



Appeal Decision

Inquiry held on 12 – 14 and 19 - 21 September 2023

Site visit made on 14 September 2023

by R Norman BA(Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2024

Appeal Ref: APP/L3815/W/23/3319434

Land off Main Road, Birdham PO20 7DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Gladman Developments Ltd against Chichester District Council.
 - The application Ref 21/01830/OUT, is dated 7 June 2021.
 - The development proposed is outline planning application for up to 150 dwellings (including 30% affordable housing) with community park, public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 150 dwellings (including 30% affordable housing) with community park, public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access at Land off Main Road, Birdham PO20 7DR in accordance with the terms of the application, Ref 21/01830/OUT, dated 7 June 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was originally submitted in outline form with all matters reserved apart from access. Matters relating to the layout, appearance, scale and landscaping of the proposal will be considered as part of later Reserved Matters applications. Indicative plans, including a Development Framework Plan, showing a possible layout have been submitted and I have considered these as illustrative only at this stage.
3. The proposal has been accompanied by two legal agreements, a Section 106 Agreement¹ and a Unilateral Undertaking². I will return to these later on.
4. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023. The parties have been given the opportunity to provide

¹ Planning Agreement Under Section 106 of the Town and Country Planning Act 1990 relating to Whitestone Farm, Main Road, Birdham, Chichester, West Sussex, PO20 7UH between (1) Chichester District Council (2) West Sussex County Council (3) Deborah Anne Osborne and Julie Elizabeth Mary Jones (4) Itchenor Gate Farms and (5) Gladman Developments Limited dated 14 September 2023.

² Planning Obligation by deed of undertaking under Section 106 of the Town and Country Planning Act 1990 relating to Whitestone Farm, Main Road, Birdham, Chichester, West Sussex, PO20 7UH (1) Deborah Anne Osborne and Julie Elizabeth Mary Jones (2) Itchenor Gate Farms and (3) Gladman Developments Limited dated 14 September 2023.

comments on the changes and I have taken these comments into consideration. Where references are made to the Framework in this decision, they relate to the December 2023 version unless otherwise specified.

Main Issues

5. The main issues are:

- The effect of the proposed development on the landscape, character and appearance of the area;
- Whether the development would be in a suitable location having regard to access to services and facilities and the scale of the proposal;
- Whether the development could ensure suitable provision for drainage infrastructure;
- Whether the development provides sufficient contributions towards infrastructure, with particular reference to the strategic highway network comprising improvements to the A27; and
- Five year housing land supply and its policy implications.

Reasons

Landscape, Character and Appearance

6. The appeal site is an agricultural field located adjacent to the A286 in Birdham. On the opposite side of the road are a mix of dwellings, a convenience store and a petrol station. There is also a village hall, playground and recreation field in proximity to the appeal site. The proposal would introduce up to 150 dwellings into the site along with public open space, vehicular and pedestrian access and connection points.
7. The appeal site falls within the South Coast Plain National Character Area NCA ID 126 and the Chichester Harbour Character Area SC3. It is also identified as being within Sub Area 98 in the Chichester Local Plan Review 2035 Landscape Capacity Study. The relevant characteristics of these areas, collectively, include flat coastal landscapes, undisturbed stretches of coastline, harbour landscapes including marinas and boatyards, stretches of farmland between developed areas and urban areas. Sub Area 98 of the Landscape Capacity Study is classed as a landscape of medium visual sensitivity which could have some capacity to accommodate some areas of new development, subject to the impacts on the setting and form of existing settlements and the sensitivity of adjacent landscape character areas.
8. The Birdham Parish Neighbourhood Plan (BPNP) includes supporting maps in Policy 3 and Policy 4 showing green infrastructure and ecology networks and important views. However, the appeal site itself does not fall within these areas or views. Policy 4 however does require any development to maintain the local character of the landscape.
9. A Landscape and Visual Assessment³ has been carried out which has assessed the visual and landscape baselines, and the likely effects of the proposed

³ CD E15 Landscape and Visual Assessment June 2021 – The Environment Partnership

development on the surrounding landscape. This included a number of visualisations from various viewpoints. The appeal site is reasonably well enclosed by existing established vegetation. A hedgerow runs partially along the site frontage with varying heights and densities, allowing for some views through into the appeal site. From the rear of the site, there are views across the appeal site from the public right of way, with the existing dwellings on Main Road visible beyond. Whilst there are some more open areas and some gaps along the site boundaries, it is read as a fairly well enclosed single parcel of land.

10. The Landscape and Visual Assessment assessed a number of visual receptors around the appeal site including from the recreation ground, the public rights of way, surrounding rounds and nearby properties. Of these receptors, the only one with a high sensitivity was found to be for visitors to the recreation ground, and whilst the public rights of way around the appeal site had high susceptibility, the sensitivity of these areas were concluded to be medium. It identifies that the overall effect on the site and immediate surroundings would be moderate adverse, which would decrease over the years until Year 15 when it would be classed as minor adverse as a result of the proposed planting having matured. I consider that the main visual and character impacts will be short range, from the adjacent public rights of way and Main Road.
11. Along the A286 a reasonably large proportion of the built development is along the opposite side of the road to the appeal site however the settlement extends back from the road by some distance and is not a typical linear settlement. The proposal would therefore introduce a consolidated form of development into an area which at present, is characterised by more sporadic properties and commercial enterprises to the north east further along Main Road. Nevertheless, I have had regard to the location of the existing properties sited close to the appeal site, along The Straight, Bell Lane and Pinks Lane and consider that the development of the appeal site would be read in the context of these properties also when travelling through the village. As such, I find that the development of the appeal site would not be completely at odds with the character and appearance of the area and, with sensitive and careful design and layout, would assimilate into the existing built form to an acceptable degree. Furthermore, when viewed from the rear and along the public right of way, the proposed dwellings would be seen in the context, and against the backdrop, of the existing properties on Main Road.
12. The appeal site itself is not located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) however adjoins it. The Chichester Harbour AONB Landscape Character Assessment includes the appeal site in LCA I1: Manhood Peninsula. This character area is defined as having predominantly open arable farmland, medium to large-scale field patterns, historic north-south road and settlement patterns and a largely undeveloped character, amongst other things. The Chichester Harbour Conservancy have provided a letter outlining their objections to the proposal in relation to the impacts on the AONB.
13. I acknowledge that there would be a change in the nature of the appeal site when viewed from Main Road towards the AONB and I have had regard to the characteristics of the site in its current form and its contribution to the setting

of the AONB. The Landscape and Visual Assessment⁴ identifies the landscape receptor overall effect for the various receptors and concludes a sensitivity level of high for the Chichester Harbour AONB and its setting. It goes on to consider that the magnitude of effect and overall effect during the construction period, at year 1 and year 15 would be localised, low negative and negligible overall.

14. As the appeal site is relatively enclosed as a result of the existing boundary treatments this reduces the strength of the links with the wider landscape and its contribution to the AONB. From a number of locations in and around Birdham the appeal site is seen within the context of the existing built form and activity in the village, not just in terms of housing but also the convenience store and petrol filling station. As such, I find that the proposed development could be carried out in a way which would not be detrimental to the setting, character or enjoyment of the AONB, subject to appropriate landscaping and design of the properties themselves.
15. As part of the proposed development, the majority of the site boundary trees and hedgerows would be retained. In addition, further planting and substantial green infrastructure would be introduced into the site to strengthen the existing boundaries and to soften the overall appearance of the development. There would be a substantial green buffer to the eastern boundary which would minimise the impacts on the countryside beyond. The Development Framework and Design Code demonstrate careful thought into the form of the proposed development and any subsequent proposal in line with the indicated parameters would have good potential to achieve a high quality development, with the green infrastructure serving to soften the transition between the built form of the development and the countryside. Given the close range and limited visual and character impacts, I find that with careful design and landscaping, the proposed development could be adequately assimilated into the landscape.
16. The appeal site comprises agricultural land which was in use for growing crops at the time of my visit. The soil sampling carried out by the Appellant indicates that the land comprises Grade 2, Grade 3a and Grade 3b. Grades 2 and 3a are categorised as being best and most versatile (BMV) agricultural land and are therefore high quality. Grade 3b does not fall within this categorisation. As such, there would be a loss of good quality agricultural land however this would amount to a relatively small area in the context of the wider agricultural landscape. Furthermore, I have been provided with the Natural England Agricultural Classification Map which shows that a large proportion of the agricultural land outside of the AONB falls within Grades 1 and 2. Coupled with the designations of the AONB this results in a degree of constraint for developable land within the area.
17. Given the above considerations, whilst it is unlikely that housing on a greenfield site would not cause any adverse visual and landscape effects by its very nature, I find that the proposed development could be successfully assimilated into the landscape, subject to a robust and careful landscaping scheme and a sensitive layout and design. I have considered the existing settlement pattern however find, for the above reasons, that the introduction

⁴ Table 3

of dwellings into this side of Main Road would not be unacceptably harmful to the character and appearance of the area. Furthermore, I accept the findings of the Landscape and Visual Assessment and with the proposed mitigation measures and a carefully designed scheme the proposal would not give rise to unacceptable impacts on the landscape, the surroundings or in terms of any of the character areas.

18. Accordingly, the proposed development would therefore comply with Policies 33, 43, 48 and 52 of the Chichester Local Plan 2014 – 2029 (Local Plan), which seek to ensure that proposals meet the highest standard of design, are in keeping with and protect the character of the surrounding area and its setting in the landscape, conserve and enhance the natural beauty, local distinctive features, character and special qualities of the AONB and contribute towards the provision of additional green infrastructure, amongst other things. It would also meet the aspirations of Birdham Parish Neighbourhood Plan (BPNP) Policy 16.

Access to services and facilities and the scale of the development

19. Policy 2 of the Local Plan sets out the settlement hierarchy and identifies Birdham as a Service Village. Service Villages follow Chichester City and the Settlement Hubs as the third priority for new development and facilities, comprising of small scale housing developments, local community facilities and small scale employment, tourism or leisure proposals. Policy 5 of the Local Plan expands on this and details that small scale housing sites will be identified to address the specific needs of local communities and assigns an indicative housing number of 50 to Birdham. This is reflected in Policy 12 of the BPNP, which also highlights that there are no plans to allocate sites at present.
20. The appeal site is located adjacent to, but outside of, the defined settlement limits for Birdham. Policy 2 also refers to development in the countryside and states that development in these areas are restricted to that which requires a countryside location or meets an essential local rural need or supports rural diversification. Policy 45 expands on this and reiterates the types of developments and criteria that would be supported in a countryside location. Policy 13 of the BPNP shows the Settlement Boundary Area for Birdham and states that outside of this boundary is deemed to be rural and Policy 15 reflects Local Plan Policy 45. The proposal does not meet the criteria within Policies 2 and 45 in relation to the countryside.
21. The proposed development would considerably exceed the 50 dwellings specified within Policy 5 and would represent around a 20% increase in the number of dwellings in Birdham at present. Policy 14 of the BPNP states that schemes for 5 or fewer dwellings within the Settlement Boundary Area will be supported subject to criteria. Nevertheless, it is necessary to consider the level of services available to support the settlement and a numerical or percentage increase in itself may not be harmful.
22. Within Birdham facilities and services include a convenience store, located opposite the appeal site, garden centres and café's, a recreation field and club, a petrol station with small shop and a primary school. There is also a business park which may provide opportunity for employment, albeit limited. Plans have been provided which show the walking and cycling distances between the

appeal site and the wider area⁵. These demonstrate that there are reasonable opportunities for access to a number of facilities by foot or cycle and I note the location of local Public Rights of Way⁶.

23. Further afield, Chichester is located to the north east of Birdham, accessed via the A286, and provides a wide range of facilities including employment opportunities, numerous shops and restaurants and a train station with regular services to wider areas. There are existing bus services between Birdham and Chichester, amongst other places, with bus stops located in proximity to the appeal site. I have been provided with details of the bus services and frequencies which demonstrate a reasonable level of service⁷ including some into the evening. It would be possible to catch a bus to Chichester and then utilise the train services further afield. The station in Chichester provides regular services to wider locations including Portsmouth, Brighton and Gatwick Airport.
24. In addition, the development would include a number of highway improvements and links including additional pedestrian routes, crossings, and upgrades to parts of existing public rights of way which would contribute to the accessibility to other areas by means other than the private car.
25. Given the above, whilst the proposed development would exceed the indicative number of 50 dwellings in Policy 5 and would not meet the criteria within Policies 2 and 45 of the Local Plan or Policies 12, 13, 14 and 15 of the BPNP, I find that the level of services in Birdham, as well as the accessibility to wider facilities and services in Chichester and further afield, mean that Birdham is a suitable location for new development. I accept that future residents of the proposed development may be likely to use private vehicles to access services in the wider area particularly as there may be limited employment opportunities within Birdham itself, however I find that there are sufficient and suitable options for alternative transport methods provided to allow access to other areas for a range of journey purposes which would comply with the provisions of Policies 8 and 39 of the Local Plan and Policy 10 of the BPNP. The aims of Section 9 of the Framework would also be met.

Drainage

26. The appeal site is located within an area classed as Flood Zone 1. The proposal has been accompanied by a flood risk assessment⁸ and a groundwater information note⁹ and the site has been assessed via boreholes and the monitoring of groundwater levels over different periods within 2021 and 2022. The data used identifies the appeal site as being at a negligible risk of groundwater flooding. The proposed development would include a surface water management system including the retention of the existing pump and arrangements for flow attenuation. I note that the Development Framework demonstrates that there are substantial areas within the site that would remain undeveloped, such as the areas of open space.

⁵ CD E21 Figures 5.1 and 5.3

⁶ CD E21 Figure 5.2

⁷ CD E21 Transport Assessment Section 6.2.2

⁸ Lees Roxburgh Flood Risk Assessment Ref: 6573/R2

⁹ Land off Main Road, Birdham – Groundwater Information (E11)

27. The development would incorporate a connection to the existing watercourse network to the south eastern corner of the appeal site, as it has been identified by the submitted Flood Risk Assessment that the ground investigations carried out indicate that the conditions, resulting from the underlying sand, silt and clay, would not be suitable for infiltration based drainage. As such, flow attenuation would be via a piped system and pumped, with overall flows restricted to the identified Q_{bar} rates.
28. I note that within the area to the south of site in the vicinity of Briery Cottage and Pink's Lane it has been identified that there have been flooded ditches. The Appellant's LIDAR data and site contour analysis indicates that all surface water leaves the site via the ditch at Briery Cottage. In contrast, at the Inquiry a topographic survey¹⁰ was provided by the BVRA indicating the likely flows from the appeal site from the four catchment areas, with water from catchments B and C leaving the site from the north east and eastern boundaries of the site.
29. In terms of surface water flows, based on the evidence before me, whilst there may be some flows to other areas around the site, it is demonstrated that much of the flows from the appeal site are directed towards the south eastern corner and into the drainage system there. The flows would be directed to the network to the rear of Briery Cottage, to the system that runs along Pinks Lane and onwards to Bookers Lane. Furthermore, it has been shown within the Catchment Assessment that whilst some water may leave the site at points other than the south eastern corner, the flows are then likely to run back towards this point¹¹.
30. The differences between topography and LIDAR data has been highlighted and I accept that topographical is more accurate with a tolerance of +/-5mm rather than +/-15mm associated with the LIDAR approach. However, the figures that I have show the topographical data mainly contained within the site and the LIDAR goes wider. I understand that it is an industry standard to use LIDAR and to carry out topographical surveys over a wider area may be difficult. The analysis has been carried out using both a Digital Terrain Model (DTM) and a Digital Surface Model (DSM) and the results only show a slight difference between the DTM and DSM flow routes. As such, I am satisfied with the appropriateness of the use of LIDAR for assessing the appeal site and surroundings.
31. Reference was made to the Briery Cottage ditch being flooded during the surveys. However, the extent of this was not clarified and there is little evidence to suggest that it had breached and overtopped the ditch at this time. A number of local residents raised concerns in relation to the impacts upon their homes from flood related issues previously and I have been provided with many photographs showing standing water and issues in the local area and further downstream. I viewed the hardstanding and pipe along Pink's Lane which is used by sewage tankers for pumping. I also have had regards to the photographs and additional information provided by Dr Ross in relation to flooding and drainage issues in the area. I understand the significant concerns that the local residents have in relation to this issue, however, it is not clear to me the specific details of these events and I have limited details of the evidence base which accompanied the information presented to me. Also,

¹⁰ ID1 33217 Drawing 04 Rev P1 – Topographic Survey

¹¹ Dr Ellis Rebuttal Proof of Evidence

whilst this existing situation would impact on the lives of local residents, based on the extensive information provided to me in relation to flood risk and water flows in and around the site, it has not been demonstrated that the proposed development would result in significant increases in the volume water flows to this point to exacerbate these issues or that the site could not be developed with suitable measures in place to prevent additional and excessive flows. Furthermore, in relation to the concerns over foul water drainage and previous issues faced by the residents, Southern Water have a statutory duty to ensure that the system is satisfactory and fit for purpose and does not lead to issues locally or elsewhere.

32. Following the Inquiry further points relating to the drainage network were provided by a local resident. I have considered these, however find that they raise no additional evidence or material considerations that would alter my findings in this instance. As such, this additional information does not alter any of my above conclusions.
33. I have had regard to the consultee responses, including those from Southern Water and the objections raised by the Lead Local Flood Authority (LLFA). Southern Water highlight that any network reinforcement that is deemed necessary to mitigate any increased risk of foul flooding from the sewer network would be provided by themselves and provides guidance relating to the requirements of the developer. It is usual that in principle development should connect to the local sewerage system at the nearest point where capacity exists and any works required can be secured by condition. Furthermore, the inclusion of relevant mitigation measures may also overcome constraints to capacity.
34. The LLFA's objections related to the details provided as part of the FRA, Surface Water Drainage Strategy and supporting information. However, having considered the content of these documents, as well as the evidence presented at the Inquiry and the Council's Surface Water and Foul Drainage Supplementary Planning Document¹² and the Strategic Flood Risk Assessment (SFRA)¹³ I am satisfied that the level of evidence provided is adequate and further information relating to additional flows, including velocity and volume, and the details of the appropriate schemes, drainage methods and mitigation measures can be reasonably secured by condition.
35. Considering all of the above, I find that it has been sufficiently demonstrated that the proposed development could achieve a suitable drainage system without resulting in adverse impact upon the surrounding area and that the use of a pumped system is justified. I therefore find it appropriate to secure the additional required information in relation to drainage and flooding via conditions to ensure that the site would not give rise to additional or exacerbate existing issues relating to the drainage network. The proposal would therefore comply with Policy 42 of the Local Plan which seeks to ensure that, as a minimum there is no net increase in surface water run-off and priority is given to incorporating SuDS unless it is proven that SuDS are not appropriate, amongst other things. It would accord with the aims of BPNP Policy 18, Policy 20 and Policy 21. It would also meet the aspirations of Section 14 of the Framework.

¹² CD B08

¹³ CDs C18, C19, C20, C21 and C22

Infrastructure Contributions

36. Two signed legal agreements, comprising a Section 106 Agreement¹⁴ and a Unilateral Undertaking¹⁵ have been submitted. It is only the matter of the contribution to the A27 mitigation that is disputed between the Council and Appellant.
37. Policy 9 of the Local Plan seeks to ensure that all development provides or funds new infrastructure, facilities or services required, both on and off-site, as a consequence of the proposal and, where appropriate, mitigate the impact of the development on existing infrastructure, facilities or services and fund or contribute to improvements to increase the effectiveness and efficiency of infrastructure, facilities or services, amongst other things.
38. Whilst the appeal proposal in isolation would not result in a severe impact on the highway network, the Council have considered that the cumulative impact on the highway network gives rise to the need for mitigation contributions. The Council consider that the current A27 improvement contribution levels in accordance with Policy 9 of the Local Plan and the Planning Obligations and Affordable Housing Supplementary Planning Document are no longer appropriate and to proceed with the lower amount would leave a considerable shortfall. I have also been provided with a letter from National Highways¹⁶ which supports and provides reasons for this position.
39. A number of junctions of the A27 are currently operating over capacity. The Chichester Transport Study¹⁷ was carried out in January 2023 which identified that, going forward, a significant mitigation package would be required overall, identifies a number of schemes in relation to the A27 and prioritises the A27 Fishbourne junction and Bognor junction. It also highlighted estimated costs of between £89 million and £134 million for the A27 schemes and considers that the current requirements are unlikely to achieve sufficient funding to support the various schemes in the short term and by the end of the Local Plan period of 2039¹⁸.
40. The Council have prepared a draft A27 Chichester Bypass Mitigation Supplementary Planning Document¹⁹ (August 2023) (draft SPD) which had been before the Council's cabinet in September 2023. This identifies a new transport contribution based on the apportionment of the overall costs between the level of dwellings anticipated to come forward under the Local Plan Review²⁰. I am not seeking to undermine the work undertaken to date in relation to this matter, nor suggest that it is not relatively robust, I also acknowledge that the current policy is not sufficient to meet the costs arising in relation to the required works. However, this and its evidence base has not

¹⁴ Planning Agreement Under Section 106 of the Town and Country Planning Act 1990 relating to Whitestone Farm, Main Road, Birdham, Chichester, West Sussex, PO20 7UH between (1) Chichester District Council (2) West Sussex County Council (3) Deborah Anne Osborne and Julie Elizabeth Mary Jones (4) Itchenor Gate Farms and (5) Gladman Developments Limited dated 14 September 2023.

¹⁵ Planning Obligation by deed of undertaking under Section 106 of the Town and Country Planning Act 1990 relating to Whitestone Farm, Main Road, Birdham, Chichester, West Sussex, PO20 7UH (1) Deborah Anne Osborne and Julie Elizabeth Mary Jones (2) Itchenor Gate Farms and (3) Gladman Developments Limited dated 14 September 2023.

¹⁶ ID11 – National Highways Letter ref: NH Position Chichester SPD dated 11 September 2023

¹⁷ Stantec Chichester Transport Study: Local Plan Review Transport Assessment Dated January 2023.

¹⁸ Paragraph 9.11.1 Chichester Transport Study

¹⁹ CD L11c

²⁰ Draft SPD Paragraphs 4.8 – 4.12

been formally or fully tested as part of an adoption or local plan process. I have been presented with appeal decisions where the Inspectors have found in favour of the increased contribution, and where the Inspectors have concluded it is appropriate to accord with the current requirements, however based on the specific evidence provided and heard at the Inquiry in this case, I have concerns over the need to test the content of the draft SPD formally. I also acknowledge that there can only be a degree of certainty with the projects themselves and the need for flexibility however, I find that the documents provided to date do not provide a sufficient amount of detail of the works required and how the contributions would be used to meet the necessary tests.

41. Taking all of the evidence into account, whilst I acknowledge that the level of funding secured under the current arrangements would not cover all of the identified schemes. I note that the issue is a collective one and would not be as a result of this development in isolation. Nevertheless, the draft SPD has not been fully tested at this stage. Furthermore, whilst the affected junctions have been identified, I find that there is still a lack of clarity of the works required to the junctions. As such it has not been demonstrated that the higher amount has been justified and would meet the necessary tests. Accordingly, I find that the lower contribution, contained within the submitted unilateral undertaking is justified and meets the tests and as such, the clause within the Section 106 takes effect and the relevant provisions within the Section 106 do not apply.
42. In addition to the highway network contribution, the Section 106 Agreement secures the provision of affordable housing, the provision of first homes, contributions for recreation disturbance mitigation, the provision of open space and play area land, a travel plan and audit. In respect of these provisions, I am satisfied that these are necessary, directly related, and fairly and reasonably related in scale and kind. The Section 106 has been prepared in a way which I am satisfied will secure the necessary contributions.
43. Based on the evidence before me, I find that, in combination, the submitted legal agreements make suitable provision for infrastructure contributions that would sufficiently mitigate the impacts of the proposed development. It therefore complies with Policy 9 of the Local Plan and Policy 9 of the BPNP.

Five-Year Housing Land Supply

44. At the Inquiry, the parties agreed that there was a shortfall in the Council's five year supply of deliverable housing sites with three remaining disputed sites between the Council and Appellant, comprising Land North of Cooks Lane, Southbourne, Graylingwell Hospital, Chichester and Land West of Centurion Way, Chichester. There is also a difference between the Council and Appellant in relation to minor windfall sites and major windfall sites. In relation to the three disputed sites, the Council and Appellant's positions vary by 247 units and the windfall sites total a difference of 260. This has led to the Council's calculated position of 4.65 years in contrast with the Appellant's position of 3.9 years. An Interim Position Statement for Housing Development (IPS)²¹ was produced by the Council to provide an updated position. The IPS identifies 13 criteria by which development proposals should be considered. However, the IPS is not a formally adopted document nor a supplementary planning

²¹ CD B06

document, nevertheless I have had regard to the criteria in my assessment of the proposal.

45. The new National Planning Policy Framework (2023) was published on 19 December 2023 which included changes to the five-year housing land supply requirements, amongst other things. The comments received from the parties in relation to this new version considered that the new arrangements relating to the need for only a 4 year supply of housing land applies to the Council. The Council therefore are of the view that they can now demonstrate a sufficient supply of housing land as their calculations exceed the 4 years. The Appellant agreed that the 4 year requirement applies however, as they consider the housing land supply to be 3.9 years, they state that the Council still cannot demonstrate a sufficient supply and therefore the tilted balance still applies.
46. However, although I do not dispute the Council's revised position going forward, transitional arrangements have been put in place and Footnote 79 states that the policy contained in paragraph 76 and the related reference in footnote 8 of this Framework, and which refers to the 4 year change, should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this version of the Framework. Consequently, notwithstanding the new position, the transitional arrangements mean that in this particular case, as it was originally submitted prior to the 19 December 2023, the original housing land supply requirements apply.
47. Returning to the original position of the parties therefore, with housing land supplies of 3.9 and 4.65 years respectively, I find that it is not necessary for me to conclude specifically on the disputed sites as in either case there is a shortfall. The Council and Appellant, whilst having a difference in the five-year housing land supply, do not appear to consider that this makes a difference to the weight to be given to the provision of housing. Indeed, in both cases the Council's supply of housing land falls below 5 years.
48. It is agreed by the parties that the Council cannot demonstrate a five year supply of housing land and it is not disputed that this results in the relevant policies of the development being out of date. The Statement of Common Ground identifies the relevant policies²² in relation to this proposal and the most important policies as being Policy 2, Policy 4, Policy 5 and Policy 45. The Council and Appellant agree that they are considered to be out of date²³. As such, these policies cannot carry full weight.
49. Notwithstanding the housing land supply considerations above, the BVRA considered that the tilted balance is not triggered as a result of the reference to flood risk in Footnote 7. Paragraph 11 d) i states that where there are no relevant development plan policies, the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect these areas or assets of particular importance provides a clear reason for refusing the development proposed, and footnote 7 includes areas at risk of flooding or coastal change. However, I interpret the provisions of the Framework in this regard to relate to areas designated under Flood Zones 2 or 3 as being those at high risk. Based

²² Paragraphs 3.2.1, Paragraphs 3.3.3 of the Planning Statement of Common Ground (CD J01)

²³ Paragraphs 3.22 and 3.23 of the Planning Statement of Common Ground

on its flood risk classification, the appeal site is located within a low risk flood zone and whilst there has been much debate over the drainage matters, I find that the appeal site is not within an area at risk of flooding based on my drainage conclusions and the designation of the site within Flood Zone 1, which is low risk. Paragraph 165 of the Framework requires development to be directed away from areas at highest flood risk, and paragraph 167 highlights the need for a sequential, risk-based approach. Furthermore, the Planning Practice Guidance refers to areas at risk of river and sea flooding being principally land within Flood Zones 2 and 3 or where a Strategic Flood Risk Assessment shows it will be at risk of flooding in the future²⁴. The appeal site would therefore be sequentially preferable as it is largely within Flood Zone 1 and consequently, I find that the provisions within Footnote 7 in respect of flood risk do not apply in this instance and therefore the tilted balance applies.

50. Consequently, it has been demonstrated that, in this case, there is a shortfall in the Council's five year housing land supply and accordingly the proposed development would make a contribution to the housing need. I will return to this and the weight that it should carry in the following planning balance section.

Other Matters

Highways Matters

51. The proposed vehicular access to the appeal development would be off Birdham Road towards the northern corner of the site. At this point along Main Road, visibility is good. There would be pedestrian and cycle paths along the site frontage, within the landscaping buffer of the appeal site, which would link up with the existing footpath and public rights of way. There would also be an additional pedestrian crossing provided on Main Road and contributions towards improvements to the cycleway between the appeal site and Sidlesham Lane.
52. There have been a large number of concerns raised from local residents in relation to congestion and delays on the A286 and difficulty accessing other areas at certain times of the day. As part of the Transport Assessment, traffic counts were carried out as well as studies into the likely traffic generation from the proposed development and the impacts on the highway network and a study of a number of junctions. It also included details and consideration of accident data for the area. I have also considered the Highways Response²⁵, the Highways Statement of Common Ground²⁶ and the Stage 1 Road Safety Audit.
53. The Parish Council provided a review of the traffic impacts²⁷ and there have been a number of local concerns raised in relation to highway capacity and safety. However, I note that the County Council have not raised any concerns about the impact of the proposed development on the highway in terms of safety or capacity. Having regard to the detailed evidence put forward by the Appellant, I am satisfied that it has been demonstrated that there would not be an unacceptable impact on highway safety or that the cumulative impacts on

²⁴ Paragraph: 001 Reference ID: 7-001-20220825 (ID16)

²⁵ Benjamin David Jackson, Ashley Helme Associates Ltd

²⁶ Highways Statement of Common Ground with West Sussex County Council

²⁷ Transport Planning Associates letter dated 25 August 2023

the highway network would not be severe as a result of the development, as required by paragraph 115 of the Framework.

Protected Species and Habitats

54. The appeal site is within the 5.6km Zone of Influence of the Chichester and Langstone Harbours Special Protection Area (SPA). The Habitat Regulations require that where a project is likely to result in a significant effect on a European site, a competent authority is required to make an appropriate assessment of the implications on the integrity of the European site in view of its conservation objectives. Any likely significant effects arising from the development need to be considered alone and in combination with other development in the area.
55. The appeal proposal has been accompanied by a number of documents²⁸ assessing the impact of the proposal on protected species and habitats and these have also been considered by the relevant statutory consultees, including the Environmental Protection team. The development is likely to result in recreational disturbance through increased coastal visits, dog walking and cycling, jogging and walking, unless suitable mitigation measures are secured.
56. The Solent Recreation Mitigation Strategy (SRMS) has been produced to mitigate the effects of new development through a number of measures including educational material, permits, management activities and monitoring. The Appellant has presented, within the legal agreement, provision for the required contributions towards the necessary mitigation as detailed within the SRMS and no objections have been raised by Natural England on this basis. I am therefore satisfied that the content of the legal agreement is sufficient to secure the necessary mitigation in relation to the European sites and their objectives and accords with the requirements of the SRMS. I therefore find that the proposed development would not conflict with the Habitats Regulations and the mitigation measures and contributions would ensure that there would be no adverse impact upon the integrity of the SPA in accordance with Policy 50 of the Local Plan.

Local Objections

57. A large number of local and Parish Council objections have been received and a number of local residents spoke at the Inquiry. In addition to the above matters, their concerns included lack of medical care and school facilities and adverse impacts on tourism.
58. In relation to lack of facilities, I have been provided with little evidence to demonstrate that there are capacity issues in terms of medical care or education facilities and neither the Council nor any statutory consultees have requested contributions toward such facilities. I have little before me to evidence that levels of tourism would be affected by the location and scale of the development proposed.

Planning Balance

59. I have concluded there would be a breach of Policies 2, 5, and 45 of the Local Plan. However, as a result of the most important policies being considered out

²⁸ CD E05, CD P07, CD P08, CD P09, CD P10, CD P11, CD P12

of date, these conflicts can only attract limited weight. There would also be conflict with BPNP Policies 12, 13, 14 and 15. I acknowledge that there would be a loss of BMV agricultural land, although not a significant amount and this would therefore carry limited weight. There would be some impacts in terms of the landscape and visual effects of the proposed development, however I have found that these would not be unacceptable, therefore these impacts also carry limited weight. I have considered the criteria listed within the IPS document and find that of the 13 listed criteria that are relevant to this case²⁹, the proposed development would comply.

60. The proposed development would also result in a number benefits. It would provide up to 150 dwellings including affordable housing which I give significant weight to given the need for new housing locally and nationally. There would be economic benefits arising in both the short term through employment opportunities during the construction period and in the longer term as a result of new residents contributing to the local economy. I consider this attracts moderate weight. The provision of Biodiversity Net Gain, which could potentially exceed 10%, would also carry moderate weight in the planning balance. The proposed improvements and additions to the pedestrian and cycle networks would constitute benefits of the appeal scheme and taken collectively would provide notable improvements and therefore carry significant weight. I also consider that the provision of open space would attract moderate weight.
61. As a result of the transitional arrangements of the new NPPF, and my findings in relation to the flood risk references in Footnote 7, I conclude that in this case the tilted balance applies. I therefore conclude that, in this case, the harms arising from the proposed development and the identified policy conflicts, and therefore the conflict with the development plan as a whole, are significantly and demonstrably outweighed by the identified benefits. Nevertheless, in any case were the transitional arrangements considered not to apply in this case and the flat balance was therefore applicable, given the limited levels of harm arising from the proposal, I consider the benefits would represent material considerations which would outweigh the development plan conflict in this instance.

Conditions

62. In addition to the standard time limit and reserved matters conditions for outline applications (1, 2, and 3), I have imposed a condition listing the approved plans (4) as this provides certainty. I have been provided with a list of suggested conditions which were discussed with the parties, and I have considered against the necessary tests in the Planning practice guidance.
63. Condition 5 is necessary to ensure the development that comes forward is in compliance with the indicated design code. I have imposed conditions 6 and 8 in order to ensure that the construction period is carried out in a timely manner and in a way that will protect the living conditions of existing residents. Conditions 7 and 22 are necessary in order to ensure the development would protect and enhance local habitats and result in ecological enhancements. Condition 9 is necessary to ensure that the existing trees are protected and not damaged or removed during the construction period.

²⁹ Criteria 1, 2, 3, 4, 5, 7, 8, 9, 10, 11 and 13

64. I have imposed condition 10 in order to ensure that the site is safe and appropriate for the end use and to ensure that any contamination is dealt with correctly. Condition 11 is essential to ensure that an adequate and functional system for foul water drainage is provided. Conditions 12, 13 and 14 are necessary to ensure that surface water drainage is carried out in a suitable way to ensure no additional flood risk to the site and surrounding area occurs as a result of the development. I have considered the Council's additional conditions, the suggested drainage conditions in the LLFA Letter³⁰ and the Appellant's comments and revised wording³¹. Based on the information before me, I consider that the Appellant's suggested wording covers the necessary requirements and are sufficient to secure the necessary drainage information. I have therefore used this wording.
65. I have imposed condition 15 to ensure that any archaeological remains on site are protected and not damaged by the works on site. Conditions 16, 17 and 26 are necessary in the interests of highway safety, providing safe vehicular access and egress and to provide alternative travel options to the private car. Condition 26 relates to land outside of the appeal site however it was advised at the Inquiry that the works can be legally carried out.
66. Conditions 18, 19, 20 and 21 are imposed in order to ensure that the development accords with the principles of sustainability and in the interests of future residents. I have imposed conditions 23, 24 and 25 in the interests of the character and appearance of the area, the living conditions of neighbouring and future residents. I have included wording to ensure that the affordable homes are not visually distinguishable from the open market housing to accord with the similar provision in the legal agreements in relation to the first homes as discussed at the inquiry.
67. Conditions 8, 9, 11, 12, 13, 14, 15, 21, and 22 are pre-commencement conditions as it is fundamental to have the details for these agreed before any work commences on site.

Conclusion

68. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

³⁰ ID13 – West Sussex County Council Lead Local Flood Authority dates 8 September 2023

³¹ Appellant's Revised Drainage Condition and Justification Note

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 any development takes place and the development shall be carried out as approved.
- 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.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos D8610.001 rev D Location Plan and 1736/06 rev I Proposed Access Arrangement Plan.
- 5) Detailed plans and particulars of the reserved matters submission(s) shall be in compliance with the approved Design Code (August 2021) 8610.001 rev B and each reserved matters submission(s) must demonstrate compliance with the design requirements set out in the Design Code.
- 6) As part of the first reserved matters application the developer shall submit to and have approved by the local planning authority a construction phasing plan (including timescales) for the carrying out of the development. The development shall thereafter be carried out in accordance with the approved timetable.
- 7) Notwithstanding that 'layout' and 'landscaping' are reserved matters on this application, the subsequent reserved matters details to be submitted for approval by the local planning authority shall incorporate the following mitigation measures and ecological enhancements:
 - a) Wildflower meadow grass planting;
 - b) Filling gaps in tree lines or hedgerows with native species;
 - c) The provision of bat brick/boxes to be installed into the agreed dwellings and bird boxes to be installed within the retained trees on site;
 - d) The provision of 2 no. log piles as hibernacula for reptile mitigation; and
 - e) Gaps to be provided at the bottom of the fences to allow movement of small mammals across the site.
- 8) No development shall commence until a Construction Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans for that development has been submitted to and approved in writing by the local planning authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the local planning authority. The CEMP shall provide details of the following:
 - a) The phased programme of construction works;

- b) The anticipated number, frequency and types of vehicles used during construction;
 - c) The location and specification for vehicular access during construction;
 - d) The provision made for the parking of vehicles by contractors, site operatives and visitors;
 - e) The loading and unloading of plant, materials and waste;
 - f) The storage of plant and materials used in construction of the development;
 - g) The erection of maintenance of security hoarding;
 - h) The location of any site huts/cabins/offices;
 - i) The provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
 - j) Details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details known to all relevant parties.
 - k) Measures to control the emissions of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse;
 - l) Measures to control the emission of noise during construction;
 - m) Details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety;
 - n) Appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas;
 - o) Measures to reduce air pollution during construction, including turning off vehicle engines when not in use and plant servicing;
 - p) Waste management including prohibiting burning and the disposal of litter;
 - q) Provision of temporary domestic waste and recycling bin collection point(s) during construction; and
 - r) Hours of construction.
- 9) No development shall commence on site, until protective fencing has been erected around all trees and shrubs on the northwest and southwest site boundaries in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the local

- planning authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.
- 10) In the event that land contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. The development shall not be first occupied until;
- i. An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii. Where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use; and
 - iii. A verification report for the remediation shall be submitted in writing to the local planning authority before the development is first brought into use.
- 11) No development shall commence until details of the proposed means of foul water sewerage disposal have been submitted to and approved in writing by the local planning authority. Thereafter all development shall be undertaken in accordance with the approved details. No occupation of any dwelling shall take place until the approved off-site works have been completed or, in the event that the off-site works are not completed in full by the time of first occupation, then detailed interim on-site measures for the disposal of foul water sewerage shall be submitted to and agreed in writing by the local planning authority and implemented in full.
- 12) Prior to, or in conjunction with, the first Reserved Matters application for the development hereby permitted, details of a surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall:
- a) Include a survey of the piped land drainage system within the site and include details of any mitigation works necessary to preserve flow from any contribution land;
 - b) Be designed to secure separate systems of drainage for foul and surface water;
 - c) Limit discharge rates to the predevelopment Qbar rate (12.97l/s) for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change;
 - d) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - e) A final drainage plan which details exceedance and conveyance routes;

f) Demonstrate that only where necessary the surface water that must be discharged via a pumped system is discharged via this method whilst the remainder is discharged via a gravity system; and

g) Include a timetable for its implementation.

The development shall be carried out and maintained in accordance with the approved scheme and no dwelling shall be occupied until the surface water drainage scheme serving it is operational.

- 13) Development shall not commence until a detailed construction phase surface water management plan, including a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the local planning authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure that there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with the approved method statement, unless alternative measures have been subsequently approved by the local planning authority.
- 14) No development shall take place until a Maintenance Plan detailing the maintenance arrangements for the existing land drainage system and the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing by the local planning authority. Should any part be maintainable by a management company, details of long-term funding arrangements should be provided. The land drainage and surface water drainage systems shall be maintained in accordance with the approved details.
- 15) No development shall commence on the site until a written scheme of archaeological investigation of the site, has been submitted to and approved in writing by the local planning authority. The scheme shall include proposal for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details.
- 16) No part of the development shall first be occupied until such time as works have been constructed in accordance with the details shown on the drawing titled Proposed Access numbered 1736/06 Rev I.
- 17) No dwelling hereby permitted shall be first occupied until the car parking space(s) and any associated turning space serving that dwelling have been constructed, surfaced and drained in accordance with plans and details that shall have been submitted to and approved in writing by the local planning authority. The parking space(s) and any associated turning space shall thereafter be retained at all times for their designated purpose.
- 18) No part of the development shall be first occupied until Electric Vehicle Charging (EVC) spaces serving the respective dwellings has been

- constructed in accordance with plans and details to be submitted to and approved in writing by the local planning authority.
- 19) No dwelling shall be occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with the reserved matters submitted.
 - 20) Prior to the occupation of any dwelling, footways and cycleways identified on Drawing 1736/08 shall be made available for use.
 - 21) No development shall commence until full details shall be submitted to and be approved in writing by the local planning authority showing how the development is to achieve the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014 – 2029. The development shall thereafter be carried out in accordance with the approved details.
 - 22) Before the development commences a reptile activity survey shall be carried out and the results of that survey together with a reptile mitigation strategy (if required) including a programme for its implementation shall be submitted to and approved in writing by the local planning authority. Thereafter the strategy shall be implemented fully in accordance with the approved details.
 - 23) No construction of any buildings above slab level shall be carried out unless and until a full schedule of all materials and finishes including samples and finishes for external walls and roofs of the proposed buildings and surfacing materials have been submitted to and approved in writing by the local planning authority. At the same time, a design statement shall be submitted detailing how the proposed materials respond to design considerations for new development in the made Birdham Parish Neighbourhood Plan. The affordable homes shall not be visually distinguishable from the open market units based on their external appearance. All approved materials and finishes shall be used for the development unless otherwise agreed in writing by the local planning authority.
 - 24) Before first occupation of any dwelling details of any external lighting of the site shall be submitted to and approved in writing by the local planning authority. This information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details, unless the local planning authority gives its written consent to any variation. The lighting scheme shall take into consideration the presence of bats in the local area and shall minimise potential impacts to any bats using trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional lighting sources and shielding. Note: Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.
 - 25) Before first occupation of any dwelling, details showing the precise location, installation and ongoing maintenance of fire hydrants to be supplied (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the local planning authority in consultation with West Sussex County Council's Fire and Rescue Services. The approved fire hydrants shall be installed before

first occupation of any dwelling and thereafter be maintained in accordance with the approved details.

- 26) Details of the upgrade works to Footpath 48 between the site and Sidlesham Lane, to establish this as a bridleway shall be set out in the first reserved matters application, but which shall be broadly in accordance with the route identified on Drawing Ref: ROWLP 002, or another route subsequently agreed. No more than 100 dwellings shall be occupied until that bridleway has been provided in accordance with the approved plans and made available for use in accordance with the approved details.

APPEARANCES

FOR THE APPELLANT:

Martin Carter, Barrister, Kings Chambers, instructed by Stuart Carvel, MTCP (Hons) MRTPI, Planning Director, Gladman Developments Limited

HE CALLED:

Ben Pycroft BA(Hons) Dip TP MRTPI, Director Emery Planning
Ian Grimshaw BA(Hons) MA(LM) MSc CMLI MRTPI, Director, The Environment Partnership (TEP) Limited.
Dr Paul Ellis BSc PhD C.Geol, Managing Director Geosmart Information Limited
Stuart Carvel MTCP (Hons) MRTPI, Planning Director, Gladman Developments Limited

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Dale-Harris, Barrister, Landmark Chambers, instructed by Chichester District Council Legal Department

HE CALLED:

Ivan Tennant MRTPI, MIED, Director, Lambert Smith Hampton
Andrew Robbins MA MRTPI, Senior Planning Officer, Chichester District Council
Tony Whitty BA(Hons) MRTPI, Divisional Manager, Planning Policy, Chichester
Phil Brady BEng MCLITP, Director of Land Development South at Stantec

FOR THE RULE 6 PARTY

Ian Ponter, Barrister, Kings Chambers, instructed by Genesis Town Planning, 26 Chapel Street, Chichester, West Sussex PO19 1DL

HE CALLED:

Paul Gibbs DipLA, CMLI, DipUD, Managing Director of David Jarvis Associates Limited (DJA)
Vincent Carpenter BSc(Hons), CEng, MICE, FCIWEM, MIHT, MIOd, Partner at Archibald Shaw Consulting Engineers
Kris Mitra, MA, MRTPI, Managing Director of Genesis Town Planning

INTERESTED PARTIES:

Timothy Firmston, Birdham Parish Council
Kevin Atree on behalf of Mr Walker, BVRA
Robert Carey, Local Resident
Carey Mackinnon, Local Resident
Linda Park, Chichester Harbour Conservancy
Richard Gubbins, Local Resident
Ian Balantine, District Councillor
Richard Morrison, Birdham Parish Council
Elizabeth Hamilton, Birdham Parish Council and District Councillor
Andrew McFarland, District Councillor
Councillor Pieter Montyn
Dr Colin Ross

DOCUMENTS SUBMITTED DURING THE INQUIRY

- ID1 Topographic Survey Plan prepared by BVRA
- ID2 Appellant's Opening Statement
- ID3 Council's Opening Statement
- ID4 BVRA (Rule 6) Opening Statement
- ID5 Opus 2014 Drainage Review of Bell Lane and Bookers Lane, Earnley commissioned by WSCC
- ID6 Transport and Highways Review (TPA) – Submitted by Birdham Parish
- ID7 Written representation from third party – Carey Mackinnon
- ID8 S106 Legal Agreement
- ID9 Unilateral Undertaking
- ID10a Suggested Conditions
- ID10b Suggested Conditions amended by the Council
- ID11 National Highways Letter dated 11.09.23
- ID12 Representation from Cllr Pieter Montyn WSCC dated 13.09.23
- ID13 Letter from WSCC LLFA dated 08.09.23
- ID14 Appellant's Highway Response by AHA
- ID15 Gladman Response to WSCC LLFA letter
- ID16 Flood Risk – PPG Extract
- ID17 Notes and documents from Cllr Montyn
- ID18 Off-site flood risk assessment from Dr Ross
- ID19 Appeal Decision 3318548 G & R Harris, Main Road, Nutbourne, Chichester
- ID20 Suggested drainage conditions
- ID21 MP Gillian Keegan Email
- ID22 Section 106 Agreement dated 14 September 2023
- ID23 Unilateral Undertaking dated 14 September 2023
- ID24 Closing Submission on behalf of Council
- ID25 Closing Submissions on behalf of BVRA
- ID26 Closing Submissions of the Appellant

DOCUMENT SUBMITTED AFTER THE INQUIRY

- Council's Response to National Planning Policy Framework Dec 2023
- Birdham Village Residents' Association's Response to National Planning Policy Framework Dec 2023
- Appellant's Response to National Planning Policy Framework Dec 2023
- Letter from the Council dated 30 January 2024 and copy of Government Response to the Levelling-up and Regeneration Bill: Reforms to national planning policy consultation – Updated 19 December 2023
- Appellant's Response to Council's further NPPF comments – email dated 9 February 2024.