P/15/24/OUT (due south) and so minimise the potential for disturbance to wildlife and ensure consistency across decision making. The illustrative plan also suggests new tree planting within the site confines particularly in the north-western corner of the existing large field and in the smaller part of the site (which is itself designated as a Biodiversity Improvement Area).

The submitted Landscape and Visual Impact Assessment (LVIA) sets out that:

- The northern boundary will include the restoration of the historic field boundary to facilitate a broad swathe of green infrastructure.
- The southern and western boundaries will provide a landscape buffer to retain a semi-rural edge to Summer Lane and protect the poplar belts to the south.
- Although there would be a notable change to the landscape character of the site itself from an arable field to residential use, in terms of local landscape character these changes would not be considered at odds with local characteristics given the presence of existing/approved residential development and the WwTW.
- There would be some open, close up views of the proposed dwellings from the immediate south (the approved developments and the strategic site), east (footpath 108 within the site, the edge of Mill Farm Park Estate, the Summer Fields estate on Summer Lane) and west and south of the site (footpath 100/Summer Lane, and Furze field Barn).
- However, further afield to the south and east many views available to receptors would be completely obscured by the approved developments, and other built form, and in many views from the west the proposals would become difficult to distinguish from the adjacent SD1 and approved developments.
- The proposed broad landscape buffer along the western and northern boundary of the site would considerably filter views towards the development over time as planting matures, softening and assimilating the built edge; and
- Receptors to the north are located much further afield (circa 1.3km), and in terms of context, there is notable intervening vegetation, and the detractive sewage works alongside the site. However, within

these partial views the proposals would form a modest extension of the urban edge, albeit they would screen some glimpses of the SD1 and approved developments beyond.

Although the development will result in a visual change to the character of the western edge of this part of Pagham, eroding the present rural character and the agricultural land buffer to the WwTW, this change needs to be considered relative to the significance of the landscape as well as being balanced against the need for housing in areas adjoining settlement boundaries.

The proposed land raising will see increases of up to 1m but limited to the finger of housing in the eastern part of the site and to approximately the eastern third of the larger western field. The extent of raising is shown on drawing 13226-1101 Rev P5 within Appendix F of the Flood Risk Assessment.

In the eastern area, the new house levels will be similar to the levels in the adjacent Summer Fields development, and the level increases will not in themselves be so harmful to the character of the area so as to justify an objection. The raising in the western area will be limited to areas within flood zone 1 and there will be a 30-40m 'buffer' between the areas to be raised, and Mill Farm. The elevated properties will be somewhat hidden from view from the west and south by the other proposed houses. There will be a greater visual impact on the residents of Mill Farm but as there is no right to a view in planning terms and as there will be a significant distance between, there will be no harm to the existing residential occupiers.

Whilst there is some conflict with the relevant development plan policies, this is outweighed by material considerations including the need to meet the council's HLS shortfall. The proposal is therefore acceptable in respect of density, landscape & character. There is also conflict with the PDS, but it must be recognised that this is an old document, and the land, and townscape has changed significantly following its preparation and adoption.

RESIDENTIAL AMENITY:

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

It would be appropriate to ensure the proposed (up to) 130 homes could be achieved without giving rise to harm to the existing residential properties. The western site edge is around 67m from the eastern flank wall of Furze Field Barn and this is sufficient to be in accordance with the policies. The eastern site edge will be closer to the existing houses on Jennings Close/Water Meadows Way on the Summer Fields development with only 25-30m between the site edge and the houses/bungalows. However, the illustrative site plan suggests a landscaped buffer between the existing and new houses thus providing screening and mitigating intervisibility.

The parts of the site that adjoin with Mill Farm are very close to the existing residential mobile homes which are predominantly sited almost right up against the Mill Farm boundary. Some of these mobile homes are at a lower level than the application site particularly those in the part of the Mill Farm that juts out south into the eastern part of the site. The illustrative plan shows a 'finger' of new houses in the eastern area extending towards Mill Farm and these will be sited at a higher ground level (as a result of the necessary flood risk mitigation).

However, the LPA will have full control at the reserved matters stage to ensure sufficient distances are maintained, and to consider the need for longer than required distances to mitigate the effect of any elevation differences. Landscaping can also be employed in the intervening spaces to serve as screening provided such landscaping does not in itself result in an adverse loss of light reaching the

mobile homes. In addition, with the proposed quantum being 'up to', the LPA could argue for a lesser amount if the impacts were considered too great.

The crossing of Summer Lane by the new access road may cause some level of inconvenience to the existing users of Summer Lane such as those accessing Furze Field Barn or the WWTW to the west but this will be a very minor impact in terms of frequency and duration. In addition, users of Summer Lane will have priority over the crossing. Subject to a more detailed consideration of amenity issues at the reserved matters stage, there is no conflict with ALP policies D DM1 or QE SP1.

AIR POLLUTION:

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network.

The scheme will maintain the north/south PRoW (PAG/108/2) crossing the site and will add steps and a ramp where it meets Summer Lane (required due to levels changes on the site itself). There will also be pedestrian access across Summer Lane via the new crossing. Finally, the illustrative plans show a circular path around the site which will link to the PRoW on the east side and then with Summer Lane to the west.

The proposals therefore include plenty of potential for pedestrian access to nearby land and thus ensure connectivity with other developments in the area. Future residents will therefore be able to walk or cycle along Summer Lane to reach facilities on Pagham Road. They will also be able to walk or cycle through the site to the south (and then through the wider strategic allocation) to reach new facilities within the adjacent strategic site. In addition, the north/south footpath provides access to Pagham Road via Mill Farm.

A condition will be imposed to secure the provision of details pertaining to electric vehicle charging points and cycle storage facilities. These will further promote the use of non-car means of travel/reduced vehicle emissions. In addition, the provision of high-speed broadband will allow for homeworking. A Travel Plan will also be secured by a legal agreement. The submitted Air Quality Assessment (AQA) states:

- The construction phase of the development could give rise to emissions which could cause dust soiling effects on adjacent uses. However, by adopting appropriate mitigation measures to reduce emissions and their potential impact, there should be no significant residual effects, thus complying with the requirements of the NPPF.
- Detailed pollutant dispersion modelling was undertaken to assess the proposed development's impact on air quality at existing sensitive receptor locations within Pagham.
- A damage cost of £19,937 has been calculated (using Defra and Sussex Air Quality guidance) as a result of emissions of Nitrogen Dioxide and Particulate Matter expected to be generated by traffic associated with the scheme, in its first five operational years.
- Current mitigation measures being considered to offset potential air quality impacts include the provision of EV charging points (EVCP), provision of cycle storage facilities, implementation of a Travel Plan and the provision of welcome packs for new occupants, and the provision of travel vouchers to the first occupants; and
- The results of the modelling assessment found that the operation of the proposed development is not expected to significantly impact upon local air quality.

The Council's Environmental Health Officer (EHO) has raised no objection subject to a condition to ensure the provision of air quality mitigation equal to a value of £19,937 is provided. The proposal

therefore complies with the relevant development plan policies.

ODOUR POLLUTION:

Policy QE SP1 states the location of existing industrial and commercial uses must be taken into consideration when assessing proposals for development sensitive to noise, light, odour, and outputs to air. This is to ensure that the WwTW site is protected and to ensure that the amenity of new developments and facilities is safeguarded from the impacts of incompatible land uses.

The proposed site will be 108m (at the closest point) from the boundary of the Pagham WwTW although the illustrative layout suggests that the nearest homes will be around 180m from the WwTW site. To this end, the applicant has provided an Odour Assessment (by Phlorum), and this concluded that:

- Only one complaint has been lodged in relation to the WwTW since 2012, to either Arun DC or to Southern Water.
- No strong odours associated with the WwTW were detected across the proposed residential areas during any of the six sniff tests.
- A conservative odour dispersion modelling assessment was undertaken, using site specific odour emissions data collected across three separate dates.
- The modelling predicted that odour concentrations across the proposed development would be below the relevant odour threshold for potentially significant odour impacts.
- Considering the conclusions drawn from the sensory, observational, and predictive odour assessment tools, it is concluded that the proposed development would not be significantly impacted by odours emanating from the WwTW.
- The proposed development is considered compliant with the requirements of the NPPF and Local Policy, as proposed receptors would not be expected to be adversely impacted by odours. Odour should not, therefore, be a constraint to the planning process.

Southern Water have had sight of this report but state that they will object to any development in proximity to an existing WwTW within the 1.5 Odour Unit contour of an existing WWTW. They state that the Phlorum report shows C98, 1-hour 3 ouE/m³ which does not meet their criteria. It is understood from a Google AI based search that the risk of odour annoyance increases above 1.5 ouE/m³ and this may then require odour control systems or mitigation if homes are nearby.

The Council commissioned an independent review of the submitted odour assessment, this was undertaken by Kalaco Environmental Consulting and the following is a summary of the advice provided:

- The assessment is robust, follows good practice approaches to odour assessments for planning, and has been undertaken in accordance with the requirements of the IAQM odour guidance (IAQM, 2018).
- Southern Water, the operator of the WwTW, was consulted throughout and agreed the use of source emission rates.
- Based on the results of the assessment, Kalaco is in agreement with the conclusions drawn and has not identified any significant omissions, errors, or shortcomings in the assessment. For this reason, on the grounds of odour alone, Kalaco recommends that the odour assessment can be relied upon for a planning decision.
- As is the case for many odour assessments however - particularly those concerning residential development near to a WwTW - it is worth bearing in mind that it is highly likely that sewage odours will be detectable from time to time at the proposed development.
- Whilst odours will be detectable on occasion, the frequency, intensity, and duration of such events are unlikely to be sufficiently high enough to result in annoyance at the proposed development.

The Environmental Health Officer has reviewed this and raises no concerns. They stated they would not

consider the proposals to warrant an objection on odour grounds. This does not mean there will be no odour impact, but that it is likely to be within acceptable limits in planning terms.

Therefore, despite the objection of Southern Water, the proposal is not in conflict with the relevant planning policies, and it is not therefore recommended that the scheme be refused for this reason.

NOISE POLLUTION:

Policy QE DM1 states that residential development likely to experience road or rail noise must (a) be supported by a noise exposure category assessment and designed to ensure that residents will not be adversely affected by noise; and (b) consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future.

The application is accompanied by a Noise Assessment based on a noise survey of the site and surroundings. This states the dominant sound source at the site was from distant road traffic and occasional light aircraft. Other noise sources included tall trees 'rustling' in the breeze, birdsong, and occasional bangs from a bird scarer on the farmers' fields. The WwTW produced a steady hum that was audible on its own boundary but inaudible at the proposed site.

In terms of the level of noise risk, as described in Professional Practice Guidance on Planning and Noise, the risk ranges from a negligible to medium risk. The site is therefore stated to be acceptable for residential use, subject to the incorporation of suitable mitigation measures comprising building methods/materials. The Council's Environmental Health Officer (EHO) raises no concerns with regards to noise impacts affected existing or proposed dwellings. Construction hours will however be conditioned to help protect the amenities of existing residential occupiers from construction noise. A Construction Management Plan will also be subject of a condition. Therefore, the proposal complies with the relevant development plan policies.

CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. The submitted contamination report states that the site has been in agricultural use since the area was first mapped (1875). The report identifies no potential pollutant linkages and so risk levels are considered to be "Low" as a worst case. The Council's EHO raises no objection subject to a standard unexpected contamination condition. With this in place, should any contamination be discovered then remediation can be secured, and thus the proposal is in accordance with the policy.

FLOODING:

ALP policy W DM2 requires that proposals in areas at risk of flooding provide a Flood Risk Assessment (FRA), meet the sequential and exceptions tests, provide sustainability benefits to the wider community, demonstrate that the development will be safe and do not increase flood risk elsewhere. Policy ECC SP1 requires that development be designed to take account of future flood risk.

The site is currently part within Flood Zones 2 and 3 however the extent of this current flood risk is limited to a 'finger' extending southwards through (and including part of the site adjacent to) the Mill Farm Estate. As such, only a relatively narrow (30-40m wide) strip of land within the site adjacent to Mill Farm is affected. The illustrative layout suggests that no homes will be placed in this area.

The site is also subject to surface water flooding albeit predominantly on the immediate sides of the north/south footpath and so not in any areas indicated for housing. The Environment Agency's (EA)

climate change mapping predicts that the whole of the site will be within Flood Zone 3a in the period 2070-2125. However, this risk does not take account of any defences (whereas the area does already benefit from coastal flood defences and these are likely to be maintained in the future). In addition, members should note that the EA have stated that their Climate Change mapping is not to be completely relied upon as it is inaccurate when compared to the modelled flood data that the EA provides to applicants for specific sites.

In this case, the submitted FRA includes this site-specific modelling data at Appendix D, and this shows that the undefended situation for 2070 to 2115 has the extent of Flood Zone 3a limited to the eastern site area and approximately one third of the main field parcel (on its eastern side). However, if the defended position is used then the flood zone extent is limited to pretty much the current FZ3a extent.

Both the NPPF and the National planning practice guidance (NPPG) state a sequential test (ST) is required where a site is at high risk of current or future flooding from any sources. The NPPG and supporting technical guidance on sequential assessment state that a ST may not be required if no houses are placed in the area affected by flood risk. On the site to the south (P/15/24/OUT), the applicant provided a parameter plan which showed no dwellings would be sited in the area at risk of future flood risk. The parameter plan was made subject to a condition and therefore, there was no need for a ST as future flood risk had been designed out.

The same situation would apply for the current flood risk i.e. there is no need for a ST provided there is certainty that the homes are not sited in the affected part of the site. This will be secured by ensuring compliance through a condition with the submitted FRA. However, with greater parts of the site being at risk from future flood risk in the undefended scenario, then there is no avoiding the need for the ST, and the applicant has therefore provided one.

The submitted ST uses a district wide site search (excluding open countryside away from settlements and lower ranking villages). Larger than required sites are included in the assessment, whilst smaller sites are only considered where they are linked by virtue of being in close vicinity and within the same Parish. The ST assesses a total of 86 sites. The ST determines that 4 of these sites are sequentially preferable and these have a theoretical cumulative capacity for up to 946 dwellings. However, with the exception of Land at Woodgate Nurseries which has recently been refused, the other three sites have not yet been subject to any planning applications.

These are larger sites and taking into account standard timescales for the submission and determination of an application, approval of reserved matters, and discharge of conditions, the deliverability of the site by 2031 (being the delivery date for the proposed site at Summer Lane) may not be achievable. Furthermore, a number of other planning constraints have been identified on these sites and there is no guarantee that these will be simple to overcome. The applicant also states given the Council's HLS shortfall, the reality is that subject to overcoming the identified constraints with the other sites, all 5 sites (including this) would be suitable sites to help address the housing supply shortfall in the district, i.e. it is likely that all will be required at some point to meet the district's needs.

Notwithstanding as there are 4 potentially sequentially preferable sites, the applicant cannot pass the ST and so this represents a policy conflict. However, in line with recent case law, and the NPPG, the ST is a tool to be used by the decision maker in the planning balance. The failure to pass the ST is not automatically fatal to a planning application, and other considerations, including housing need, may outweigh the failure. Therefore, this conflict will need to be weighed up in the final balancing exercise alongside any other conflicts and against the benefits of the scheme.

The NPPG states it is only appropriate to proceed to the Exceptions Test (ET) if the sequential test is passed and this is an approach that has been confirmed by recent appeal decisions highlighted in the

submitted Sequential Test document. However, it is also important to note that the ET is only applicable to the consideration of current (not future) flood risk, and the site will be designed so as to not site any homes within the area subject to current flood risk.

Notwithstanding, the submitted FRA states that the predicted 1 in 200 Annual Exceedance Probability (AEP) flood level at the site allowing for climate change impacts to the year 2115 is 4.80m AOD. To mitigate the residual risk during the design event, it is therefore proposed to raise ground levels within the development parcels to at least 4.8m AOD. The minimum building floor level will then be set 600mm higher at 5.4m AOD.

The proposed land raising will see increases of up to 1m but limited to the finger of housing in the eastern part of the site and to approximately the eastern third of the larger western field. The proposed ground raising is limited to land in Flood Zone 1 outside of the existing residual coastal flood risk area (current flood risk extents). The extent of raising is shown on drawing 13226-1101 Rev P5 within Appendix F of the FRA.

Land within current Flood Zones 2 and 3 will remain at existing ground levels. There is no need for compensatory floodplain storage as the source of flood risk is solely tidal. The proposed access from Summer Lane ties into the existing road where levels are already at 4.8m AOD and rise away to the east. The EA have stated agreement to the proposal provided the necessary levels increases are secured by condition.

In conclusion, the site fails to pass to Sequential Test, but all houses will be sited outside the area of current risk whilst the land that is currently flood zone 1 (and future flood zone 3a) will be made safe by raising ground and floor levels above the predicted flood level. With the exception of the Sequential Test requirement, the proposal is in accordance with the relevant policies.

SURFACE WATER DRAINAGE:

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development. The proposed surface water drainage strategy is to discharge surface water at a restricted (greenfield runoff) rate to existing off-site ditches via three catchment areas. Attenuation ponds will also be used to hold water prior to discharge. The proposal will also employ interception measures (such as rainwater harvesting) to catch the initial rainfall. Infiltration will not be viable due to the high groundwater levels.

The concerns of residents regarding the land raising proposals are noted however whilst the drainage system will drain to the existing ditches including those bordering Mill Farm, the system will be designed to ensure there is no increase in flood risk to the Mill Farm estate. In addition, it is clear that no land raising will take place within the flood zone.

WSCC Drainage (as the Lead Local Flood Authority) have stated no objection subject to conditions. On this basis, there is no conflict with the relevant policies.

FOUL DRAINAGE:

ALP policy W DM1 states that there must either be adequate drainage capacity or that it can be provided prior to the occupation of the development. The submission states that a foul drainage will discharge from the site via gravity and connect to the existing foul sewer in Summer Lane immediately upstream of the existing Summer Fields pumping station. The applicant states that information received from the pumping station designer confirms that spare capacity exists at this location for either of the proposed applications.

The proposed sewer connection will be subject to a Section 106 agreement with Southern Water. Any upgrades required to accommodate development will be funded and delivered by Southern Water under Infrastructure Charging arrangements.

Southern Water state they have undertaken a capacity check of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network - and that this study indicates these additional flows may lead to a minor increased risk of impact on the sewer network. They therefore request a phased occupancy condition to ensure the occupation of the homes aligns with the delivery of sewerage network reinforcement works. This is the same approach as was adopted for the site immediately to the South which was previously accepted. On this basis, there is no conflict with policy W DM1.

PAGHAM HARBOUR SPECIAL PROTECTION AREA (SPA):

ALP policy ENV DM2 requires that new development likely to have an impact on Pagham Harbour which is within a 400m to 5km distance ('Zone B') of Pagham Harbour should make a financial contribution towards the agreed Pagham Harbour Strategic Access Management and Monitoring Strategy. The application site lies within Zone B and is within approximately 335m of the Zone A boundary at the closest point.

Arun District Council are required by the Conservation of Habitats and Species Regulations 2017 (as amended) to carry out a Habitat Regulations Assessment (HRA) of all proposals in respect of the impact of increased recreational disturbance on the Pagham Harbour SPA (and the associated Ramsar Site). The Council's HRA identifies the following three potential impacts:

(1) Visitor Impacts on Pagham Harbour and on functionally linked habitat. This will be predominantly mitigated by a contribution of £974 per dwelling (index linked) towards the Pagham Joint Scheme of Mitigation (to be secured by a legal agreement). The applicant has agreed to the inclusion of this contribution in the s106 agreement. This mitigation scheme provides for:

- Provision of 1.5FTE Visitor Experience officer post at RSPB Pagham.
- Provision of general 'Dog Initiatives' - a broad range of measures (jointly with Bird Aware Solent) to encourage responsible dog ownership at the coast and visits to alternative dog-friendly sites.
- Independent monitoring surveys (every two or three years).

The payment of the contribution demonstrates compliance with ALP policy ENV DM2. In addition, the proposals include the provision of on-site recreation, in the form of open space within the development and the formalisation of a presently unauthorised footpath that extends around the wider site (this being the proposed circular path). The on-site open space will provide a network of paths and open space, where dogs can be exercised off the lead. The new circular path will allow dog walkers to take a circular route around the site, as they have already (apparently) been shown to do during the site studies.

The inclusion of these additions will not only appeal to new residents, but also to existing residents in the area, thereby potentially reducing recreational disturbance on the Pagham SPA associated with dog walking. It is also noted that there is an existing large area of public open space just east of the site (associated with the nearby Summer Fields estate) and this includes an area of land specifically for the exercising of dogs.

(2) Hydrological impacts (foul drainage). This will be mitigated by a suitably worded planning condition to ensure that the additional units can only be connected to the foul network leading to the WwTW where Southern Water have the capacity to ensure no significant impacts on the European Sites from

overloading of the site and will provide committed avoidance/mitigation to ensure that the increase in units does not have an adverse impact on the integrity of the European Sites.

(3) Temporary indirect noise impacts during the construction phase. These impacts will be mitigated by a Construction Management Plan (secured by condition) to include measures specific to preventing disturbance during the winter months to prevent impacts on overwintering birds.

Natural England have been issued a consultation request on the Council's Appropriate Assessment (AA) and invited to comment. It is noted that they declined to make any specific comments in relation to the AA carried out for the site to the south. However, any response that they make will be reported to members by way of a report update. Assuming they again decline to comment then there can be no other conclusion than that the Council's stated position is appropriate and as such there will then be no policy conflict.

BIODIVERSITY & BIODIVERSITY NET GAIN (BNG):

Part of the site (broadly the eastern third of the western field and a small sliver of land in the eastern area) lies within a biodiversity opportunity area (BOA) as designated by the ALP. Policy ENV DM3 states development in such areas shall (a) retain and sympathetically incorporate locally valued and important habitats including wildlife corridors and steppingstones; and (b) be designed in order to minimise disturbance to habitats.

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The application is accompanied by an Extended Phase 1 Ecological Assessment, a Winter Bird and Reptile Survey, a separate written response to the Ecologists initial comments, a BNG Metric, and a Post Development Habitat Plan.

The site was surveyed using extended Phase 1 survey methodology as recommended by Natural England. The assessment was undertaken on the 23rd of October 2024 and then updated on 14th April 2026. The site was considered to support opportunities for certain protected and priority species and further surveys were therefore carried out for reptiles and over-wintering birds. The assessment states with the implementation of precautionary construction avoidance measures, impacts on other protected species will be avoided.

The Ecological Assessment concludes the majority of the site is of limited ecological value with species poor habitats due to it largely comprising arable land. Bats were identified as likely present, but no further surveys were necessary as no trees are proposed for removal. Opportunities for enhancements have been proposed, including new natural habitat management/creation, reptile/amphibian hibernation/shelter habitat and the placing of bat and bird boxes.

The BNG proposals will secure a gain of 1.86 habitat units thus representing an increase of 11.74% from pre- to post-development. Additionally, there will be a net gain of 1.78 Hedgerow units (286.04%) and 1.2 watercourse units (176.4%). The BNG will all be on the site and in accordance with the criteria in the Councils published guidance note on "Securing Significant On-site Biodiversity Net Gain (BNG) from developments", the BNG provision and future monitoring will need to be secured through a section 106 legal agreement.

The Council's Ecologist has comprehensively assessed the proposals and states bats are not a constraint whilst Great crested newts, water vole, dormice, and badgers can be scoped out as the habitats are not suitable. Reptiles are present and so there will need to be a reptile mitigation strategy provided at the Reserved Matters stage (to be secured by condition). Conditions will also need to secure sufficient ecological enhancements. The Ecologist concludes no objection subject to conditions.

The illustrative plan suggests that most of the BOA will be largely free of development with the exception of some incursions to the parts that are west of Mill Farm. However, it is noted that the scheme does include an over provision of Public Open Space, significant BNG proposals and other wildlife enhancements which could be argued to outweigh the impact. The Extended Phase 1 Ecological Assessment responds to the BOA designation stating:

- The BOA includes a list of 9 Biodiversity Action Plan (BAP) habitats and 112 BAP species recorded within the last 10 years.
- There are no BAP habitats on the application site and there appears to be little opportunity for creating any, given that part of the area identified as being within it appears to have been already developed, and the remainder includes a drainage ditch, PRoW and areas of rank grassland, tall ruderals and bramble scrub.
- Species group specific surveys carried out by Phillips Ecology have recorded the following BAP species on the site, slow-worm and common lizard (reptiles), yellowhammer, house sparrow, lapwing and reed bunting (birds).
- Non-native and invasive species have been recorded close to the BOA including Spanish Bluebells and Three Cornered Leek.
- The proposals represent an opportunity to restore to BAP habitat and create new habitats for BAP species.

The Council's Ecologist raises no objections to the impact on the BOA. Subject to the mitigation and enhancement measures being secured by conditions and or included in the future reserved matters proposals, there is no conflict with the policies.

TREES:

ALP policy ENV DM4 states trees protected by TPO, those forming Ancient Woodland, in a Conservation Area or that otherwise contribute to local amenity should not be damaged or felled unless the benefits of the development outweigh the loss.

The only trees present are those along the southern side of Summer Lane and these comprise a line of mature Black Poplars with other trees (Oak, Hawthorn, Field Maple, and Willow). Two individual Oaks and two groups of Black Poplar (65 and 41 each in number) are protected by TPO/P/2/24.

However, the access from the site to the south sits between existing trees and as such there is no felling or pruning required. The Councils Tree Officer has not responded to the consultation request but given that no trees will be affected there is no need to wait for the comments - and it must be concluded that there is no conflict with the policy.

CLIMATE CHANGE:

ALP policy ECC SP2 requires new residential and commercial development to be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change and that all major developments must produce 10% of total predicted energy requirements from renewables unless unviable. Conditions can be imposed to ensure that the policy requirements are included within the reserved matters submission and in the designs of the proposed dwellings. This will ensure compliance with the relevant policies.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The council's current affordable housing policy also sets out the need to secure first homes as part of the affordable housing mix. As per the Councils policy, the required affordable housing provision for (up-to) 130 dwellings is 39 and the mix should comprise of affordable rented, First Homes and Intermediate tenured dwellings.

The affordable housing provision will be secured by a s106 legal agreement, and this will ensure compliance with the policy. Should a lower number of homes be proposed or granted at the reserved matters stage then this may result in a lower provision and a requirement that is not a whole number (e.g. 129 homes equates to 38.7 affordable homes). In this case, then the Councils new Affordable Housing calculator would be used to secure a commuted sum to cover any required provision that is less than a whole number.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 states housing developments must provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Councils SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement (based on 130 homes) for 10,725sqm of Public Open Space (POS) to include 1,573sqm of play provision comprising of a mix of on-site Neighbourhood Equipped Area of Play (NEAP), Local Areas of Play (LAP) and Local Equipped Area of Play (LEAP). The illustrative layout demonstrates an excess of 32,521sqm POS against the ALP requirement with the total provision currently being circa 43,246sqm.

The on-site POS & play will be secured at the reserved matters stage with the associated management arrangements being secured through discharge of conditions. As it is not possible to secure any off-site contributions through a s106 Agreement due to CIL, contributions to other sport/recreation/fitness provision would instead need to be funded by CIL. There is no current conflicts with ALP policy OSR DM1 or the Open Space SPD.

OTHER DEVELOPER CONTRIBUTIONS:

ALP policy INF SP1 requires proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and existing community. This development would be liable for CIL and infrastructure providers such as WSCC, and the NHS would be able to bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will also be provided with a percentage of the CIL receipts (15%) for their own purposes. These payments go towards providing the infrastructure that the district needs to support existing and future development.

Some objectors are concerned that there is insufficient infrastructure to support new housing. However, there can be no conflict with policy INF SP1 if the infrastructure is secured by s106 agreement and where a CIL contribution is secured. It is then the responsibility of other bodies to implement the necessary infrastructure. The LPA does not have any ability to force these infrastructure providers to improve local infrastructure, it can only secure the required contributions. In practice, whether new infrastructure is provided or not is dependent on whether there is sufficient demand and other market factors.

Where CIL is applicable, it is only possible to use s106 agreements to require affordable housing and on-site mitigation and the latter is generally restricted to items within the application red edge. However, notwithstanding, it remains possible to use s106 for targeted contributions such as to the strategic road network - although, in this case, National Highways have not requested any contributions.

The request for a contribution from WSCC for an education transport contribution can also be secured by

the s106. The request meets the CIL tests (Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended) and was previously secured for the site to the south.

The LPA agrees with the principle of WSCC's request for a financial contribution to secondary school transport in the interim until such time as the new School is delivered and there is an agreed methodology/calculation for determining the contribution. A contribution will therefore be secured, and this will ensure compliance with ALP policy INF SP1, but the amount of the contribution cannot be confirmed at the present time until the precise number of homes has been agreed at reserved matters stage.

In addition, as set out elsewhere, the s106 will need to secure the implementation of the Travel Plan and payment of the requisite monitoring fee (index linked) plus the requested dedication of bridleway rights over the section of PRoW ref FP100 within the site boundary.

SUMMARY:

There is conflict with the ALP in terms of development in the countryside, the loss of agricultural land, and the failure to pass the required sequential test. In addition, less than substantial harm (on the lowest end of the scale) has been identified to the Grade I listed St Thomas a Becket's Church on Church Lane to the far south of the site. However, due to the council's current HLS shortfall, the presumption in favour of sustainable development is engaged.

This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (as is the case for Arun due to the HLS situation) then permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes, individually or in combination.

Whilst part of the site where houses are proposed is subject to future flood risk (in the undefended scenario) and the proposal is also within close proximity to the Pagham Harbour SPA, part (i) does not apply as the policies relevant to these two issues do not provide a strong reason for refusing the development.

The site is sustainable, and the scheme will result in significant benefits to the local and wider area such as new housing (including affordable housing), the creation/retention of construction jobs, additional council tax revenue, new spending by future residents on local shops/services, infrastructure improvements across the district and biodiversity enhancements. In addition, the proposal includes a substantial over-provision of POS.

Members should note that the weight to be applied to the contribution of housing development to the HLS was discussed in a relatively recent appeal concerning a site elsewhere in Pagham (P/178/21/OUT). The appellants presented an analysis of appeal decisions, and the evidence suggested more than 30 dwellings should be considered substantial/significant and even smaller developments should weigh heavily in favour. The appeal proposal was for 106 new homes, and the Inspector afforded this significant weight.

Therefore, it would be appropriate in this case to allocate substantial/significant weight to the contribution

to the housing shortfall. In addition, in that same appeal, the Inspector afforded significant weight to the delivery of affordable housing and moderate weight to the economic benefits and biodiversity net gain. The over-provision of POS should also be given moderate weight.

Development in the countryside is contrary to policy, but such a refusal reason would not be sustainable unless there was associated harm, and whilst there is some harm identified, this is not significant or adverse harm. The loss of the agricultural land is unfortunate, but the relevant policy allows for development of such land where there is a clear need for housing - and allowing growth on land adjacent to the existing BUAB is supported by the Interim Housing Statement.

The failure to pass the Sequential Test is also an issue however, given the current HLS situation, it is likely that all of the 4 sequentially preferable sites and this one will need to be developed. In addition, it is clear that on-site mitigation will ensure future residential occupiers are safe from flooding.

On balance therefore, the adverse impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with the other policy areas listed within para 11(d) of the NPPF.

RECOMMENDATION:

The recommendation therefore is for the Planning Committee to delegate to the Group Head of Planning in consultation with the Chair or Vice Chair with authority to:

- (a) Grant full planning permission subject to conditions; and
- (b) Subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in this report with any minor amendments authorised by the Group Head of Planning.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision will be subject to a s106 legal agreement to secure the following obligations:

- (1) The provision of 30% affordable dwellings (consisting of affordable rented, First Homes and Intermediate).
- (2) A contribution of £974 per new dwelling towards the agreed Pagham Harbour Strategic Access Management and Monitoring Strategy.
- (3) A Secondary School Transport Contribution.
- (4) Implementation of the Travel Plan and payment of the requisite monitoring fee (index linked).
- (5) The dedication of bridleway rights over the section of FP100 within the site boundary.
- (6) Provision of on-site BNG and future management/monitoring.
- (7) ADC's standard monitoring fee of £1500
- (8) ADC's standard BNG monitoring fee (to be calculated during the drafting process); and
- (9) WSCC's standard monitoring fees (to be separately determined by WSCC).

CIL DETAILS

This is not currently liable for CIL due to being at outline stage. Instead CIL will be calculated on the reserved matters application.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

1. Layout.
2. Scale.
3. Appearance.
4. Landscaping.

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

- 2 The development hereby permitted shall be begun either before the expiration of 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 Plan 01 Rev P09; and
3. Vehicular Access Across Summer Lane 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 to serve any dwelling must be installed prior to the occupation of the relevant 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 The reserved matters submitted shall be substantially in accordance with the submitted flood risk assessment (ref 13226A, third issue, January 2026) by GTA Civils & Transport Ltd so as to ensure the finished floor levels shall be set no lower than 5.4 meters above Ordnance Datum (AOD). Ground level raising shall be limited to development parcels within fluvial Flood Zone 1. The mitigation measures for any dwelling shall be fully implemented prior to occupation of the relevant dwelling in accordance with the scheme's timing/phasing arrangements. The measures shall thereafter be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Arun Local Plan policies W SP1 and W DM2.

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

1. Details of all existing trees and hedgerows on the relevant land indicating which are to be retained and which are to be removed. The 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 any part of 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 northern and western site boundaries and use of thick and thorny native species to deter loose/off-lead dogs from accessing adjacent land from the site, along with additional tree planting to create height to the boundary.

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 and any lighting required to the footpath and to the crossing over Summer Lane (if proposed).

Any lighting 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 on any phase 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 Arun Local Plan policies D DM1, QE SP1, QE DM2, ENV DM2, ENV DM4 and ENV DM5 and the NPPF.

7 The layout, scale, and appearance details for the development or (as applicable) any phase thereof 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 finished floor levels of the buildings the subject of the relevant 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.

Any variations to the above referenced standards and parking levels shall be justified and approved in writing as part of any Reserved Matters application.

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

- 8 The layout and landscape details to be submitted submitted for any phase of the development containing dwellings pursuant to condition 1 shall include full details of the associated public open space (POS) and play areas and management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as agreed prior to occupation of the 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 Arun Local Plan policy OSR DM1.

- 9 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 for the development or (as applicable) any phase thereof 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". Any variations to the referenced standards shall be justified and approved in writing as part of any Reserved Matters application.

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 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 for the development or (as applicable) any phase thereof shall include a Biodiversity Enhancement Strategy for protected and priority species. The Biodiversity Enhancement Strategy shall be in accordance with the recommendations of the submitted "Extended Phase 1 Ecological Assessment" (Final, Rev 1, April 2026) and the "Winter Bird and Reptile Surveys" (Final, June 2026) both by Phillips Ecology but also include the following:

- Swift bricks (1 per dwelling).
- Bat boxes/tubes/bricks (on a ratio of 1 for every 2 dwellings).
- Sufficient Reptile hibernacula.
- Hedgehog gaps in boundaries and sufficient hedgehog homes
- Bee bricks in sunny locations and invertebrate hotels (both on a ratio of 1 for every 2 dwellings); and
- Sufficient specialist nesting boxes.

The submission shall include the following level of detail:

1. Purpose and conservation objectives for the proposed enhancement measures.
2. Detailed designs to achieve stated objectives.
3. Locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans (where applicable).
4. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
5. Persons responsible for implementing the enhancement measures; and

6. Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to final occupation and shall be retained in that manner thereafter.

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

- 11 The layout, scale and appearance details referred to in Condition 1 for the development or (as applicable) any phase thereof 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 and residential amenity and the character/appearance of the surrounding area in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 12 Prior to commencement of the development or (if applicable) any phase thereof, detailed designs of a surface water drainage scheme for the relevant phase shall be submitted to and agreed with the Local Planning Authority. This shall be in accordance with the approved Flood Risk Assessment, prepared by GTA Civils & Transport, dated 29 January 2026, Ref: 13226A (third issue). The design shall follow the NPPF, NPPG on Flood Risk and Coastal Change and National Standards for SuDS. The submitted details shall include:

1. Surface water runoff rates will be attenuated to 3l/s/ha based on the proposed impermeable area, as stated within Chapter 5.7 and 7.5 of the FRA.
2. Evidence that the surface water drainage system complies with the National Standards for SuDS for the management of everyday rainfall (interception).
3. Details of all existing and proposed watercourses and sewers, including any proposed discharge points.
4. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change). Hydraulic calculations and detailed construction drawings shall be submitted to demonstrate this.
5. Detailed drainage layout plan, which corresponds with the hydraulic calculations.
6. An exceedance flow routing plan demonstrating no increase in surface water flood risk off site. The plan must include proposed levels and flow directions.
7. Evidence that the surface water drainage system meets Standard 4-6 of the National Standards for SuDS.
8. Construction method statement for the surface water drainage system and any ordinary watercourses within or adjacent to the site.
9. Site-specific maintenance and management plan for all elements of the surface water drainage system and any ordinary watercourses/culverts within the development.
10. Finished ground floor levels of residential properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever

is the more precautionary.

Reason: To ensure that the proposed development is satisfactorily drained and to prevent flooding in accordance with Arun Local Plan policies W SP1, W DM1, W DM2 and W DM3. 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 Before the development or (as applicable) any phase of the development hereby permitted is commenced, details of the proposed foul drainage system for the relevant phase 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 sufficient 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 avoid adverse impacts upon the Pagham Harbour SPA/Ramsar in accordance with Arun Local Plan policies D DM1, W DM1, W SP1, and ENV DM2. 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.

- 14 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, Traffic & Environmental Management Plan (CTEMP) and an 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). 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 shall 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. The management of loose loads.
5. 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).
6. Details of street sweeping.
7. Details of a means of suppressing dust & dirt arising from the development.
8. A scheme for recycling/disposing of waste resulting from demolition and construction works (i.e., no burning permitted).
9. Details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination).
10. Details of areas for the loading, unloading, parking, and turning of vehicles associated with the construction of the development.
11. Details of areas to be used for the storage of plant and materials associated with the development.

12. 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).
13. Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
15. Details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works.
16. Details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage.
17. 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).
18. 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, to mitigate any adverse impact from the development on the A27 and in the interests of highway safety in accordance with Arun Local Plan policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 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.

- 15 No development shall take place, until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following.

1. Risk assessment of construction activities potentially damaging to biodiversity.
2. Identification of "biodiversity protection zones".
3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction (may be provided as a set of method statements).
4. The location and timing of sensitive works to avoid harm to biodiversity features.
5. The times during construction when specialist ecologists need to be present on site to oversee works.
6. Responsible persons and lines of communication.
7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
8. Use of protective fences, exclusion barriers and warning signs.
9. Containment, control, and removal of any invasive non-native species present on site.
10. The recommendations in sections 15 and 16 of the submitted "Extended Phase 1 Ecological Assessment" (Final Rev 1, April 2026); and
11. Specific provisions to ensure compliance with the mitigation measures set out on page 14

of the submitted Habitat Regulations Assessment Report by Phillips Ecology (October 2025) in respect of temporary indirect noise impacts to bird species during the construction phase.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

- 16 Development shall not commence on any phase, until a Soil Resource Plan covering the development or (as applicable) the relevant phase 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.

- 17 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.

- 18 No development shall commence on any phase until the applicant has secured the implementation of a programme of archaeological work in respect of the phase in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

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

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

1. Project Details; Site Location, Proposed Works, Aims and Objectives.
2. Responsibilities and Contact Details.
3. Legislation & Guidance.
4. Existing Site Conditions: Habitat Description, Reptile Survey Summary.
5. Potential Impacts.
6. Receptor Site.

7. Reptile Exclusion and Translocation.
8. Pre-Cautionary Working Methods.
9. Post-Construction Management, Monitoring and Remediation.
10. Details for Disposal of Any Wastes Arising from the Works; and
11. Appendices: Scaled maps and Plans of existing site, receptor site, donor site, reptile fencing.

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

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

- 20 Prior to the commencement of development on the development or (if applicable) any phase and if required pursuant to the approval of the Statutory Biodiversity Gain Plan, a Habitat Management and Monitoring Plan (HMMP), for the development or (if applicable) the relevant phase, shall be submitted to and approved in writing by Arun District Council. The HMMP shall include:

1. A non-technical summary;
2. The roles and responsibilities of the people or organisation(s) delivering the HMMP;
3. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Statutory Biodiversity Gain Plan, together with a timetable for its provision;
4. The management measures to maintain all habitats identified in the HMMP for a period of 30 years from the completion of development;
5. The monitoring methodology and frequency (and content of reporting) in respect of the created or enhanced habitat/s to be submitted to Arun District Council; and
6. How contingencies and/or remedial action shall be identified, agreed and implemented where the results of the monitoring show that the conservation aims and objectives of the HMMP are not being met, so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Thereafter, habitat creation and enhancement works shall be delivered, managed, maintained and monitored in accordance with the approved HMMP, with notice given in writing to Arun District Council when the habitat creation and enhancement works as set out in the HMMP have been completed. Monitoring reports together with any required contingencies and remedial action shall be submitted to the Arun District Council and agreed in writing in accordance with the methodology and frequency specified in the approved HMMP.

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

- 21 No development of any dwelling above damp-proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants within the development or (as applicable) the relevant phase 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 Arun Local Plan policies INF SP1 and T SP1 and in accordance with The Fire & Rescue Service Act 2004.

- 22 No dwelling within the development shall be first occupied until such time as 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 listed in condition 3, including the recommendations contained in the associated Road Safety Audits.

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

- 23 No dwelling within the development shall be occupied until details of all operational phase air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority along with a programme for implementation. The mitigation shall be equal to a value of £19,937 as identified in the emissions mitigation assessment, contained in the submitted Air Quality Assessment by Phlorurm ref 13838 (QA) V2 dated January 2026.

Reason: To protect the amenity of existing and future local residents in accordance with Arun Local Plan policies QE SP1 and QE DM3.

- 24 Upon completion of the surface water drainage scheme for the development or (as applicable) any phase and prior to the first occupation of a dwelling within the development (or as applicable the relevant phase), 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 survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved and shall include as a minimum:

1. CCTV survey of underground structures.
2. A full set of "as built" drawings highlighting any minor changes to the approved drawings.
3. Demonstration that all vegetation has been planted.
4. Photographs of excavations (including soil profiles/horizons) and any installation of any surface water drainage structures and control mechanisms.
5. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority; and
6. Name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and

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.

- 25 No dwelling within the development hereby approved or (as applicable) any phase thereof shall be occupied until details of the maintenance and management of the Sustainable Drainage Scheme (SuDS) for the development or (as applicable) the relevant phase in accordance with National SuDS Standard 7 have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme (or phase) shall be implemented prior to the first occupation of the development (or phase) hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The details of the network in addition to those listed in SuDS Standard 7 to be submitted for approval shall include a non-technical labelled drawing showing where the connecting drainage structures are located and how to access them.

Reason: To ensure that the development achieves a high standard of sustainability and 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.

- 26 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.

- 27 Prior to the occupation of any dwelling, 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 that dwelling 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 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.

- 29 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).

30 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.

31 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 affordable rented, First Homes and Intermediate).
- (2) A contribution of £974 per new dwelling towards the agreed Pagham Harbour Strategic Access Management and Monitoring Strategy.
- (3) A Secondary School Transport Contribution.
- (4) Implementation of the Travel Plan and payment of the requisite monitoring fee (index linked).
- (5) The dedication of permissive cycle rights over the section of FP100 within the site boundary and an obligation on the applicant to enter into a bridleway agreement if requested by WSCC within 5 years of the permission being issued.
- (6) Provision of on-site BNG and future management/monitoring.
- (7) ADC's standard monitoring fee of £1500
- (8) ADC's standard BNG monitoring fee (to be calculated during the drafting process); and
- (9) WSCC's standard monitoring fees (to be separately determined by WSCC).

32 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.

33 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

- 34 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 35 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 36 INFORMATIVE: Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is the West Sussex Lead Local Flood Authority. It is advised to discuss proposals for any works at an early stage of proposals. Further details can be found on the WSCC website.
- 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: 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.
- 39 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.
- 40 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.
- 41 INFORMATIVE: For a site of this size and character, the archaeological evaluation should comprise both a geophysical survey and trial trenching.

- 42 INFORMATIVE: The EA strongly recommend the use of flood resistance and resilience measures. Physical barriers raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the online planning practice guidance:

<https://www.gov.uk/government/collections/planning-practice-guidance>

Further guidance on flood resistance and resilience measures can also be found online.

- 43 INFORMATIVE: The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.