Planning Inspectorate

Appeal Decision

Inquiry opened on 30 June 2026

Site visits made on 1 and 8 July 2026

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th October 2026

Appeal Ref: 6005671
Land South of Green Road, Wivelsfield Green, RH17 7QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
- The appeal is made by Taylor Wimpey UK Ltd against Lewes District Council.
- The application Ref is LW/24/0820.
- The development proposed is outline application for the erection of up to 150 dwellings, with associated works, parking, landscaping, publicly accessible open space, land for education or community use, with access from Green Road and Eastern Road.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 150 dwellings, with associated works, parking, landscaping, publicly accessible open space, land for education or community use, with access from Green Road and Eastern Road at land South of Green Road, Wivelsfield Green, RH17 7QL in accordance with the terms of the application, Ref LW/24/0820, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was made in outline, with all matters reserved other than access.

3. The council resolved that, had an appeal against non-determination not been lodged by the appellant, it would have refused permission for the proposed development. Its putative reasons for refusal were whether the appeal proposal involved inappropriate development in the Local Green Space, the effect on the character and appearance of the area, and whether the appeal site was in a sustainable location. Prior to the inquiry the council withdrew its opposition to the proposal on location grounds.

4. The Inquiry sat in person from 30 June-3 July, and again on 7 July with closing submissions made online on 9 July. Following this, time was allowed for costs submissions, as well as of the completed Section 106. The inquiry was then closed in writing.

5. An update to the National Planning Policy Framework was announced prior to the Inquiry, although this was not released until the 17 August 2026 after the Inquiry had closed. The update replaced the version extant at the time of the event (the 2024 Framework). The pending update was discussed at the Inquiry, and subsequently the views of the main parties were sought on its implications for their respective cases on its release. These have been considered in my determination of this appeal.

6. The appeal proposal was the subject of an Environmental Impact Screening Assessment. The Secretary of State, exercising their powers under Regulations 14(1) and 7(5) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, directed that the development is not Environmental Impact Assessment development.

Applications for costs

7. An application for costs was made by the appellant in writing against the council. Additional time was allowed after closing submissions for the council to respond, and the appellant to make final comments. This application is the subject of a separate decision. Following the update to the National Planning Policy Framework, the council made further submissions revising its position on the application of Local Green Space policy. This decision reflects that revised position. However, as the application for costs related in part to the council's original position on this point that is addressed in the costs decision.

Main Issues

8. The main issues are:

- Whether the proposed access road would be inappropriate development in an area of Local Green Space, including any effect on openness; and,
- The effect on the character and appearance of the area

Reasons

Whether inappropriate development

9. Policy 7 of the Wivelsfield Neighbourhood Plan (the Neighbourhood Plan) designates the part of the site to the east of the bridleway linking Green Road and Hundred Acre Lane as Local Green Space.

10. Policy HC2 of the National Planning Policy Framework August 2026 (the Framework) sets out the requirements for the designation of a site as Local Green Space. These require that it be in close proximity to the community it serves, that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife, and that it be local in character and not an extensive tract of land. These tests are functionally unchanged from previous versions of the Framework. In designating the land as Local Green Space in the Wivelsfield Neighbourhood Plan, the examiner found that it met these tests.

11. Policy HC8 of the Framework requires that development proposals within a Local Green Space should be determined in a manner consistent with the relevant national decision-making policies for land in the Green Belt.

12. Policy GB7 of the Framework identifies categories of development which are not inappropriate in the Green Belt, and therefore also not inappropriate in Local Green Space. One of the categories includes transport infrastructure required in a Green Belt location, provided the impact on the openness of the Green Belt is minimised, and that there would not be a significant conflict with the Green Belt purposes[1].

[1] Which are set out in policy GB2

13. It is common ground between the parties that the proposed access road comprises transport infrastructure, and that a Local Green Space location is required. I see no reason to disagree. It is therefore necessary to consider whether there would be any significant conflict with the Green Belt purposes, and whether the impact on openness would be minimised.

14. The only conflict identified by the council relates to the Green Belt purpose of assisting in safeguarding the countryside from encroachment. The appeal site is an agricultural field abutting Green Road. It sits between two rows of houses that face onto Green Road, with further houses on the opposite side of the street. The creation of an access road on part of the appeal site would be seen in the context of this surrounding development. It would not in itself amount to an encroachment of the countryside.

15. Whilst the appeal proposal as a whole comprises a residential development of up to 150 homes, only part of the proposed access road would fall within the Local Green Space. As I heard at the Inquiry, this would not include the proposed junction with Green Road, nor is it expected that any lighting would be included.

16. The presence of the access road would result in a change from the land's present state. However, the appellant referred to an appeal decision in Knutsford[2] in which my colleague Inspector reasoned that any transport infrastructure would, by its presence, be likely to have an effect on openness, and that for the exception to have any meaning, there must be a threshold in regard to these effects, below which development is not inappropriate. The council's planning witness agreed with this interpretation of policy. This approach is supported by the wording of policy GB7, which requires that any impact on openness be minimised rather than that openness be preserved as in the 2024 Framework. I therefore see no reason to disagree with this interpretation.

17. The access road would be a low-profile feature and relatively narrow given the size of the Local Green Space. It would be sited in one corner of the site, close to Green Road, leaving most of the site free from any development, albeit subdivided to an extent. The scale of vehicle movement along the access road would be significant in daily numbers, but many times more movements occur along Green Road. Traffic moving along the access road would be seen in that context.

18. Given these considerations, the extent of the effect on the openness of the Local Green Space would be minimised. It would not therefore exceed the threshold beyond which it would amount to inappropriate development.

19. The access road would be screened by landscaping which would not, in principle, involve development itself. Details of this would be agreed at reserved matters stage.

20. Other features of the proposal within the Local Green Space, including landscaping and the potential creation of drainage features, would fall to be considered at reserved matters stage. In principle, where these would involve development, this would not automatically be inappropriate development in an area of Local Green Space.

[2] Inquiry document 12 Appeal ref: APP/R0660/W/24/3347883 Land east of Longridge, Knutsford, WA16 8PP

21. For the sake of clarity, the designation of land within the site for use by Wivelsfield Primary School is also not inappropriate development. Any future development of this part of the site would be assessed under a separate application.

22. Overall, therefore, the proposed access road would be transport infrastructure requiring a Local Green Space location. The effect on the openness of the Local Green Space would be minimised, and there would not be a significant conflict with the Green Belt purposes. It would therefore not be inappropriate development in accordance with national policy.

Character and appearance

23. The appeal site comprises agricultural fields outside the settlement boundary of Wivelsfield and Wivelsfield Green. The land is undeveloped and is crossed by public rights of way (PROWs) as well as permissive paths. The site is divided centrally by a bridleway, Wivelsfield 30, that runs from Green Road to the north of the site into the ancient woodland to its south.

24. The site falls within two landscape character areas, C1 and C3, identified in the Lewes Landscape Character Assessment. I heard at the Inquiry that the site is a transitional area displaying characteristics of both character areas. The land to the east of the bridleway, which is within area C1, is undulating in form with a steep bank rising up to Hundred Acre Lane. The land west of the bridleway is in area C3 and comprises enclosed agricultural land with mature trees to the boundaries. The woodland to the south of this part of the site is a distinctive character feature that forms a backdrop to views from Green Road and surrounding properties.

25. The council and appellant in their various submissions identified many viewpoints around and within the appeal site and the settlement. I viewed the site from all of those to which my attention was particularly drawn[3], as well as others in the wider area. I saw that properties on Eastern Road and Green Road have clear views across the western part of the appeal site. The eastern part of the site is visible from properties overlooking it, from within the school grounds, as well as from Hundred Acre Lane and Green Road albeit that views over the site from these roads are constrained by the height of the boundary hedgerow. Users of the PROWs and permissive paths also have clear views across the site in places, although these are constrained by the extensive banks of mature trees along the bridleway as well as the density of the ancient woodland.

26. Overall, the appeal site makes a substantial contribution to the rural character of the area. I heard during the Inquiry that the site, and the access it provides to the countryside, is highly valued by local residents and this is not disputed.

27. Neither is it disputed that the development would result in harm overall to the landscape and the character of the area. Much of the site is visually enclosed by the surrounding woodland, trees and boundary planting and existing houses. It is therefore also not disputed that the visual impact of the development would be localised, with no significant visual effects on medium or long-distance views[4].

28. The greater visual impact would be to the western side of the site, where the proposed homes would be built. The existing fields here would largely be developed for up to 150 homes with the associated roads, sustainable drainage

[3] Those highlighted on core document 18.2
[4] Core document 6.2, paragraph 2.6.1

measures and formal landscaping, including the laying out of footways around and between the new homes. While scale is a reserved matter, I must assume that the development would be built out to the maximum for which permission is sought.

29. Residential development in Wivelsfield follows a predominantly linear pattern along Green Road and Eastern Road. Individual properties are typically set in relatively narrow plots so that houses are close to their neighbours even where not attached. Dwelling plots are generally deep, extending a significant distance back from the roads. The proposed homes would lie to the rear of those existing on Green Road and Eastern Road and would be prominently visible from them. The degree to which the new houses would be set away from those streets would limit public visibility of the development from them.

30. While layout is a reserved matter, the masterplan[5] shows the appeal proposal as a series of clustered groups of buildings, separated by the reinforced existing field boundaries. It was not disputed at the Inquiry that this represents a departure from the existing linear settlement pattern. This departure would result in an uncharacteristic development in this central location, out of keeping with the prevailing layout of the village.

31. The western part of the appeal site is crossed by a PROW, Westmeston 1, that runs from Eastern Road across the site and into the ancient woodland. I heard during the Inquiry that this path and the bridleway are well used by local residents. Their experience of the site would undoubtedly be changed with the loss of undeveloped agricultural land, which I heard remains essentially unchanged in its form and usage since first being recorded on historic maps.

32. The retained trees along the bridleway and the rest of the site boundary, as well as the ancient woodland, would result in a highly localised visual impact from this part of the development. This would be experienced principally by those living next to the site and by users of the PROWs crossing it, as well as the users of the Westmeston 28b bridleway that runs along the westernmost edge of the site. I heard at the Inquiry that the bank of mature trees along the bridleway would largely screen the development for those using it. However, I saw that intermittent views of the whole site were visible along the bridleway. Within the context of the undeveloped appeal site the appeal proposal would be a starkly prominent residential development that would irrevocably alter the character and appearance of the site. The introduction of the access road across the bridleway would also increase the visibility of the site and the development on it for users of the bridleway, even if only in the vicinity of the break in the treeline.

33. The development in the western part of the site would therefore be harmful to the character and appearance of the area. It would be prominent when seen from surrounding properties and the PROWs crossing and near to the site.

34. Development in the eastern part of the site would only involve the formation of the access road, the junction with Green Road and, it is indicated, the creation of a formal path exiting the site towards the junction of Green Road and Hundred Acre Lane. These would represent a change in the use of the site but within the context of the traffic and nearby houses on Green Road the effect would be limited and could be further softened by suitable landscaping.

[5] Core document 1.6 Design and Access Statement, Sections 3 and 4

35. Much of the eastern site would otherwise be used for public open space. This would change the character of the site but would not be intrinsically harmful as it would provide a large area for residents to use for recreational purposes and which would remain primarily open and undeveloped land. The land would continue to provide a truly rural break in the built form along Green Road, one of the functions identified in designating the site as Local Green Space. It would also continue to provide the primary school's pupils with a sense of rural values.[6]

36. The site is largely contained with few long views onto it from the surrounding area. However, the openness of the Local Green Space does allow clear views across it from Green Road and Hundred Acre Lane. While this is dependent on the height of the boundary hedgerows, I saw from several points along both road that clear views across this part of the appeal site are possible. Views from Hundred Acre Lane in particular provide a clear vista in which Green Road and the traffic passing along it are a distant backdrop of limited presence. As the access road would be constrained to the northern end of the Local Green Space close to Green Road it would have a limited effect on the character of the site in longer views from Hundred Acre Lane.

37. The greatest visual impact of the access road would be from the new junction with Green Road. Creating this would require the removal of part of the boundary hedgerow. Given the length of hedgerow along the Green Road site boundary and the extent of removal necessary the road junction would be a prominent feature in the street scene. While the access road would curve away from the junction, limiting its presence in views into the site from the junction, it would nevertheless be a contrasting feature in the context of the Local Green Space as seen from Green Road.

38. The site abuts the village war memorial on Green Road. It comprises a cenotaph set back from the road in a landscaped setting encircled by the hedgerow to the appeal site. The appeal site forms the backdrop to the memorial, principally the Local Green Space. I heard during the Inquiry that this setting provides a place for calm contemplation. An annual service[7] is held to commemorate those men of the village lost in the world wars, and Green Road is closed during that time to allow people to gather at the site. I do not doubt that the memorial is visited throughout the year as well, and its central location within the village will mean that it is seen by those walking along Green Road.

39. The council confirmed that it was not seeking to resist the appeal proposal on the ground of loss of tranquillity. However, I recognise that the quiet ambience of the war memorial and its setting add to its value to residents. The access road would pass behind the memorial, curtailing the open view across the Local Green Space land. While the extent to which this can be perceived is influenced by the hedgerow height, traffic passing along the access road would be visible and audible from the memorial. While this must be considered in the context of traffic on Green Road, it would nevertheless detract from the experience of visitors. While screening of the traffic may be possible through landscaping, this would interrupt the long views across the site, changing its character as seen from the memorial.

[6] Core document 7.3 Wivelsfield Neighbourhood Plan paragraph 5.35
[7] Inquiry document 4, evidence of Mylo Chamberlain, and inquiry document 9

40. The introduction of up to 150 homes and associated infrastructure on the western part of the site would permanently alter its character. While to some degree these could relate to existing homes on Green Road and Eastern Road, the development would significantly extend the village into the countryside on undeveloped agricultural land. This would be harmful to the historic and existing character and appearance of the site. While that harm would be highly localised due to the extensive enclosure of this part of the site, it would nevertheless be experienced by local residents and users of the PROWs crossing the site. The introduction of an access road crossing through the Local Green Space, while relatively minor in scale in comparison to the new homes, would cause further additional harm to the character and appearance of the area, including the experience of the war memorial.

41. The appeal proposal would therefore conflict with the aims of policies CP10 of the Local Plan Part 1 Joint Core Strategy (the Part 1 Plan), DM25 and DM27 of the Local Plan Part 2 Site Allocations and Development Management Policies (the Part 2 Plan) and Policy 6 of the Neighbourhood Plan. Taken together these policies seek to conserve and enhance the natural beauty and cultural heritage of the area, that new development respond sympathetically to the characteristics of the development site, its relationship with its immediate surroundings and, where appropriate, views into, over or out of the site.

42. My attention was drawn to policy 7 of the Neighbourhood Plan. This designates part of the appeal site as Local Green Space, but does not specify any development management restrictions relating to character and appearance.

Other Matters

43. The Inquiry was attended by a considerable number of residents, many of whom spoke to a variety of concerns held individually or collectively. I have taken these concerns, as well as those previously raised in writing, into account in coming to my decision.

44. Wivelsfield and Wivelsfield Green offer a limited range of shops, services, facilities and recreational options for existing and future occupiers. There is no local doctor or dentist, with few or no spaces available at any of the closest options. There is little in the way of employment in the area, and I heard that the nearest train stations are too far to easily walk or cycle to, with limited car parking.

45. There are limited bus services offering access to a wider range of services, including a secondary school, with some funding for improvements to the services and new/improved bus stops in the village to be provided as part of the Section 106 agreement and proposed highways works. The local primary school is oversubscribed, with no confirmed plan for expansion. However, I heard that funding is available for the works, and the appeal proposal would provide the required land for this to occur.

46. New residents would inevitably place additional demand on the existing services and facilities, including those outside the settlements. However, it is common ground between the main parties that the appeal site is a sustainable location for new residential development. On balance, and considering the mitigation measures that would be provided as part of the development including the provision of a large area of public open space on the Local Green Space land, I do not consider that there would be harm overall arising from the site's location.

47. In addition to the decisions previously referred to, my attention was drawn to other appeals where permission was refused for residential development in the district. In the Uckfield Road[8] case, the Inspector found harm as the location of the appeal proposal was not sustainable. I have not found that to be the case here, and it is not suggested by the council. The Inspector found that overall the harm in that case significantly and demonstrably outweighed the benefits, but the scale of development and its location differ significantly from the proposal before me. In the Harrisons Lane decisions[9] the Inspector found that either proposed development would cause serious harm to the setting of the South Downs National Park. That harm resulted in the presumption in favour of sustainable development set out in the 2024 Framework being disapplied in the consideration of those appeals. Harm to the setting of the National Park was also a factor in the Inspector's decision to dismiss the appeal at Broyleside[10]. This is not the case in this proposal.

48. In the linked cases in Malmesbury[11], Appeal A was dismissed as it did not make a contribution towards education needs, while Appeal C included land for a nursery for which a need was recognised. In this case the appeal proposal includes a provision of land either for education or community use. The Ilkley[12] decision involved land designated as Local Green Space, but it was dismissed on grounds of harm to the character and appearance of a Conservation Area, and the loss of open space providing amenity to the public. It therefore differs significantly to the proposal before me, in which neither issue is identified.

49. Given the differences between these cases and the one before me, they therefore carry little weight and do not lead me to change my conclusions.

50. Residents expressed concerns about the capacity of local water and sewerage infrastructure to cope with additional development. I heard that sewerage capacity in the village is already an issue, with tankers being required to cope with demand. However, the utilities providers are required to provide guarantees of capacity before any new connections can be made. I heard that recent developments in the area have provided funding for additional capacity, and that this is linked to the scale of expected development outlined in the council's emerging Local Plan. While it would not be reasonable to limit development unduly, conditions have been recommended setting out requirements for capacity to be available which I shall address further below. However, considering the time that it would take to secure reserved matters approval and prepare to begin construction on site in principle this would be acceptable.

51. Evidence of repeated flooding in the village was provided, and I heard that this is a common occurrence whenever there is heavy rain. The flood modelling carried out to support the development allows for a 1 in 100 year flood event with a 45% overprovision for climate change. This modelling results were then used to inform the proposed development design and flood mitigation measures. The council's flood consultee stated that the information provided allows them to determine that the proposed development could manage flood risk effectively. I recognise

[8] Core document 10.2 APP/P1425/W/25/3368895 Merlins, Uckfield Road, Ringmer, East Sussex, BN8 5RU
[9] Core document 10.6 APP/P1425/W/23/3314192 and APP/P1425/W/23/3315235 Land East of Harrisons Lane, Ringmer, East Sussex
[10] Core document 10.7 APP/P1425/W/22/3299940 Land south of Lewes Road and Laughton Road, Broyleside, Ringmer BN8 5FP (Easting 544649 Northing 112426)
[11] Core document 10.13 Appeal A ref: APP/Y3940/W/21/3278256 and Appeal C APP/Y3940/W/21/3282365 Land at Filands Road/Jenner Lane, Malmesbury SN16 9HZ
[12] Core document 10.18 APP/W4705/W/25/3371198 Land to north of Main Street, Addingham, Ilkley LS29 0PL

residents' concerns about the existing issues. However, there is sufficient evidence to show that a detailed scheme for drainage of the site can be designed which would not make the existing situation worse.

52. Considerable evidence was submitted regarding the activity of protected species and other wildlife on and near the appeal site, and the value that local people place on their presence. A minimum buffer of 30 metres would be retained to the ancient woodland, exceeding Natural England's guidance for separation distance. Additional planting would provide a graded edge to the woodland, and new habitats would be created within the site, which would no longer be used for agricultural purposes. The development would deliver an overall net gain for biodiversity. This has been accepted by the council's ecology consultee and given the above considerations I see no reason to disagree.

53. Green Road is the only road passing through the settlements, and I heard that recent housing development has resulted in a significant increase in traffic using it, with the primary school at the junction with Hundred Acre Lane adding to issues at peak times as parents drop their children off or collect them. It is a relatively narrow road with almost no passing places along its length. Development of the scale proposed would inevitably result in additional traffic on Green Road, with a projected 642 car trips[13] per day, in addition to a small number of other vehicle trips. This must be considered in the context of existing traffic movements on Green Road, of which a 5 weekday average records 7,318 movements a day, or 6,793 movements on a 7 day average[14].The number of vehicle movements resulting from the development would therefore represent a relatively modest increase on the baseline. Some mitigation would be provided as part of the development, including providing a footway through the site exiting close to the junction with Hundred Acre Lane. I heard during the Inquiry that there are safety concerns arising from conflict between pedestrians and vehicles along Green Road, with a recent record of accidents in the area. The appeal proposal would provide an alternative route for pedestrians, in particular those walking their children to and from the school. On balance, therefore, there would not be an unacceptable impact on highway safety, nor would the cumulative impact on the road network be severe.

54. It has been suggested that there is a lack of need for new housing in the parish, with considerable new development taking place locally in recent years. However, housing need is assessed across the entire district. More than half of Lewes falls within the South Downs National Park, and therefore development within the district is typically directed to locations outside its borders. This includes the appeal site.

55. I also heard that other brownfield land was available for development in Lewes and Newhaven, which are in higher tiers in the settlement hierarchy[15], with it suggested that these sites could deliver in the region of 2,000 to 2,500 new homes. Only limited information was provided about the sites referred to, but I note that 14 of the 15 sites either already have planning permission, were allocated in the existing Local Plan, are proposed for allocation in the emerging Local Plan or are subject to

[13] It was confirmed during the Inquiry that each trip is movement in a single direction, so a resident leaving the site and returning to it would count as 2 trips.
[14] Core document 1.10 Table 2.1
[15] Inquiry document 24, comments of Dr John Kay on behalf of CPRE Sussex

planning applications. The exception is the site at St Anne's School, Rotten Row, Lewes which is stated to be unallocated with plans drawn up but not pursued.

56. The council's most recent Five Year Housing Land Supply Annual Position Statement[16] records all sites in the district where there was considered to be a realistic prospect that housing would be delivered on the site within 5 years. The council would be aware of each of the 14 sites given their history, and some are specifically identified at the Statement's Appendix 3. I note that the Harbour Heights, Marina and Newhaven Eastside sites in Newhaven, provisionally identified as providing up to 990 homes, were only expected to deliver 53 homes in the 5 year period after the Statement was published. It is not clear from the evidence submitted why some other sites are not included in the Statement, but I note that for the single largest site, the Phoenix Area in Lewes for which planning permission has been granted for 685 homes, the developer is stated to have been unable to secure a house builder partner. The potential for housing to be delivered on many of the 14 sites, including those which would deliver more than half the suggested 2,000-2,500 homes, within the 5 year period is therefore uncertain.

57. I further note that the council have assessed the potential for residential development on brownfield land within or adjacent to settlements identified as being within the top two tiers of its settlement hierarchy. The resulting Development Capacity Study[17] identifies potential sites for residential development with a potential capacity of 217 new homes, in addition to a potential for 110 homes on other sites identified previously. I will return to the district's housing need in the Planning Balance section, but even if all these sites were to be brought forward the resulting 327 homes would only represent a small fraction of the identified need.

58. There are listed buildings close to the appeal site, and I have had special regard to the desirability of preserving the buildings or their settings. The closest is the Grade II Jenners on the opposite side of Green Road. This is a timber-framed cottage dating from the 17th century or earlier. It has plaster infilling and has been refaced on its ground floor with red brick, with hanging tiles above. I find that its historic significance derives principally from its architectural character, and no evidence was presented to indicate any historic connection to the appeal site. Jenners is set back from Green Road, with a modern outbuilding between it and the highway. Given these considerations, I do not consider that there would be any harm to the setting of Jenners from the proposed development. The development would therefore preserve its setting, and would accord with policy DM33 of the Part 2 Plan. That policy seeks, amongst other things, the conservation or enhancement of the significance of heritage assets. It was suggested in the Inquiry that traffic on the access road could result in headlights shining on Jenners where no such incidents occur at present as the site is undeveloped. However, given the separation distance and the offset between the proposed junction and the site frontage of Jenners this would not result in harmful disturbance to the occupiers.

59. My attention has been drawn to an appeal decision on a nearby site[18] where an Inspector found that the proposed development would neither preserve nor enhance the setting of a nearby Grade II listed building. This was a contributing

[16] Core document 7.8
[17] Core document 13.16, sites addressed in Tables 1 and 2
[18] Inquiry document 23 Appeal Ref: APP/P1425/W/24/3351850 Site North of Slugwash Gardens, Slugwash Lane, Wivelsfield Green RH17 7QD

factor in the Inspector's decision to dismiss the appeal. That proposal therefore differs significantly from the one before me as I have found no harm to the setting of Jenners or its significance, and the limited weight that I attribute to it does not alter my conclusions.

60. As the other listed buildings in the village are further from the appeal site than Jenners I am also satisfied that there would be no harm to their settings from the appeal proposal.

61. Residents whose properties border the site expressed concern about overlooking from the proposed development. As the layout, scale and design of the development are reserved matters, this falls to be considered at the reserved matters stage.

Section 106 agreement

62. A signed and sealed section 106 agreement is before me, obligating the site developer to make financial contributions, index-linked, and meet various requirements as set out below. I have assessed the identified obligations against the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. These state that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

63. I note as well that the appeal proposal is liable for further contributions through the Community Infrastructure Levy. This would be addressed at reserved matters stage.

64. The agreement would provide 40 percent of proposed homes as affordable housing. It also allows for the payment of an affordable housing contribution if the developer is unable to secure a contract with a registered social housing provider. This contribution accords with Core Policy 1 of the Part 1 Plan which seeks to deliver the homes and accommodation for the needs of the district.

65. The agreement provides for the transfer of part of the Local Green Space to East Sussex County Council for the purposes of expanding the school. I heard at the Inquiry that the school is oversubscribed, and additional capacity is necessary to address local primary education needs. As the appeal proposal would increase that demand, the obligation is fairly and reasonably related.

66. Similarly, a sum of £3,895 per dwelling would be payable to fund secondary school bus transport, as there is no secondary school within the immediate locality. A further sum of £1,430 per dwelling would be payable to help fund bus services through the village and area, specifically the 166 Saturday service and improvements to existing 166 or 167 or 168 services or their replacements. These contributions are directly related to demand that would arise from the development, and the contributions accord with Core Policy 13 of the Part 1 Plan which, amongst other things, seeks to promote a sustainable system of transport for people who live and work in the district.

67. The agreement requires an overall biodiversity net gain for the appeal site, secured through compliance with an agreed Management Plan. Monitoring of the

progress will be funded by a £14,000 contribution. The site will be managed in accordance with a landscape and ecological management plan to be agreed with the council at reserved matters stage. These are necessary to make the development acceptable given the loss of greenfield land and development being close to ancient woodland. They also accord with Core Policy 8 of the Part 1 Plan which seeks, amongst other things, to conserve and enhance the wildlife of the area.

68. A payment of £19 per dwelling is to be provided to cover the costs of providing kerbside recycling facilities for the dwellings and to add them to the council's kerbside recycling scheme. This is directly related to the development, and accords with policy DM26 of the Part 2 Plan which requires new developments to include accessible, well-designed and easy to use waste and recycling facilities.

69. A sum of £6,000 is to be paid to as a contribution to the costs of the County Council for auditing and monitoring the travel plan to be provided as part of the agreement, and which will seek to promote sustainable transport measures for residents of the new development. These obligations directly relate to the development and accord with the identified aims of Core Policy 13.

70. The agreement secures the provision of a local equipped area of play to meet the requirements of policies DM15 and DM16 of the Part 2 Plan. These set minimum standards for outdoor play space in new housing development. The agreement also obliges the development to confirm details of the management body responsible for the long-term management and maintenance of the play area. These directly relate to the development and are reasonable to ensure that the play area will continue to be available for the benefit of future occupiers.

71. Finally, the agreement obliges the developer of the site to enter into a Section 278 agreement with the County Council in relation to the necessary highway works at the junction of Green Road and the access road to the approved homes. As the site could not otherwise be accessed by vehicle, this is directly related to the development, necessary to make it acceptable, and fairly and reasonably related in scale and kind to it. They would accord with the requirements of Core Policy 7 of the Part 1 Plan which requires the provision new and upgraded infrastructure to support sustainable communities.

72. The proposed obligation would therefore meet the identified tests of Regulation 122. Accordingly, I have taken account of it in determining this appeal.

Planning Balance

73. Policy S3 of the Framework states that decisions on development proposals should apply a presumption in favour of sustainable development. Policy S5 states that only certain forms of development should be approved outside settlements. One of those is development which would address an evidenced unmet need. Such development must also be physically well-related to an existing settlement and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure. Where a development would meet these criteria, S5 states that it should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies in the Framework.

74. It is a matter of common ground between the main parties that the council cannot demonstrate a 5 year supply of deliverable housing land. The agreed figure of 2.77 years' supply is lower than stated in the council's most recent Annual Position Statement[19] and the shortfall amounts to more than 1,500 homes. Furthermore, the council has failed to deliver the required number of affordable homes, with a delivery of 792 such homes against a target of 1,450 since 2020. An unmet need for housing therefore exists.

75. The Framework further identifies the Government's objective of delivering a sufficient supply of homes. It is common ground between the parties that the defined settlement boundaries need to be breached to allow for housing requirements to be met[20]. The council's planning witness confirmed during cross-examination that there is not enough brownfield land in the district to meet the council's housing needs. Given this context and these identified shortfalls the delivery of up to 150 homes, of which up to 60 would be affordable, attracts substantial weight in the overall balance.

76. There would be further benefits from the appeal proposal, including the provision of land for the expansion of the local primary school and economic benefits arising from the construction and occupation of the homes. The main parties agree that these collectively attract moderate weight overall in the balance[21] and I see no reason to disagree. In addition, the development would involve the creation of public open space on the Local Green Space land. I attribute this moderate positive weight in the overall balance, as the site already serves a beneficial purpose although without public access. There would also be an overall biodiversity net gain, albeit just above the minimum required, which would attract limited further positive weight.

77. Set against these benefits would be the harm to the character and appearance of the area. The proposed development of up to 150 homes would be prominently visible from surrounding properties and the PROWs crossing and next to the site. The scale of development would be a significant intrusion into the countryside, and the form of development as shown on the masterplan would be out of keeping with the predominant pattern of development in the surrounding area. The appeal proposal would overall cause significant localised harm to the character and appearance of the area.

78. It is further agreed between the parties that there would be harm from the loss of agricultural land, and that this harm should be accorded very limited negative weight. As the site is not Best and Most Versatile Agricultural Land, I see no reason to conclude otherwise.

79. The appeal site lies outside of the defined settlement boundaries of Wivelsfield and Wivelsfield Green. The parties agree that a degree of harm arises from this development plan conflict, although differ on how much harm would result. Given that the parties agree that development must take place beyond the settlement boundaries to meet the council's housing targets, this attracts limited negative weight.

[19] Core document 7.8 paragraph 1.4 "the council has a supply of deliverable housing land equivalent to **3.02 years** outside the South Downs National Park"
[20] Core document 6.1 paragraph 4.6
[21] Core Document 6.1

80. I have found that the appeal proposal would not conflict with Framework policy GB7. No other harm has been identified as arising from conflict with any of the other national decision-making policies in the Framework.

81. The harm arising from the appeal proposal attracts significant weight in the overall balance. However, given the substantial weight that I have attributed to the council's housing land shortfall and underdelivery of affordable housing the benefits of granting permission would not be substantially outweighed by any adverse effects. The proposed development would therefore accord with Framework policy S5. While the appeal proposal therefore conflicts with the development plan, there are material considerations which lead me to find otherwise than in accordance with it.

Conditions

82. I have reviewed the suggested conditions in accordance with the tests set out in National Planning Practice Guidance and in the Framework. Where necessary, I have amended the wording to ensure that the conditions would accord with the tests.

83. I have imposed conditions requiring the approval of reserved matters (1) and specifying a time limit for their submission and the commencement of development (2).

84. A condition relating to ground levels (3) is reasonable and necessary to ensure that the development is acceptable in terms of drainage and character and appearance. A condition securing details of the access road (4), including visibility splays, is required to ensure that safe access is secured to the site, and that the siting of the access road is suitable.

85. Conditions securing a Construction Environmental Management Plan (5), a Landscape and Ecological Management Plan (6) and details of external lighting (7) are reasonable and necessary in the interests of the final appearance of the development, the management of its impact on the wider area including biodiversity, and for reasons of highway safety.

86. A condition requiring the retention and protection of trees on the site (8) is necessary to ensure that the benefits provided by existing mature trees are not lost unless agreed as part of the approved development. A condition relating to energy and water efficiency (9) is reasonable to ensure that the development incorporates sustainability measures.

87. Conditions relating to surface water, drainage management and the provision of foul drainage infrastructure (10, 11, 12 and 13) are reasonable and necessary given the reported issues regarding flooding and foul drainage, as well as to ensure that appropriate measures are provided for this new development on site. I heard at the inquiry that there is an existing issue with foul drainage in the village, and that there is no confirmed timescale for upgrades to the local treatment facility. Given this, it is reasonable to require that no occupation occur until upgrade works have taken place and sufficient capacity is available to accommodate new occupiers on site.

88. A condition requiring a programme or programmes of archaeological work (14) for the development is reasonable to ensure that the archaeological and historical interest of the site is safeguarded and recorded.

89. Conditions relating to the detection and remediation of contamination on site (15, 16), the discovery of any unexpected contamination (17) and the clearing of any imported soil (18) are necessary to ensure that the development is safe for future and neighbouring occupiers. The appellant has suggested that clearance of soil is covered by other approvals, but no details were provided of this. Given the sensitivity of residential development to contamination, it is reasonable to be cautious in this instance.

90. For the preservation and promotion of biodiversity conditions requiring updated protected species surveys (19) and a Construction Environment Management Plan for biodiversity (20) are reasonable and necessary, especially given the passage of time from the previously completed species surveys. Similarly, conditions requiring the approval and implementation of a woodland management plan relating to on-site woodland only (21) and an ecological design strategy (22) are required to minimise the effect of the development on the ancient woodland and biodiversity in the area. I have amended the wording of the latter condition to remove references to works specified in the legal agreement.

91. I have not imposed a separate condition requiring a precautionary working methods statement as objectives are addressed by the requirement for a Construction Environmental Management Plan.

Conclusion

92. For the reasons set out above, the appeal is allowed.

M Chalk

INSPECTOR

Appearances

For the appellant:

Zack Simons KC and Poppy Kemp, Counsel

They were instructed by Brigid Taylor of Woolf Bond Planning

He called:

Ian Dimbylow	Director, i-Transport
James Atkin	Director, G+L Landscape Architects
Brigid Taylor	Director, Woolf Bond Planning Ltd
Andrew Morgan	Solicitor, DAC Beachcroft

For the council:

Jackson Sirica, Counsel

He called:

Marc Dorfman	Senior Planning Adviser, Lewes District Council
Martin Hird	Associate, The terra firma Consultancy Ltd
Helen Monaghan	Planning lawyer, Lewes District Council
James Smith	Principal Planning Officer, Lewes District Council

Interested parties and local residents

Simon Woodward	
Lorna Thwaites	
Wendy Sullivan	
Richard Wadham	
Stephen Woodall	
Dr John Kay	
Rose Tylunas	
Angus Thwaites	
Nigel Turner	
Mylo Chamberlain	
Nadine Stophard	
Ania Tylunas	
Harriet Martin	Councillor, Wivelsfield Parish Council
Richard Morriss	
Richard Wadham	
Katy Downton	
Audry Wende	
John Wigzel	
Mike Nightingale	
Daniel Wykes	
Stephen Tylunas	Mr Tylunas also spoke on behalf of Maria Tether Jenkins
Sally Bugden	

Documents submitted to the Inquiry

ID1 Appellant opening statement
ID2 Council's opening statement
ID3 Dr John Kay statement
ID4 Community speeches (compilation document)
ID5 Lorna Thwaites statement (submitted separately from ID4)
ID6 Community speeches (speaker list)
ID7 Harriet Martin statement (submitted separately from ID4)
ID8 Suggested landscape roundtable agenda
ID9 War memorial order of service
ID10 Appeal decision 3343709 Land at Old Orchard House

ID11 Videos and screenshots of a bird in flight submitted by Lorna Thwaites
ID12 Appeal decision 3347833 Land east of Longridge
ID13 Appeal decision 3371198 Land to north of Main Street
ID14 Lewes District Development Capacity Study 2024
ID15 *Lochailort Investments Ltd vs Mendip District Council* [2020] EWCA Civ 1259
ID16 Flooding Statement Part 1 & 2 – Ms Tether Jenkins
ID17 LW/26/0189 Southern Water Email 09.06.26
ID18 Wivelsfield Parish Spatial Overview & Spatial Object Report
ID19 Published LDS Timetable Email 02.07.26
ID20 Richard Wadham Statement - Heritage Impact

ID21 Review of the ESCC Ecology Report LW/24/0820 - Lorna Thwaites Email 01.07.26
ID22 Ania Tylunas, No to Wivelstown - Community Speech Supporting Information
ID23 Appeal Decision 3351850 Site North of Slugwash Gardens
ID24 Dr John Kay Supporting Document - Housing Data Unused Brownfield Sites
ID25 Council's closing statement
ID26 Appellant's closing statement

Schedule of Conditions

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before development commences and the development shall be carried out as approved.

   The submitted details shall be in broad conformity with the following plans:

   Site Location Plan No. CSA/6467/107
   Parameters Plan No. CSA/6467/112 Rev A
   Proposed Green Road Access No. 794-PLN-TRP-00048-DR-004 Rev C
   Proposed Eastern Road Footway No. 794-PLN-TRP-00048-DR-006 Rev C

2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.

3. No commencement of any individual phase of the development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

4. Prior to the commencement of development, full details of the construction of the access off Green Lane and Eastern Road, shown in principle on drawing numbers: 794-PLN-TRP-00048-DR-004 Rev C and 794-PLN-TRP-00048-DR-006 Rev C including levels, widths, visibility splays, construction materials, depths of construction, surface water drainage, boundary treatment, landscaping and lighting shall be submitted to and approved in writing by the local planning authority.

   The access and visibility splays shall thereafter be constructed in accordance with the approved details and plans, and maintained in accordance with those approved details.

5. Prior to commencement of construction works, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the local planning authority. Thereafter the approved CEMP shall be implemented and adhered to in full throughout the entire construction period. The CEMP shall provide details as appropriate but not be restricted to the following matters:

   - regular community information and liaison on construction and development progress,
   - a pre-commencement condition survey of the surrounding highway network,
   - the anticipated number, frequency and types of vehicles used during construction,
   - the method of access, egress, turning and routeing of vehicles within the area network,
   - the parking of vehicles by site operatives and visitors,
   - the loading and unloading of plant, materials and waste,

- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction on the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to manage flood risk, both on and off the site, during the construction phase,
- measures to protect trees,
- temporary diversion or protection of public rights of way,
- arrangement of holding areas for construction vehicles,
- details of public engagement both prior to and during construction works,
- measures to prevent discharge of surface water onto the public highway,
- measures to prevent discharge of silt into waterways,
- ecological management measures (including a risk assessment, identification of biodiversity protection zones, measures to avoid and reduce impacts including any necessary translocation arrangements. The CEMP shall identify the timing of sensitive works and the times at which an ecological clerk of works is required to be on site and their role/ responsibility.

6. Prior to the first occupation of the development a Landscape and Ecological Management Plan (LEMP), including long term design objectives, management responsibilities, timescales, and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority. The plan shall be designed to secure the management of the on-site landscaping and ecology mitigation and enhancement measures approved for the development. Any off-site biodiversity net gain measures shall be secured separately through the relevant legal agreement or other approved mechanism. The development shall be carried out in accordance with the approved LEMP.

7. No external permanent lighting (excluding construction lighting) shall be installed on buildings or within the development site other than in accordance with a lighting strategy which shall be submitted to and approved in writing by the local planning authority prior to installation. Any lighting installed shall thereafter be retained in accordance with the approved strategy.

8. No tree shown on the approved plans as being retained shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction period other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

   Protective measures for retained trees, including any required stand-off distances and root protection areas, shall be implemented in accordance with an approved arboricultural method statement and tree protection plan drafted in accordance with BS5837:2012 *Trees in relation to design, demolition and construction. Recommendations*.

9. Prior to the first occupation of any individual phase of the approved development, a sustainability compliance report demonstrating how that phase of the development accords with the approved Sustainability and Energy Statement (Stantec, 17 December 2024) and Sustainability Statement (Stantec, December 2024) and the

sustainability measures identified therein (including energy, water efficiency and electric vehicle charging measures) shall be submitted to and approved by the local planning authority. The development shall thereafter be carried out and maintained in general accordance with the approved details.

10. Prior to the commencement of any individual phase of the approved development, full details of the surface water drainage scheme for that phase shall be submitted to and approved in writing by the local planning authority. These detailed plans and supporting information shall confirm the following:

    a) Pluvial flood modelling shall be provided with the Reserved Matters submission and shall confirm that the development and drainage system is safe from surface water flooding and that the development will not increase flood risk offsite.
    b) Surface water discharge rates not exceeding greenfield runoff rates for all rainfall events, including those with 1 in 100 (+45% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
    c) The details of the outfall of the proposed attenuation storage and how it connects into the highway drain should be provided as part of the detailed design. This should include cross sections and invert levels. Confirmation from the local highway authority of Technical Approval shall also be obtained.
    d) The condition of the ordinary watercourse which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the watercourse within the site should be carried out prior to construction of the outfall.
    e) The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
    f) The detailed design of the attenuation basin should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. Alternatively, or if this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.

    The development shall thereafter be carried out in accordance with the approved details and maintained as such for its lifetime.

11. Prior to first occupation of any individual phase of the development a maintenance and management plan should be submitted to and approved by the local planning authority in conjunction with the lead local flood authority in order to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

    a) Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, interceptors and confirm that the appropriate authority is satisfied with the submitted details.

b) Provide evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

The approved maintenance and management plan shall thereafter be complied with.

12. Prior to occupation of any individual phase of the development, evidence (including surveys, as built plans, site records and photographs as necessary) shall be submitted to, and approved by, the local planning authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

13. No dwellings shall be occupied until a Foul Drainage Infrastructure Assessment has been completed and approved by the local planning authority, and any identified infrastructure improvements have been completed and are available for use. The Assessment shall confirm the capacity within the local foul drainage network and any additional capacity or improvements required to meet the needs of the development.

14. Prior to commencement of development within each phase or such area as agreed in writing with the local planning authority, a programme of archaeological works shall be identified, if required, in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the local planning authority. Prior to occupation of each phase, the archaeological site investigation and post-investigation assessment, including provision for analysis, publication and dissemination of results and archive deposition, for that phase shall be completed and approved in writing by the local planning authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation so approved.

15. Prior to commencement of any individual phase of development a remediation strategy that includes the following components to deal with the risks associated with contamination of the site during that phase shall be submitted to and approved, in writing by the local planning authority:

a) A site investigation scheme undertaken to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
b) The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action

The scheme shall be implemented as approved.

16. No part of any individual phase of the approved development shall be occupied until a verification report for that phase, demonstrating completion of works set out in the

approved remediation strategy and the effectiveness of the remediation, has been submitted to, and approved in writing by, the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any long-term monitoring and maintenance plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

17. If during development, contamination not previously identified is found to be present within an area of the site then no further development in that area (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

18. No soil to be used for gardens or soft landscaping shall be imported onto the site until the developer has submitted to the local planning authority, and received approval in writing for, details and results of the chemical testing and assessment of the soils which demonstrates the suitability of the soil for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person.

19. Prior to determination of a reserved matters application the baseline ecological information for the site, including but not limited to that included in the Ecological Assessment (Ecology Solutions, 17/12/24), shall be reviewed by a suitably qualified ecologist. Where best practice guidance on the age of ecological survey data indicates that baseline survey information is out of date, further ecological surveys, including for bats, dormice, reptiles and badgers, shall be commissioned and submitted as part of the reserved matters application where proportionate to the reserved matters details and time period which has elapsed. Further surveys should:

    i) establish if there have been any changes in the presence and/or abundance of relevant habitat and species, and
    ii) identify any likely new ecological impacts that might arise from any changes.

    The above notwithstanding, the reserved matters application shall be accompanied by breeding bird surveys following the methodology set out by the Bird Survey and Assessment Steering Group (2025).

    Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved outline scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

20. No development shall take place (including ground works, vegetation clearance etc) until a biodiversity construction ecological management plan (BCEMP) has been

submitted to and approved in writing by the local planning authority. The BCEMP shall include the following:

a) risk assessment of potentially damaging construction activities;
b) identification of "biodiversity protection zones";
c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
d) the location and timing of sensitive works to avoid harm to biodiversity features;
e) the times during construction when specialist ecologists need to be present on site to oversee works;
f) responsible persons and lines of communication;
g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
h) use of protective fences, exclusion barriers and warning signs.

The approved BCEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

21. Prior to first occupation a Woodland Management Plan (WMP) shall be submitted to and approved in writing by the local planning authority.

The Woodland Management Plan shall:

- cover all onsite woodland (including part of West Wood Ancient Semi-Natural Woodland, mitigation buffer planting for West Wood and the narrow band of woodland running north-south between West Wood and the properties along Green Road);
- be prepared, insofar as possible, in discussion with offsite landowners/managers (particularly those of West Wood and Purchase Wood);
- be consistent with any information relating to woodland enhancement contained within the Biodiversity Net Gain Habitat Management and Monitoring Plan;
- be informed by a woodland survey undertaken by a suitably qualified ecologist with support from a suitably qualified arboriculturist; both being experienced in the preparation of WMPs and during an optimum period for surveying woodland so that woodland ground flora is identified and accurately mapped. Any invasive species should be recorded and mapped with details for their removal/control provided. Aims, objectives and management prescriptions should be provided and reflect the variation in composition, structure and condition of the woodland present. The woodland should be divided into appropriate compartments drawn onto appropriately scaled maps with key woodland features annotated;
- be focused on access management, including mechanisms to positively manage public access holistically (considering all onsite and access to adjacent offsite woodland as a whole) and improve the resilience of the woodland resource to recreational pressure through the use of formalised footpaths, waymarking/signage, fencing, thorn scrub planting, dead hedging (as required); and,
- detail any other woodland management activities (such as coppicing, thinning, restocking, deer fencing etc.) that would enhance the condition of the onsite woodland without reducing its resilience to recreational pressure.

The WMP shall be implemented in accordance with the approved details, and all features shall be retained in that manner thereafter.

22. No development shall take place until an ecological design strategy (EDS) addressing compensation, mitigation and enhancement measures has been submitted to and approved in writing by the local planning authority. The EDS shall cover the provision of public open space (demonstrating how the detailed design will help manage potential recreational pressure impacts on Purchase Wood Local Wildlife Site and West Wood Ancient Semi-Natural Woodland), the provision of dark corridors around the site, measures to minimise gaps in woodland and hedgerows and maintain connectivity of linear habitat features for bats, hedgehog holes in hard boundary features and a minimum of 1No. bird box per dwelling, bat boxes, invertebrate boxes and log piles along with detailed locations and specifications for all boxes. The EDS shall include the following:

a) purpose and conservation objectives for the proposed works;
b) review of site potential and constraints;
c) detailed design(s) and/or working method(s) to achieve stated objectives;
d) extent and location/area of proposed works on appropriate scale maps and plans;
e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
g) persons responsible for implementing the works;
h) details for disposal of any wastes arising from works.

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

End of schedule