

Arun District Council
Planning Services
Civic Centre
Maltravers Road
Littlehampton
BN17 5LF

12 June 2026

Dear Sir/Madam

Applicant: Bellway Homes Ltd

Site: Land East of Wandleys Lane, Fontwell, West Sussex

Proposal: Application under Section 96A of the Town and Country Planning Act 1990 for a Non-Material Amendment to planning permission APP/C3810/W/24/3349836 (LPA Ref: WA/35/23/OUT) to amend the wording of Condition 8.

Planning permission was granted on appeal on 7 April 2025 for *"Outline planning application for up to 95 dwellings (including 30% affordable), with all matters reserved apart from access"* under Appeal Reference APP/C3810/W/24/3349836 and LPA Reference WA/35/23/OUT.

This application seeks a non-material amendment under Section 96A of the Town and Country Planning Act 1990 to amend the wording of **Condition 8** relating to the provision of new trees within the approved public open space strategy.

Condition 8 currently requires the submission of layout and landscape details including:

"At least 200 new trees (in addition to those provided within the above areas)."

The applicant seeks to amend bullet point 6 of Condition 8 to read:

"At least 150 new trees."

No other amendments to Condition 8 are proposed.

Firstly, it is submitted that a non-material amendment under Section 96A is the appropriate mechanism for dealing with this change. Section 96A(1) of the Town and Country Planning Act 1990 provides the power to make a change to any planning

permission if the Local Planning Authority is satisfied that the change is not material. Section 96A(3) specifically includes a power to alter existing conditions attached to a planning permission.

As officers will be aware, there is no statutory definition of what constitutes a non-material amendment. The Planning Practice Guidance confirms that this is dependent upon the context of the overall scheme and the nature of the proposed change. In this case, the amendment relates solely to the wording of a single condition and does not alter the approved description of development, the number of dwellings, the site area, access arrangements, public open space provision, ecological enhancement areas or any other substantive aspect of the approved scheme.

The amendment is sought following further archaeological assessment of the site. Advice received from the project and County archaeologists have confirmed the presence of archaeological remains beneath areas of the proposed public open space. In order to preserve these remains in situ, it is not considered appropriate to undertake extensive tree planting within these areas, as root growth and associated ground disturbance could adversely affect the significance and preservation of below-ground archaeological deposits.

As a result, opportunities for tree planting within parts of the open space network are more limited than originally envisaged when the condition was drafted. The proposed amendment therefore seeks to reduce the minimum number of additional trees required by Condition 8 from 200 to 150 in recognition of these constraints.

It is submitted that the proposed amendment would not materially alter the approved development. The comprehensive landscape framework secured by Condition 8 would remain unchanged, including the provision of:

- Community Orchard (minimum of 2,115sqm);
- Allotments (minimum of 792sqm);
- Ecological Enhancement Areas (minimum of 13,000sqm);
- Shared Public Open Space and Ecological Enhancement Areas (minimum of 3,300sqm); and
- Public Open Space (minimum of 8,930sqm) including LEAP and LAP provision.

Importantly, the scheme will continue to deliver the ecological and landscape objectives envisaged by the appeal decision. The development will still achieve a minimum 10% Biodiversity Net Gain and tree planting will be maximised across all

other suitable parts of the site. The detailed landscape strategy and planting proposals will be demonstrated and justified through the forthcoming Reserved Matters application.

The proposed amendment therefore reflects a practical response to an archaeological constraint identified through further technical work whilst maintaining the wider objectives of the condition and the overall quality of the approved development.

For clarity, the amendment sought is as follows:

Condition	Existing Wording	Proposed Wording
Condition 8 – Bullet Point 6	At least 200 new trees (in addition to those provided within the above areas)	At least 150 new trees

We trust that the Council will agree that the proposed amendment is non-material and can be approved under Section 96A. Should you require any further information, please do not hesitate to contact me.

Yours faithfully,

Peter Cleveland MRTPI
Head of Planning
Henry Adams LLP