

**Town and County Planning Act 1990
Section 78 (As Amended)**

STATEMENT OF COMMON GROUND

Prepared by:

**Woolf Bond Planning LLP
for Croudace Homes Ltd**

and

Mid Sussex District Council



Land South of Henfield Road, Albourne

PINS Ref: APP/D380/W/23/3319542

LPA Ref: DM/22/2416

WBP Ref: SB/8373

25th July 2023

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1.0 INTRODUCTION

- 1.1. This Statement of Common Ground (“SoCG”) relates to a Town and Country Planning Act 1990 Section 78 Planning Appeal lodged by Woolf Bond Planning LLP on behalf of Croudace Homes Ltd against the Council’s refusal of an outline planning application for up to 120 dwellings including 30% affordable housing, public open space and community facilities. All matters reserved except for access (LPA Ref: DM/22/2416).
- 1.2. Preparation of this document follows discussions between Steven Brown of Woolf Bond Planning LLP, acting on behalf of the Appellant and Mary-Jane O’Neill of Lambert Smith Hampton acting on behalf of Mid Sussex District Council.
- 1.3. The parties have also prepared a common list of reference documents and these are to be referenced as Core Documents (“CDs”) for the Inquiry.
- 1.4. This SoCG records the matters upon which the parties have agreed with the intention of saving time and resources at the inquiry.
- 1.5. Separate topic-based SoCGs have been prepared as follows:
 - Landscape (**CDD.2**)
 - Heritage (**CDD.3**)
 - Highways¹ (**CDD.4**)
 - Housing Land Supply (**CDD.5**)

¹ agreed between the Appellant and West Sussex County Highways

2.0. DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA

Context

- 2.1. The Appeal Site is located on the settlement edge of Albourne, within walking and cycling distance from local services and facilities.
- 2.2. The Site is located on the southern side of Henfield Road, immediately to the west of the Albourne CE Primary School, on the western edge of the village.
- 2.3. The boundary of the South Downs National Park (SDNP) lies approximately 1.8km to the south of the site at the B2117.
- 2.4. Church Lane runs along the southern edge of the Site and serves residential development to the South of the Site.
- 2.5. Albourne is designated as one of thirteen 'Medium Sized Villages' in the Mid Sussex District Plan (2018). This is the third-highest settlement tier located within Mid Sussex District. It is described as a *"providing essential services for the needs of their own residents and immediate surrounding communities. Whilst more limited, these can include key services such as primary schools, shops, recreation and community facilities, often shared with neighbouring settlements."*
- 2.6. A limited number of employers are in Albourne. The Village Hall in Albourne accommodates community activities such as an under 5's pre-school and afterschool club (at the Village Hall).
- 2.7. There is a primary school within Albourne. The Site is located next to the Albourne CE Primary School.
- 2.8. The Site is approximately 2km from Hurstpierpoint, where the main parade of shops is located as well as access to further educational, retail, employment and recreational facilities. The Site and these facilities are sustainably linked via bus route 273 operated by Metrobus.

- 2.9. The Site is accessible to some local services and facilities by foot and on cycle.
- 2.10. Bus services operate along the B2118 to Crawley and Brighton. There are bus stops in proximity to the Appeal Site (adjacent to the Recreation Ground on the B2118 and on Henfield Road).
- 2.11. Rail services are available from Hassocks station (approximately 4.5km), Burgess Hill (approximately 8.5km) and Wivelsfield (approximately 10km).
- 2.12. As to heritage considerations, which matters are recorded in the Heritage SoCG (**CDD.3**), the Appeal Site is adjacent to the Albourne Conservation Area. Whilst there are no listed buildings within in the Appeal Site, the setting of six listed buildings and the Conservation Area to the east of the Site have been assessed in the heritage evidence.

The Appeal Site

- 2.13. The Site extends to approximately 11.54ha and is located to the south of Henfield Road, on the western side of Albourne.
- 2.14. The Site is identified on the adopted Proposals Map as being located within the countryside, beyond the settlement boundary for Albourne.

3.0 DESCRIPTION OF THE APPEAL SCHEME

Scheme Description

3.1. The Appeal Scheme description is as follows:

“Outline application for the erection of up to 120 residential dwellings, including 30% affordable housing, public open space and community facilities with all matters reserved except for access”

3.2. Only the principle of developing the Site for up to 120 dwellings, the proposed community facilities and the means of access are to be determined as part of this outline application.

3.3. Appearance, landscaping, layout and scale are reserved for subsequent determination.

Plans and Particulars

3.4. The proposals are set out on the following plans:

The Scheme

- i. Site Location Plan No. 3117/A/1001/PR/C
- ii. Proposed Access and Footway Design Plan No. 093.0002.005 Rev C
- iii. Proposed Eastern Access Location & Visibility Splay Plan No. 093.0002.002 Rev C

Supporting Plans, including parameter plans:

- iv. Land Use Plan No. 3117/A/1201/PR/C
- v. Access Plan No. 3117/A/1202/PR/C
- vi. Building Heights Plan No. 3117/A/1203/PR/B
- vii. Density Plan No. 3117/A/1204/PR/B
- viii. Green Infrastructure Plan No. 3117/A/1205/PR/B
- ix. Illustrative Layout Including Additional Land Plan No. 3117/C/1005/SK/K
- x. Site Sketch Layout – Full Site No. 3117/C/1006/SK/M Rev A (as per the plan received on the 16th November 2022 on the online register)

- xi. Illustrative Landscape Masterplan No. 3018-APA-ZZ-00-SK-L-0002 Rev P04

- 3.5. Plans (i), (ii) and (iii) are listed in draft condition 2.
- 3.6. Permission is sought for the principle of up to 120 dwellings along with the proposed community uses listed in the application description and the means of access. They are listed in draft condition 3.
- 3.7. A composite list of the appeal plans and particulars is set out below:

The Original Application Particulars

- Planning Statement (July 2022) (Strutt & Parker)
- Design and Access Statement (July 2022) (Omega Architects Ltd)
- Built Heritage Application Statement (July 2022) (RPS)
- Archaeological Desk-Based Assessment (April 2022) (Orion)
- Agricultural Land Classification and Soil Resources (June 2022) (Reading Agricultural Consultants)
- Energy Statement (July 2022) (Energist)
- Transport Assessment (July 2022) (Paul Basham Associates)
- Travel Plan (July 2022) (Paul Basham Associates)
- Ecological Impact Assessment (July 2022) (CSA Environmental)
- Biodiversity Net Gain Assessment (July 2022) (CSA Environmental)
- Flood Risk Assessment and Drainage Strategy (July 2022) (Wardell Armstrong)
- Landscape and Visual Impact Assessment (July 2022) (Allen Pyke Associates)
- Arboricultural Impact Assessment Rev A (July 2022) (Barton Hyett Associates)
- Air Quality Assessment (July 2022) (Phlorum)
- Lighting Impact Assessment (July 2022) (Designs for Lighting Ltd)
- A Geophysical Survey Report (March 2022) (Magnitude Surveys)
- Phase 1 Ground Conditions Assessment (June 2022) (Stantec)
- A Statement of Community Involvement (July 2022) (BECG)
- Plans
 - o Site Location Plan No. 3117/A/1001/PR/C
 - o Proposed Access and Footway Design Plan No. 093.0002.005 Rev C

- Proposed Eastern Access Location & Visibility Splay Plan No. 093.0002.002 Rev C
- Land Use Plan No. 3117/A/1201/PR/C
- Building Heights Plan No. 3117/A/1203/PR/B
- Density Plan No. 3117/A/1204/PR/B
- Access Plan No. 3117/A/1202/PR/C
- Green Infrastructure Plan No. 3117/A/1205/PR/B
- Illustrative Layout Including Additional Land Plan No. 3117/C/1005/SK/K
- Site Sketch Layout – Full Site No. 3117/C/1006/SK/M Rev L
- Illustrative Landscape Masterplan No. 3018-APA-ZZ-00-SK-LA-L-1000
- Horizontal Illumination Plan No. 2367/DFL/ELG/XX/CA/EO/13001/S3 Rev P02

Documents Submitted Post Registration of the Application

- Preliminary Minerals Resource Assessment (Oct 2022) (Stantec)
- Addendum to the Landscape and Visual Impact Assessment (Sept 2022) (Allen Pyke Associates)
- Assessment of the Impact on Agricultural Land and Soil Resources (Sept 2022) (Reading Agricultural Consultants)
- Arboricultural Impact Assessment Rev B (Barton Hyett Associates)
- Heritage Response (Oct 2022) (RPS)
- Sketch Site Layout – Full Site Plan No. 3117-C-1006-SK-M
- Illustrative Landscape Masterplan Plan No. 3018-APA-ZZ-00-SK-L-0002 Rev P04
- Ecological Impact Assessment (October 2022) (CSA Environmental)

4.0. THE COUNCIL'S REASONS FOR REFUSAL

4.1. The Appeal Scheme was refused by the Council on the 25th November 2022. The reasons for refusal are as follows:

1. National planning policy states that planning should be a plan-led system. The application site lies within countryside and the proposal would be contrary to the Development Plan. The Council can demonstrate a five year housing land supply. As a result, at this stage in the plan, there is not a need for this site to be developed. The proposal is therefore contrary to the plan led system of development management that is set out in paragraph 15 of the NPPF. The proposal would not maintain or enhance the quality of the rural and landscape character of the District. The development therefore conflicts with Policies DP6, DP12 and DP15 of the Mid Sussex District Plan 2014-2031 and Policies ALC1 and ALH1 of the Albourne Neighbourhood Plan. There are not considered to be any other material considerations that would warrant determining the planning application otherwise than in accordance with the development plan.

2. The introduction of up to 120 dwellings within this location will bring forth a sense of urbanisation and will in turn disrupt the balance of elements in the view from PRoW 12_1AI and 15_1AI. As such, the proposed development would have an adverse effect on landscape character and visual amenity. The site that has not been allocated for development in a Development Plan Document under the plan led process, and at this stage in the plan, there is not a need for this site to be developed. The proposal is therefore contrary to the plan led system of development management that is set out in paragraph 15 of the NPPF. The proposal thereby conflicts with Policy DP12 of the District Plan, Policy ALC1 of the Neighbourhood Plan and the provisions of the NPPF.

3. The proposed development would result in harm to the setting of the Albourne Conservation Area and to the settings of the following listed buildings (Hunters Cottage, Bounty Cottage, Finches, Souches, Spring Cottage, and Inholmes Cottage). The proposal therefore conflicts with Policies DP34 and DP35 of the District Plan. This harm is categorised as falling within the bracket of 'less than substantial' as defined by the NPPF. The public benefits of

the proposal (additional housing, including affordable housing, additional spending in the local economy and additional economic activity during the construction phase) do not outweigh the harm to the heritage assets of the Albourne Conservation Area and the listed buildings referred to above that would arise from this proposed development on a site that has not been allocated for development in a Development Plan Document under the plan led process. As the public benefits of the proposal do not outweigh the less than substantial harm (which must be given significant weight to reflect the statutory position in the Planning (Listed Buildings and Conservation Areas) Act 1990) that the preservation of the setting of listed buildings is desirable, the proposal conflicts with paragraph 200 of the NPPF as there is not clear and convincing justification for the harm to these heritage assets.

4. The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure and affordable housing contributions required to serve the development.

- 4.2. It is agreed that reasons (1) to (3) will be addressed in evidence.
- 4.3. It is expected that reason (4) will be addressed through the preparation of a legal agreement.

5.0 PLANNING POLICY

The Development Plan

5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

5.2. The development plan comprises as follows:

- Mid Sussex District Plan 2014 – 2031 (adopted March 2018);
- Mid Sussex District Council Site Allocations DPD (adopted June 2022); and
- Albourne Parish Council Neighbourhood Plan (made September 2016)

5.3. It is agreed that the Mid Sussex District Plan is more than five years old, with the District's housing requirement now based on its local housing need (which figure is derived from the standard method) (paragraph 74 and footnote 39 of the NPPF refer).

5.4. The policies referenced in the Decision Notice and upon which the Council rely upon in maintaining their objection to the scheme are as follows:

Mid Sussex District Plan

- District Plan Policy DP6: Settlement Hierarchy
- District Plan Policy DP12: Protection & Enhancement of the Countryside
- District Plan Policy DP15: New Homes in the Countryside
- District Plan Policy DP20: Securing Infrastructure
- District Plan Policy DP31: Affordable Housing
- District Plan Policy DP34: Listed Buildings & Other Heritage Assets
- District Plan Policy DP35: Conservation Areas

Albourne Neighbourhood Plan

- Policy ALC1: Countryside – Conserving and Enhancing Character
- Policy ALH1: Housing Development

5.5. Relevant policy considerations are to be addressed in evidence.

Material Considerations

General

- 5.5. The following represent material considerations in the determination of the Appeal Scheme:
1. The NPPF and the approach to the presumption in favour of sustainable development.
 2. The heritage balance to be undertaken pursuant to paragraph 202 of the NPPF.
 3. The five year housing land supply position.
 4. Appeal decisions.
 5. Committee reports.
 6. The emerging Mid Sussex District Local Plan.
 7. Case law.
- 5.6. In relation to five year housing land supply matters, the parties disagree as to whether the Council is able to demonstrate a five year supply of deliverable housing land. The respective positions are set out in the Housing Land Supply SoCG (**CDD.5**).
- 5.7. These matters will be addressed in evidence as appropriate.

6.0. MATTERS AGREED

6.1. Discussions between the Appellant and the Local Planning Authority have reached agreement in relation to the following matters:

- a) The Appeal Site is not within a designated 'gap'.
- b) The Appeal Scheme proposes community facilities in accordance with Local Plan Policy DP25.
- c) The Appeal Scheme would not result in any adverse effects upon the local highway network.
- d) The Appeal Scheme will not adversely affect the ability to walk along existing Public Rights of Way crossing the Site.
- e) The Site is located within the countryside, which is contiguous with the Albourne settlement boundary.
- f) The Scheme is acceptable in ecological terms.
- g) There are no archaeological constraints.
- h) The development will provide safe and convenient pedestrian access to existing and proposed facilities.
- i) The Appeal Scheme is sustainably located.
- j) The Site is not located within a valued landscape as defined in Paragraph 174(a) of the NPPF
- k) The Appeal Scheme would be acceptable with regard to arboricultural matters.
- l) There are no flood and/or drainage objections to the scheme.
- m) The Appeal Scheme will secure appropriate infrastructure contributions and affordable housing provision, subject to the completion of a s106 agreement.

7.0. MATTERS IN DISPUTE

7.1. The parties disagree on the following matters:

- (i) Whether the **policies for the supply of housing** are out of date.
- (ii) Whether the Council is able to demonstrate a **five year supply** of deliverable housing land.
- (iii) The **landscape** impact of the Appeal Scheme given the location of the site adjacent to but outside the defined settlement boundary.
- (iv) The acceptability of the scheme in **heritage** terms, having regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (and the requirement to pay special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess).
- (v) The judgment to be taken in carrying out the overall **planning balance**.

8.0. APPEAL SCHEME BENEFITS

8.1. The respective parties' positions upon the weight to be attached to the Appeal Scheme benefits are as follows:

Benefit	Appellant's Position on Weight	Mid Sussex's Position on Weight re: tilted balance not engaged
Contribution to the supply of market housing.	Significant weight	Moderate weight
Contribution to the supply of affordable housing.	Significant weight to the provision of up to 36 affordable dwellings (30%).	Moderate weight
Community Building.	Significant weight	Very limited weight
Additional Land to expand the School.	Significant weight	No weight
Additional Parking for the School.	Significant weight	Limited weight
Environmental benefits arising from biodiversity enhancements.	Moderate weight in the context of overall Biodiversity Net Gain.	Moderate weight
Provision of publicly Accessible Open Space.	Significant weight	Moderate weight
Economic benefit during the construction phase and increased spend of new residents.	Significant weight	Moderate weight
Proximity to services and facilities.	Moderate weight	Limited weight
Scheme Design.	Significant weight	Limited weight

8.2 It is agreed between the parties that this is the full list of benefits to be presented in evidence and considered in the overall planning balance.

9.0 HEADS OF TERMS FOR LEGAL AGREEMENT

- 9.1. It is agreed between the parties that the Appellant will provide planning obligations, in the form of an undertaking under Section 106 of the Town and Country Planning Act (1990) in favour of Mid Sussex District Council and West Sussex County Council.
- 9.2. The legal agreement will ensure the financial contributions and other compliant obligations to enable the proposed development to go ahead are provided in accordance Regulation 122(2) of the Community Infrastructure Levy Regulations and the content at paragraphs 55, 56 and 57 of the NPPF.
- 9.3. Subject to meeting the necessary tests at paragraph 57 of the NPPF, it is considered that the following may be provided for in a legal agreement:
- i. On-site Affordable Housing (30%)
 - ii. Off-site Highways: Total Access Demand Contribution (TAD")
 - iii. Travel Plan Monitoring Fee.
 - iv. Community Buildings Contribution.
 - v. Local Community Infrastructure Contribution.
 - vi. Police Contribution.
 - vii. Health Contribution.
 - viii. Library Contribution.
 - ix. Education Contribution
 - x. County Council Monitoring Contribution
 - xi. Leisure Contribution including
 - a) Formal Sport Contribution;
 - b) In the event that provision of the Play Space is not included in the Management Specification as part of the Development then Play Space Contribution; and
 - c) Kickabout Contribution

- 9.4. Mid Sussex District (outside the SDNP) is not a CIL Charging Authority.
- 9.5. The legal agreement will be completed and submitted to the inquiry.

10.0 CONDITIONS

10.1 It is agreed that there should be a schedule of conditions agreed between the parties, for discussion with the Inspector during the Inquiry.

10.2 A draft schedule is attached at **Appendix 1**.

11.0. CORE DOCUMENT LIST

11.1 It is agreed that there should be a common list of reference documents and these are to be referenced as Core Documents to the Inquiry.

11.2. The Core Document list is included at **Appendix 2**.


12.0 AGREEMENT: SCHEDULE OF COMMON GROUND

12.1. This document is accepted as the agreed Statement of Common Ground for the Appeal being considered under PINS Ref: APP/D3830/W/23/3319542.

12.2. It has been duly signed by representatives of the Appellant (Croudace Homes Ltd.) and Mid Sussex District Council.

Signed *Steven Brown* on behalf of Croudace Homes Ltd.

Steven Brown BSc Hons DipTP MRTPI 25th July 2023
NAME DATE

Signed  on behalf of Mid Sussex District Council

Mary-Jane O'Neill BA (Hons) MSc MRTPI FRSA. 25 July 2023
NAME DATE

APPENDIX 1

List of suggested conditions should the appeal be allowed (26.7.23)

1. Approval of the details of the landscaping, scale, layout and appearance of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan 3117-A-1001-PR Rev C
 - Access Plan 093.0002.002 Rev C
 - Access Plan 093.0002.005 Rev C

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The submission of the reserved matters shall demonstrate compliance with the principles set out in the following plans:
 - i. Site Sketch Layout – Full Site No. 3117/C/1006/SK/M Rev A
 - ii. Land Use Plan No. 3117/A/1201/PR/C
 - iii. Building Heights Plan No. 3117/A/1203/PR/B
 - iv. Density Plan No. 3117/A/1204/PR/B
 - v. Access Plan No. 3117-A-1202- PR/C
 - vi. Illustrative Landscape Masterplan No. 3018-APA-ZZ-00-SK-L-0002 Rev P04
 - vii. Green Infrastructure Plan No 3117/A/1205/PR/B
 - viii. Illustrative Layout Including Additional Land Plan No. 3117/C/1005/SK/K

Reason: For the avoidance of doubt and in the interests of proper planning and to accord with policies DP12, DP21, DP26, DP37 and DP38 of the Mid Sussex District Plan 2014 - 2031.

4. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment Revision B (CSA Environmental, October 2022) and the Biodiversity Net Gain Assessment (CSA Environmental, July 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations

2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Pre-Commencement conditions

5. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. No drainage feature should be located within modelled flood extents for the lifetime of the development unless approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

6. (i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological evaluation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the Local Planning Authority.

(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part (i) and confirmed by the Local Authority archaeological advisors.

(iii) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the Local Planning Authority following the completion of the archaeological evaluation.

(iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.

(v) The applicant will submit to the Local Planning Authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: Archaeological deposits are both fragile and finite, the condition will preserve any identified archaeological remains in accordance with the National Planning Policy Framework, paragraph 205.

7. No development shall take place, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- 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 of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to deal with surface water run-off from the site during construction
- measures to control noise or vibration affecting nearby residents;
- artificial illumination; dust control measures;
- pollution incident control and site contact details in case of complaints;
- details of public engagement both prior to and during construction works.

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan

Reason: In the interests of highway safety and the amenities of the area and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014-2031.

8. A Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) 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 CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

9. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality and to accord with Policy DP26 of the District Plan 2014 - 2031.

10. Any works which will impact the breeding / resting place of Great Crested Newt shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence; or
- c) Submission of a NatureSpace Report and/or Certificate to confirm that all great crested newt mitigation and compensation requirements can be adequately secured and thereafter, authorisation by the council under their District Licence for great crested newts.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

11. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the Local Planning Authority:

- a) A site investigation scheme, based on the phase 1 ground conditions assessment undertaken by Stantec dated 6th June 2022, 332511088/3501, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and,

- b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details. Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. No development shall commence, including any ground works or site clearance), until an ecological design strategy (EDS) addressing compensation for the loss of habitat, protection and enhancement of retained habitats, and creation of new habitat and provision of features to provide measurable biodiversity net gain of at least 10% has been submitted to and approved in writing by the LPA. 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 of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures; and
- j) 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.

Reason: In order to demonstrate measurable net gains and allow the Local Planning Authority to discharge its duties under the NPPF and to comply with DP38 of the Mid Sussex District Plan 2014 - 2031.

14. Prior to commencement of works above ground slab level a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment Revision B (CSA Environmental, October 2022), shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

15. Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to the value calculated in, section 7 of the submitted Phlorum Air Quality Assessment (ref 11282A, July 2022). All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with Policy SA38 of the Site Allocations DPD.

16. Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local

Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

Reason: In the interests of amenity and in accordance with Policy DP20 of the Mid Sussex District Plan 2014 – 2031) and in accordance with The Fire & Rescue Service Act 2004.

Construction Phase

17. No construction plant or machinery shall be used and no commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours of 08:00 - 18:00 Hours Monday – Friday, 09:00 - 13:00 Hours Saturday, and no work permitted on Sundays or Bank/Public Holidays.

Reason: To protect the amenity of local residents and to accord with Policy DP29 of the District Plan.

18. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday – Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents and to accord with Policy DP29 of the District Plan.

19. If during construction, contamination not previously identified is found to be present at the site then no further development, shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Pre-occupation conditions

20. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled PROPOSED ACCESS AND FOOTWAY DESIGN and numbered 093.0002.005 rev C.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

21. No part of the development shall be first occupied until such time as the existing vehicular access onto Henfield Road has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

22. Prior to the occupation of each individual plot the relevant vehicle parking shall be constructed in accordance with the plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

23. No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

24. Prior to the occupation of any part of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

25. Prior to the occupation of any part of the development a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive

Commented [JF1]: Whilst the car park would be a RM detail, what about visitor parking spaces which would be around the access road?

Commented [SB2R1]: Agreed. As per our email exchange. For discussion prior to or during the inquiry.

for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the approved scheme.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

26. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These shall be identified in any subsequent reserved matters submissions and be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

27. The development hereby permitted shall not be occupied unless and until a Sustainability Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with such approved details.

Reason: In the interests of sustainability and to accord with Policy DP39 of the Mid Sussex District Plan.

28. Prior to any of the units hereby permitted being occupied the developer shall provide details of the provision of fibre to premises infrastructure that has been provided in the development. None of the units shall be occupied until these details have been approved in writing by the Local Planning Authority..

Reason: To ensure improved digital connectivity and the provision of high-speed broadband and 4G to the development and to accord with Policy DP23 of the District Plan.

29. Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

APPEAL REF: APP/D3830/W/23/3319542

Reason: In the interests of amenity and in accordance with Policy DP20 of the Mid Sussex District Plan 2014 – 2031) and in accordance with The Fire & Rescue Service Act 2004.

30. Prior to the occupation of any part of the development, details shall be submitted to and approved in writing by the LPA in respect of the surfaces of both Footpaths 12_1AI and 15_1AI are improved under condition within the site boundaries to West Sussex County Council specification. The works shall be carried out thereafter.

Reason: To mitigate against the increased usage this development will create and to accord with Policy DP22 of the Mid Sussex District Plan 2014 – 2031.

APPENDIX 2

Core Document List (Ver.II)

25th July 2023

CDA Planning Application Documents

CDA.1	Planning Application Form and Certificates
CDA.2	Supporting Planning Statement (Strutt & Parker)
CDA.3	Design and Access Statement (Omega Architects Ltd)
CDA.4	Site Location Plan No. 3117-A-1001-PR-C
CDA.5	Sketch Site Layout – Full Site Plan No. 3117-C-1006-SK-L
CDA.6	Sketch Site Layout Plan No. 3117-C-1005-SK-K
CDA.7	Land Use Plan No. 3117-A-1201-PR-C
CDA.8	Access Plan No. 3117-A-1202-PR-C
CDA.9	Building Heights Plan No. 3117-A-1203-PR-B
CDA.10	Density Plan No. 3117-A-1204-PR-B
CDA.11	Green Infrastructure Plan 3117-A-1205-PR-B
CDA.12	Proposed Eastern Access Location & Visibility Splay Plan No. 093.0002.002 Rev C
CDA.13	Proposed Access and Footway Design Plan No. 093.0002.005 Rev C
CDA.14	Illustrative Landscape Masterplan Plan No. 3018-APA-ZZ-00-LA-L-1000
CDA.15	Landscape and Visual Impact Assessment (Allen Pyke Associates)
CDA.16	Addendum to Landscape and Visual Impact Assessment (Allen Pyke Associates) (Sept 2022)
CDA.17	Built Heritage Application Statement (RPS)
CDA.18	Transport Assessment (Paul Basham Associates)
CDA.19	Travel Plan (Paul Basham Associates)
CDA.20	Horizontal Illuminance (lux) Plan No. 2367-DFL-ELG-XX-CA-EO-13001-S3
CDA.21	Lighting Impact Assessment (Designs for Lighting Ltd)
CDA.22	Ecological Impact Assessment (July 2022) (CSA Environmental)
CDA.23	Biodiversity Net Gain Assessment (CSA Environmental)
CDA.24	Agricultural Land Classification and Soil Resources (Reading Agricultural Consultants)
CDA.25	Air Quality Assessment (Phlorum)
CDA.26	Phase 1 Ground Conditions Assessment (Stantec)
CDA.27	Geophysical Survey Report (Magnitude Surveys)
CDA.28	Arboricultural Impact Assessment (Barton Hyett Associates)
CDA.29	Flood Risk Assessment and Drainage Strategy (Wardell Armstrong)
CDA.30	Statement of Community Involvement (BCEG)
CDA.31	Archaeological Desk-Based Assessment (Orion)
CDA.32	Energy Statement (Energist)
CDA.33	Preliminary Resource Assessment (Stantec) (Oct 2022)
CDA.34	Assessment of the Impact on Agricultural Land and Soil Resources (Reading Agricultural Consultants) (Sept 2022)
CDA.35	Arboricultural Impact Assessment Rev B (Hyett Associates)
CDA.36	Heritage Response to the Comments of the MSDC Conservation Officer (RPS) (Oct 2022)
CDA.37	Sketch Site Layout – Full Site Plan No. 3117-C-1006-SK-M (Rev A)
CDA.38	Illustrative Landscape Masterplan Plan No. 3018-APA-ZZ-00-SK-L-0002 Rev P04
CDA.39	Ecological Impact Assessment (October 2022) (CSA Environmental)

CDB Planning Application Consultation Responses, Officer Report and Decision Notice

CDB.1	Decision Notice dated 25 November 2022
CDB.2	Officer Delegated Report 24 November 2022
CDB.3	Historic Environment Advisor 5 August 2022
CDB.4	Street Naming & Numbering 8 August 2022
CDB.5	MSDC Flood Risk & Drainage Team 9 August 2022
CDB.6	WSCC – Lead Local Flood Authority 9 August 2022
CDB.7	MSDC Contaminated Land Officer 12 August 2022
CDB.8	Sussex Police 15 August 2022
CDB.9	WSCC Section 106 19 August 2022
CDB.10	MSDC Housing 23 August 2022
CDB.11	PTA Albourne CoE Primary School 24 August 2022
CDB.12	Southern Water GIS 25 August 2022
CDB.13	Southern Water 25 August 2022
CDB.14	WSCC Highways – Public Rights of Way 25 August 2022
CDB.15	MSDC Leisure 25 August 2022
CDB.16	WSCC Minerals & Waste 25 August 2022
CDB.17	Sussex Police 26 August 2022
CDB.18	MSDC Environmental Protection 30 August 2022
CDB.19	MSDC Landscape Consultant 26 August 2022
CDB.20	WSCC Highways Authority 16 September 2022
CDB.21	WSCC Fire & Rescue Service 29 September 2022
CDB.22	MSDC Conservation Officer 04 October 2022
CDB.23	MSDC Urban Design 29 September 2022
CDB.24	MSDC Planning Policy 06 October 2022
CDB.25	MSDC Conservation Officer 21 October 2022
CDB.26	MSDC Landscape Consultant 3 November 2022
CDB.27	WSCC Minerals & Waste 07 November 2022
CDB.28	MSDC Ecology Consultant 07 November 2022
CDB.29	NHS Sussex 17 May 2023
CDB.30	Albourne Parish Council 12 September 2022

CDC Statements of Case

CDC.1	Appellant's Statement of Case (March 2023)
CDC.2	Mid Sussex District Council's Statement of Case (June 2023)

CDD Statements of Common Ground

CDD.1	Planning Statement of Common Ground (25 th July 2023)
CDD.2	Landscape Statement of Common Ground (17 th July 2023)
CDD.3	Heritage Statement of Common Ground (14 th July 2023)
CDD.4	Highways Statement of Common Ground (21 st July 2023)
CDD.5	Housing Land Supply Statement of Common Ground (24 th July 2023)

CDE Local Planning Policy and Guidance

Development Plan

- CDE.1 Mid Sussex District Council District Plan 2014-2031 (Adopted March 2018)
- CDE.2 Mid Sussex District Council Site Allocations DPD (Adopted June 2022)

Neighborhood Plan

- CDE.3 Albourne Parish Council Neighborhood Plan (Made September 2016)

Guidance

- CDE.4 Mid Sussex District Council Affordable Housing SPD (adopted July 2018)
- CDE.5 Mid Sussex District Council Design Guide SPD (Adopted November 2020)
- CDE.6 Mid Sussex District Council Development Infrastructure and Contributions SPD (Adopted July 2018)
- CDE.7 Mid Sussex District Council Development Viability SPD (adopted July 2018)
- CDE.8 Air Quality and Emissions Mitigation Guidance for Sussex (2021)
- CDE.9 High Weald AONB Management Plan 2019-2024
- CDE.10 West Sussex LLFA Policy for the management of Surface Water (November 2018)
- CDE.11 West Sussex County Council Guidance on Parking at New Developments (September 2020)
- CDE.12 Planning Noise Advice Document: Sussex (September 2021)
- CDE.13 South Downs National Park Design Guidance (July 2022)

District Plan Evidence Base

- CDE.14 Capacity of Mid Sussex District to Accommodate Development (LUC) (June 2014)
- CDE.15 Strategic Flood Risk Assessment Level 1 (June 2015)
- CDE.16 Sequential Flood Risk Test for the Mid Sussex District Plan 2014-2031 (August 2016)
- CDE.17 Mid Sussex Landscape Capacity Study (July 2007)
- CDE.18 MSTS Stage 3 Report: Mid Sussex Transport Study (December 2016)
- CDE.19 Strategic Housing Market Assessment (May 2009)
- CDE.20 Settlement Sustainability Review (May 2015)

Site Allocation DPD Evidence Base

- CDE.21 Site Allocations DPD Inspectors Report (May 2022)
- CDE.22 Strategic Transport Assessment Regulation 19 (August 2020)
- CDE.23 Strategic Transport Assessment Regulation 19 Non technical Summary (August 2020)
- CDE.24 MSDC-06a – Response to AP4 Matter 3.4 (Housing Land Supply - 5 year Housing Land Supply Statement – 11th June 2021) (submission to examination of Site Allocations Local Plan

Housing Supply

- CDE.25 MSDC's Housing Land Supply Position Statement as at 1st of April 2023 (July 2023)
- CDE.26 PINS Report on the Council's Annual Position Statement (Jan 2020)

Mid Sussex District Monitoring Report(s)

- CDE.27 Authority Monitoring Report 2021/22
- CDE.28 Authority Monitoring Report 2020/21 and 2019/20
- CDE.29 Authority Monitoring Report 2018/19

Emerging Local Plan 2039

- CDE.30 Draft District Plan 2021-2039
- CDE.31 Adopted Local Development Scheme (November 2022)

Emerging Local Plan 2039 Evidence Base

- CDE.32 Strategic Housing Market Assessment 2021
- CDE.33 Urban Capacity Study 2022
- CDE.34 2021-2039 Housing Trajectory
- CDE.35 Mid Sussex Sustainable Economy Strategy and Action Plan 2022-2025
- CDE.36 Mid Sussex Sustainable Economy Strategy District Profile 2022-2025
- CDE.37 Mid Sussex Retail Study 2022
- CDE.38 Economic Growth Assessment Update 2022
- CDE.39 Economic growth Assessment Update 2020
- CDE.40 Water Cycle Study 2020
- CDE.41 Sustainable Energy Study (October 2014)
- CDE.42 Mid Sussex Local Cycling and Walking Infrastructure Plan (March 2023)
- CDE.43 Transport Study: Scenario 4 and 4b Report (October 2022)
- CDE.44 Transport Study: Scenario 4 and 4b Report Non-technical Summary (October 2022)
- CDE.45 Transport Study: Scenario 3 Report (January 2022)
- CDE.46 Transport Model Validation Report (May 2022)
- CDE.47 Infrastructure Delivery Plan (October 2022)
- CDE.48 Local Plan Viability Study (May 2022)
- CDE.49 Assessment of the Impact of the SHELAA Sites on the High Weald AONB (October 2022)
- CDE.50 Major Developments in the High Weald AONB (October 2022)
- CDE.51 Setting if the South Downs National Park: Assessment of SHELAA Sites (October 2022)
- CDE.52 District Plan 2021-2039 – Summary of Responses to Draft Mid Sussex District Plan Consultation (Regulation 18) (March 2023)

Additional SHELAA Documents

- CDE.53 Strategic Housing and Economic Land Availability Assessment (SHELAA) Main Report (April 2022)
- CDE.54 SHELAA Appendix 1 – Housing Sites
- CDE.55 SHELAA Appendix 2 – Employment Sites
- CDE.56 SHELAA Appendix 3 – Excluded Sites
- CDE.57 SHELAA Appendix 4 – Commitments
- CDE.58 SHELAA Appendix 5 – Employment Commitments

Mid Sussex Local Plan 2004

- CDE.59 Mid Sussex Local Plan (Adopted May 2004)

CDF Heritage Guidance and Related Information

- CDF.1 Planning Practice Guidance: paragraph 018 (full ref: ID: 18a-018-20190723) related to substantial harm
- CDF.2 Bedford BC v SSCLG [2013] EWHC 2847 (Admin)
- CDF.3 R.(oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited [2019] EWHC 2899 (Admin)
- CDF.4 Holocaust War Memorial Appeal Decision: APP/XF990/V/19/3240661
- CDF.5 Historic England: GPA3: The Setting of Heritage Assets (Second Edition; December 2017)
- CDF.6 South Lakeland DC v SSE [1992] 2 AC 141
- CDF.7 Barnwell Manor Wind Energy Ltd v East Northamptonshire DC [2014] EWCA Civ 137
- CDF.8 Historic England: Managing Significance in Decision-Taking in the Historic Environment – Historic Environment Good Practice in Planning: 2 (March 2015)
- CDF.9 NOT USED
- CDF.10 Mid Sussex District Council: Conservation Areas in Mid Sussex (August 2018)
- CDF.11 Hunter's Cottage Statutory Listing (located within the ACA)
- CDF.12 Bounty Cottage Statutory Listing (located within the ACA)
- CDF.13 Finches Statutory Listing (located within the ACA)
- CDF.14 Souches Statutory Listing (located within the ACA)
- CDF.15 Spring Cottage Statutory Listing (located within the ACA)
- CDF.16 Inholmes Cottage Statutory Listing

CDG Landscape Guidance and Related Information

- CDG.1 A Landscape Character Assessment for Mid Sussex (November 2005)
- CDG.2 Guidelines for Landscape and Visual Impact Assessment 3rd Edition - Landscape Institute and IEMA (2013)
- CDG.3 Landscape Institute. (2015). GLVIA3 – Statements of clarification. Available at: <https://www.landscapeinstitute.org/technical-resource/glvia3-clarifications/#:~:text=GLVIA3%20Statement%20of%20Clarification%202%2F14%2028%2D01%2D14&text=The%20assessor%20should%20be%20clear,a nd%20visual%20impact%20assessment%2Fappraisal>.
- CDG.4 Landscape Institute. (2021). Technical Guidance Note 02/21: Assessing landscape value outside national designations. Available at: <https://www.landscapeinstitute.org/publication/tgn-02-21-assessinglandscape-value-outside-national-designations/>

CDG.5	Natural England. (2014). An Approach to Landscape Character Assessment.
CDG.6	Natural England. (2019). An approach to landscape sensitivity assessment.
CDG.7	BS5837:2012 'Trees in Relation to Design, Demolition and Construction'
CDG.8	Assessment guide: ancient woodland, ancient and veteran trees, Natural England
CDG.9	Landscape Institute Technical Guidance Note TGN 02-21: 'Assessing Landscape Value Outside National Designations'
CDG.10	Natural England National Character Area (NCA) 121 The Low Weald
CDG.11	West Sussex Landscape Character Assessment 2003 (Extracts)

CDH Court Judgements

CDH.1	High Court Judgment of Phides Estates (Overseas) Limited vs the Secretary of State for Communities and Local Government et al [2015] EWHC 827 (Admin) Clarifies the considerations to be taken into account when determining the weight afforded to a housing land supply shortfall (paragraph 60).
CDH.2	Supreme Court Judgement of Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP and another v Cheshire East Borough [2017] UKSC 37 Weight to be given to settlement boundary policies based on an out-of-date housing need (Paragraphs 45 and 63)
CDH.3	Hallam Land Management Ltd v SSCLG [2018] EWCA Civ 1808 Considering the extent of the housing land supply shortfall – paras 50 to 52.
CDH.4	Oxton Farm v Harrogate BC [2020] EWCA Civ 805 Weight to be given to out of date policies is a matter of judgement – para 52
CDH.5	Gallagher Homes Limited (2) Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin) Sets out valuable guidance for all involved in the plan-making process on the objective assessment of housing need
CDH.6	St Modwen Developments Ltd. v Secretary of State for Communities and Local Government, East Riding of Yorkshire Council, Save Our Ferriby Action Group [2017] EWCA Civ 1643. Judgment is included regarding the definition of deliverability
CDH.7	R. (on the application of East Bergholt Parish Council) v Babergh DC [2019] EWCA Civ 2200
CDH.8	Eastleigh Borough Council v Secretary of State for Housing, Communities and Local Government [2019] EWHC 1862 (Admin). Weight given to housing supply even when a five year housing land supply is demonstrated
CDH.9	Bramshill v SSHCLG [2021] EWCA Civ 320 considers the approach to heritage harm paras 66, 71 – 73.

- CDH.10 Wavendon Properties Ltd v Secretary of State of Housing Communities And Local Government & Anor [2019] EWHC 1524 (Admin) (14 June 2019) sets out approach to most important policies and whether they are out of date paras 56-58.
- CDH.11 Peel Investments (North) Ltd v Secretary of State for Housing, Communities And Local Government & Anor [2020] EWCA Civ 1175 (03 September 2020) – interpretation of the term "out-of-date" in paragraph 11d of the Framework – para 66.
- CDH.12 Gladman Developments Ltd v Secretary of State Case No. CO/3932/2019 (March 2020). Summarises the approach to the tilted balance, paragraph 90.

CDI Appeal Decisions and Other

- CDI.1 Land to the east of Newport Road and to the east and west of Cranfield Road, Woburn Sands, Buckinghamshire (APP/Y0435/W/17/3169314)
- CDI.2 South of Williamsfield Road, Hutton Cranswick (APP/E2001/W/18/3207411)
- CDI.3 Poplar Hill, Stowmarket (APP/W3520/W/18/3214324)
- CDI.4 Station Approach, Lower Sydenham (APP/G5180/W/16/3144248)
- CDI.5 Land off London Road, Bolney, West Sussex (APP/D3830/W/19/3231996 and APP/D3830/W/19/3231997)
- CDI.6 Land off Watery Lane, Curborough, Lichfield (13th February 2017) (PINS ref APP/K3415/A/14/2224354).
- CDI.7 Land north of Dark Lane, Alrewas, Buton upon Trent (13th February 2017) (PINS ref APP/K3415/A/14/2225799).
- CDI.8 Land at Deerlands Road, Wingerworth (19th November 2018) (PINS ref APP/R1038/W/17/3192255).
- CDI.9 Land off Satchell Lane, Hamble-le-Rice (20th December) (PINS ref AP/W1715/W/18/3194846).
- CDI.10 Land at Little Sparrows, Sonning Common (25th June 2021) (PINS ref APP/Q3115/W/20/3265861).
- CDI.11 Land off Audlem Road/Broad Lane, Nantwich (15th July 2020) (PINS ref APP/R0660A/13/2197532).
- CDI.12 Land west of Park Lane, Charvil (2nd March 2017) (PINS ref APP/X0360/W/15/3130829).
- CDI.13 Land east of Butts Road, Higher Ridgeway, Ottery St. Mary (14th December 2012) (PINS ref APP/U1105/A/12/2180060).
- CDI.14 Land to the west of Park Farm, Thornbury (13th February 2023) (PINS ref APP/P0119/W/21/3288019).
- CDI.15 Land on east side of Green Road, Woolpit (28th September 2018) (PINS ref APP/W3520/W/18/3194926).

CDI.16	Longdene House, Hedgehog Lane Haslemere (19 th January 2019) (PINS ref APP/R3650/W/16/3165974).
CDI.17	Land to the west of Cody Road, Waterbeach, Cambridge (25 th June 2014) (PINS ref APP/W0530/A/13/2207961).
CDI.18	Land south of Oakridge, Highnam. Gloucestershire (20 th December 2018) (PINS ref APP/G1630/W/3184272).
CDI.19	Land north and south of Flitch Way, Pods Brook Road, Braintree (13 th June 2019) (PINS ref APP/Z1510/W/18/3197293).
CDI.20	Site of the former Hazeldens Nursery, London Road, Albourne 11 th September 2020) (APP/D3830/W/19/3241644)
CDI.21	Start to Finish Second Edition (Feb 2020) (Lichfields)
CDI.22	Land at Peacocks, Horsted Keynes APP/D3830/W/19/3242226
CDJ	National Planning Policy Documents & Ministerial Guidance
CDJ.1	National Planning Policy Framework (July 2021)
CDJ.2	Planning Policy Guidance (June 2021)
CDJ.3	Gove ministerial statement (December 2022)
CDJ.4	Levelling-up and Regeneration Bill: reforms to national planning policy (December 2022)
CDJ.5	National Design Guide (January 2021)
CDJ.6	PINS Note 14/2022 (8 December 2022)
CDJ.7	Housing Delivery Test Measurement Rule Book
CDJ.8	Housing Delivery Test: 2021 Measurement Technical Note
CDK	Affordable Housing Documents and Guidance
CDK.1	House of Commons Debate (24 October 2013)
CDK.2	Children's Commissioner Report "Bleak Houses: Tackling the Crisis of Family Homelessness in England (April 2019)
CDK.3	Shelter Report "Denied the Right to a Safe Home; Exposing the Housing Emergency" (May 2021)
CDK.4	Shelter Report "Unlocking Social Housing: How to fix the rules are holding back building" (April 2022)
CDK.5	House of Commons 'Rising Cost of living in the UK' briefing report (November 2022)
CDK.6	Shelter Briefing Report 'Briefing: Cost of Living Crisis and the Housing Emergency' (September 2022)

CDK.7	National Audit Office Homelessness Report Executive Summary (13 September 2017)
CDK.8	White Paper: Fixing Our Broken Housing Market (February 2017)
CDK.9	Regulator of Social Housing: Rent Standard (April 2020)
CDL	Highway Guidance and Related Information
CDL.1	TRL Software Junctions 9 User Guide (2019)
CDL.2	JCT LinSig 3.2 User Guide (2018)
CDL.3	Manual for Streets
CDL.4	Manual for Streets 2
CDL.5	Chartered institute of Highways and Transport (CIHT) 'Planning for Walking' (2015)
CDL.6	CIHT 'Providing for Journeys on Foot' (2000)
CDL.7	Design Manual for Roads and Bridges (DMRB) CD123 'Design for Geometric design of at-grade priority and signal-controlled junctions
