

Henry Adams LLP
Rowan House
Baffins Lane
Chichester
PO19 1UA

Date: 7th July 2026

Please ask for: Mr S Davis
Tel: 01903 737874

Your Ref:

Our Ref: WA/53/26/NMA

Dear Mr Cleveland,

**Section 96A of the Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015
(as amended) - Article 10**

Non material amendment following the grant of WA/35/25/OUT for rewording of condition 8 to read 'at least 150 new trees'.

Land east of Wandleys Lane Fontwell

I refer to your recent application for a Non Material Minor Amendment which proposes to amend bullet point 6 of condition 8 of WA/35/23/OUT to require at least 150 new trees instead of at least 200 new trees.

The reason for this change is that important archaeological remains have been found on the site which must be preserved in situ and as a result, it is not appropriate to plant trees within the open space areas of the site as root growth and associated ground disturbance could adversely affect the significance and preservation of below-ground archaeological deposits. The amendment seeks to reduce the minimum number of additional trees required by the condition in recognition of these constraints.

Non-material amendments to major applications are considered to be those changes which are insignificant and do not change the intensity, form or description of the original planning permission. They cannot change the intensity of the original planning permission, result in a change to the description of the application or conflict with any conditions of the original permission.

The condition as worded was imposed by the Inspector on the appeal decision following a proposal by the then applicant. The 200 trees were stated to result in notable benefits to biodiversity that carried at least moderate weight in the planning balance. However, crucially,

the archaeological deposits were not known at that time and also the application was granted pre-statutory Biodiversity Net Gain therefore the trees are not required to demonstrate the 10% net gain. 150 new trees will still result in notable benefits and would have carried weight in any decision.

The changes can be accepted as an NMA under section 96A of the Town and Country Planning Act 1990. The revised condition 6 wording is set out in full below:

"The layout and landscape details to be submitted pursuant to condition 1 shall include full details of the required public open space (POS), play areas and management arrangements. The proposed provision should include an Open Space Area (minimum of 30,448sqm) comprising:

- Community Orchard (minimum of 2,115sqm)
- Allotments (minimum of 792 sqm)
- Ecological Enhancement Areas (minimum of 13,000 sqm)
- Shared POS and Ecological Enhancement (minimum of 3,300sq²)
- Public Open Space (minimum of 8,930 sqm) including LEAP and LAP
- At least 150 new trees

The above shall thereafter be completed in accordance with the approved details prior to occupation of the 48th dwelling and permanently retained thereafter. The approved management details shall be permanently adhered to."

I trust this information is of assistance to you.

Yours sincerely



Neil Crowther
Group Head of Planning