

Note

Client: C.C. Projects

Date/Time: 11th September 2026

Subject: Land South of Hey Beck Lane, Chidswell - August 2026 NPPF

1 Introduction

- 1.1.1 This note has been prepared by Deloitte LLP on behalf of C.C. Projects (the “Appellant”) to inform the planning appeal relating to land south of Hey Beck Lane, Chidswell, Dewsbury (“the Site”). The appeal was submitted on 23 July 2026 and concerns the refusal by Kirklees Council (“the Council”) of an outline planning application for residential development of up to 181 dwellings, together with associated engineering and site works, demolition, landscaping, drainage and other infrastructure (the “Proposed Development”) (planning application ref.2020/60/92350/E).
- 1.1.2 Since the appeal was submitted, the new National Planning Policy Framework (“NPPF 2026”) was published on 17 August 2026. The purpose of this note is therefore to identify the provisions of the new NPPF that are of relevance to the appeal, having regard to the Site’s allocation as part of mixed use allocation MXS7, the Appellant’s case as set out in the Statement of Case, and the matters remaining in dispute concerning the effect of the application on Dum Wood and the Council’s housing land supply position.

2 NPPF 2026

- 2.1.1 The NPPF 2026 replaces the December 2024 Framework and its policies become material considerations of critical importance (NPPF 2026 paragraph 1) for the purposes of decision-making immediately (Annex A paragraph 1). The NPPF 2026 is a substantive restructuring of previous iterations, in that plan making policies and national decision-making policies are now separated within a rules based framework.

2.1.2 The statutory starting point for determining planning applications remains unchanged. Section 38(6) remains in effect and NPPF 2026 paragraph 3 confirms that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Annex A paragraph 2 adds that development plan policies which are materially inconsistent with the new national decision-making policies should be given very limited weight; other older policies are not to be given reduced weight merely because they pre-date the NPPF 2026.

2.1.3 A key objective of the new NPPF is to boost housing supply as set out in the ministerial statement from Matthew Pennycook MP on 1st September 2026:

“The new Framework published on 17th August sets out national planning policy in a clearer and more comprehensive manner and incorporates a number of substantive reforms designed to boost housing supply and unlock economic growth in the years ahead.”

3 Appeal Context

3.1.1 The Site forms part of a wider area allocated as a mixed-use site MXS7 in the adopted Kirklees Local Plan. The allocation expressly anticipates development and requires a buffer to protect Dum Wood. The sole reason for refusal relied upon by the Council alleges, with no evidence provided, that the Proposed Development’s proximity, additional population and buffer depth would cause intensification of use and unacceptable harm to Dum Wood, contrary to Policies LP30 and LP33 and national natural environment policy.

3.1.2 The Appellant’s Statement of Case demonstrates that harm is avoided through a number of measures including through a buffer measuring at least 27.3 metres and up to 90 metres¹, an Ancient Woodland Management Plan and controlled access, planting, monitoring and remedial mechanisms secured through conditions and the section 106 agreement.

3.1.3 The Statement of Case also records that the Council cannot demonstrate a five-year housing land supply and that at the time of writing the Housing Delivery Test (“HDT”) result was 54%. The latest HDT results were released on 17 August 2026 and the Council’s figure has risen to 65%, which still results in the most serious action due to under delivery, introducing requirements for an action plan and a 20% buffer (NPPF 2026 Annex D, para 12).

¹ This buffer distance is far in excess of the minimum buffer distance, of 15m, outlined in the Natural England Forestry Commission’s standing advice for ancient woodland. No updates in the NPPF change the minimum of 15m stated in the guidance.

4 Key NPPF 2026 Policies of relevance to the Appeal

4.1.1 This section identifies the key NPPF 2026 policies of relevance to the Appeal taking account of the matters identified in section 3 above.

4.2 Chapter 4 – Achieving sustainable development

4.2.1 Chapter 4 of the NPPF 2026 sets out the Government’s policies intended to meet development needs. The key national decision-making policies are set out in Policies S3 to S6. Factors dictating which policy applies to a particular site include whether the proposed development is within a “settlement”.

4.2.2 The NPPF’s glossary defines a “settlement” as including cities, towns, villages and other predominantly built-up areas, including land which is allocated or has permission for development which will form part of the built-up area once developed. The land within Site Allocation MXS7 is intended to form part of the built-up area when the allocated development is complete. As such, the Site falls within the definition of a settlement contained in the NPPF Annex B: Glossary.

4.2.3 Policy S3 confirms that decision makers should apply a presumption in favour of sustainable development and that Policy S4 should be applied when considering development proposals within settlements. Policy S3(1)(c) also states that proposals which accord with both an up-to-date development plan and the national decision-making policies in the NPPF 2026 should be approved without delay.

4.2.4 Policy S4(1) states that development proposals within settlements should be approved unless the benefits would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF 2026.

4.2.5 Policy S4(2) identifies certain circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects (acknowledging that there may be other circumstances). Annex A of this note contains a full assessment of the relevance of each of the criteria and a short summary is set out below. The circumstances are where a development proposal would:

a) have a substantial adverse impact in relation to:

i) *the allocation or safeguarding of land or building for particular uses in the development plan, (unless certain criteria apply)*

- In this instance the Proposed Development does not have any adverse impact on an allocation or safeguarded land as it is consistent with a development plan allocation;

ii) *the application of certain NPPF 2026 policies*

- In this instance the Proposed Development does not have a substantial adverse impact in relation to any of the policies cited. The only cited policy of potential relevance is Policy N6 (c) relating to areas of particular importance for biodiversity and geodiversity. The Proposed Development would have no substantial adverse impact in relation to that policy, and none of the other policy references are relevant;
 - b) involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground or water storage or flood risk management
 - these criteria do not apply in the present case; or
 - c) fail to comply with any of the national decision-making policies which state that development proposals should be refused in specific circumstances
 - as noted in paragraph 7 of the NPPF 2026, there are “limited circumstances” in which development proposals should be refused. The Proposed Development does not conflict with any national decision-making policy which stipulates that development proposals should be refused planning permission.
- 4.2.6 The Proposed Development complies with the development plan and no material considerations indicate that permission should be refused. Under Policy S4, any adverse effects would need to substantially outweigh the benefits for permission to be refused. The Appellant considers that no such adverse effects arise, but even if any such effects were found to arise, they would not outweigh the benefits, still less substantially outweigh them.
- 4.3 Chapter 6 – Delivering a sufficient supply of homes**
- 4.3.1 Policies HO7 to HO13 set out the national-decision making policies on meeting housing need. Policy HO7 states that, in applying the NPPF 2026, substantial weight should be given to the benefits of providing homes which contribute towards meeting evidenced community needs, as identified through needs assessments and other relevance evidence.
- 4.3.2 The Council cannot demonstrate a five-year supply and scores below 75% in the Housing Delivery Test. As such, the Site would contribute to meeting an evidenced need for residential development and the fact that the Proposed Development would deliver housing is a planning consideration that should attract substantial weight.

- 4.3.3 Policy HO8 states proposals should meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing tenures relevant to the location including the minimum proportion of Social Rent. The Proposed Development is fully compliant with this requirement.
- 4.3.4 Policy HO13 seeks to ensure that land with permission is developed without unnecessary delay. A planning condition has been agreed with the local planning authority in relation to the timing of submission of reserved matters and commencement of development. The proposed development does not fall within the definition of a strategic site (Annex B: Glossary) and therefore the aspects of the policy that relate to strategic sites are not relevant to this appeal.

4.4 Chapter 19 – Conserving and enhancing the natural environment

- 4.4.1 Policies N2 – N6 set out the national decision-making policies in relation to the natural environment. Policy N2 brings several relevant positive considerations together. Of relevance to the Site, Policy N2(1) requires (in summary) development to: a) consider the environmental qualities of land proposed for development; b) take into account the quality of agricultural land; c) take suitable opportunities to connect to and strengthen ecological networks that extend beyond the site; d) conserve and enhance existing natural features; e) use green infrastructure as part of the scheme; f) minimise adverse impacts on biodiversity and include features to support priority or threatened species; and g) ensure green infrastructure and other features to support nature are located and designed to minimise risk of future failure.
- 4.4.2 A full review of the Proposed Development against Policy N2 is set out in Appendix B to this note. In summary the Proposed Development is consistent with Policy N2 including as the Proposed Development:
- Is to be constructed on land which does not itself have any particular ecological value;
 - Involves a new planted buffer as between the development site and Dum Wood, strengthening the Wildlife Network as a whole;
 - Uses poorer quality agricultural land;
 - Involves the removal of intensive cultivation to the woodland edge and conserve and enhance natural features of nature conservation value through the lifetime management of Dum Wood; and
 - Secures a biodiversity net gain.
- 4.4.3 Significant harm to biodiversity is avoided (Policy N2(2)).

- 4.4.4 Policy N3 relates to trees in new development and will be appropriately addressed at reserved matters stage. Policies N4 and N5 are not relevant to the appeal.
- 4.4.5 Policy N6 relates to areas of particular importance for biodiversity and geodiversity. Policy N6(1)(c) addresses sites of local importance (which include Local Wildlife Sites) and Policy N6(2) relates to ancient woodland. Both are relevant to this appeal.
- 4.4.6 Policy N6(1)(c) provides the test for a Local Wildlife Site. A proposal affecting such a site should only be supported where there would not be a significant adverse effect on the site's integrity, or where the benefits of the development in the location proposed clearly outweigh the likely impact on the features which make it valuable for nature conservation.
- 4.4.7 As identified in the Appellant's Statement of Case, there would be no significant adverse effect on the Local Wildlife Site's integrity. Further even if the inspector were to consider that significant adverse effects on integrity would arise, the location-specific benefits of the proposal development which include delivery of an allocated housing site, including market and affordable homes (in circumstances where the Council is unable to demonstrate a sufficient supply of housing), and the long-term management and enhancement of Dum Wood, would clearly outweigh any likely impact on the features which make it valuable for nature conservation.
- 4.4.8 In terms of ancient woodland, paragraph 193(c) of the previous NPPF required refusal where development would result in the loss or deterioration of irreplaceable habitat, including ancient woodland, unless wholly exceptional reasons and a suitable compensation strategy existed. Policy N6(2) of NPPF 2026 applies the same operative test. It does not impose an automatic prohibition on development near ancient woodland or prescribe a buffer distance.
- 4.4.9 The Appellant's evidence demonstrates avoidance of any loss or deterioration through measures including a site-specific buffer, active management, defined permissive routes, monitoring and ecological enhancement. There is therefore no need to demonstrate wholly exceptional reasons and suitable compensation.
- 4.4.10 The glossary now expressly includes plantations on ancient woodland sites within the ancient woodland definition, confirming Dum Wood's status but not altering the operative test.

4.5 Other national decision-making policies (NDMPs)

- 4.5.1 A brief assessment of the Proposed Development against relevant NDMPs is set out below.
- 4.5.2 Chapter 3 – decision-making policies - The NPPF 2026 introduces a new section on general decision-making policies which should be read with the thematic policies in other chapters. Of relevance, Policy DM6 sets out the application of planning

conditions and obligations. The proposed conditions and s106 obligations comply with these requirements.

- 4.5.3 Chapter 12: Making effective use of land – Policy L3(1) requires development proposals to make efficient use of land, taking into account various considerations. The Proposed Development will provide market and affordable housing on an allocated site responding to housing and comprises an efficient use of land. Policy L3(2) sets out how development proposals can contribute to an efficient use of land. Of relevance is Policy L3(2)(b) which states that where land at the edge of existing built-up areas is allocated and so will form part of a settlement, development footprints should make the best use of a site’s development potential, taking into account the policies in the Framework. The Proposed Development has been carefully designed in accordance with those policies and therefore contributes to making efficient use of land.
- 4.5.4 Chapter 14: Achieving well designed places - Policy DP3(1) requires (to the extent relevant) proposals to respond to their context (the history, character and features of their site and setting) so they integrate with and enhance their surroundings, but notes that this should not preclude change where appropriate. The Proposed Development responds suitably to its context. Policy DP3(2) sets out principles for well-designed places. The application has been submitted in outline with all matters reserved except access. The proposed means of access is fixed by the Parameter Plan submitted with the application. Detailed matters relating to appearance, landscaping, layout and scale will be considered through subsequent reserved matters applications and relevant principles in Policy DP3(2) will be addressed at that stage. Nevertheless, the Parameter Plan establishes the framework for development including by securing the relationship between the Proposed Development and Dum Wood through a substantial buffer, identifying maximum building heights, and accommodating the access arrangements. The Council has raised no design-based reason for refusal and there is no evidence to suggest that a high quality and policy compliant form of development cannot be delivered through the reserved matters process. The Proposed Development complies with relevant aspects of policy DP3.
- 4.5.5 Chapter 15 – Promoting sustainable transport - Policy TR3 promotes the location of development in sustainable locations. Policy TR4 addresses street design, access and parking. Policy TR6 deals with the assessment of transport impacts. The Site occupies a sustainable location adjacent to existing residential areas and is within reach of services, employment opportunities and public transport. Access has been fully assessed as part of the outline application with condition 12 securing the approved access arrangements and condition 7 securing protection of the surrounding highway network during construction. The Council has not identified highway safety concerns or severe residual adverse impacts on the transport

network, associated mitigation is secured via the section 106 agreement and through planning conditions.

- 4.5.6 Chapter 16 – Promoting healthy communities - The Proposed Development will deliver up to 181 homes, including policy compliant affordable housing, together with public open space, green infrastructure and new walking and cycling connections. The Proposed Development will also secure defined permissive routes within Dum Wood and its long-term enhancement through the Ancient Woodland Management Plan. The Proposed Development therefore promotes healthy and inclusive communities in accordance with Chapter 16.
- 4.5.7 Chapter 17 – Pollution, public protection and security - The matters addressed by Chapter 17 have been comprehensively assessed and are controlled as necessary through planning conditions. In particular, condition 6 secures a Construction Environmental Management Plan, including controls relating to dust, noise, vibration, lighting, construction traffic and site management. Conditions 8 and 21 to 23 secure temporary and permanent drainage arrangements and flood risk mitigation. Conditions 10 and 24 secure measures to protect Dum Wood and enhance biodiversity. Conditions 14 to 18 secure noise mitigation and the investigation, remediation and validation of any land contamination. The Council has confirmed that it does not intend to advance evidence in relation to construction impacts, air quality, hydrology or artificial lighting. The Proposed Development would not give rise to unacceptable impacts in relation to pollution, public protection or security and is consistent with the objectives of Chapter 17.

5 Overall Implications

- 5.1.1 Overall, the NPPF 2026 strengthens the policy support for the Proposed Development. The appeal Site forms part of allocated mixed-use site MXS7 and will form part of the built-up area once developed; it therefore falls within the new NPPF's definition of a "settlement". Policy S4 consequently applies and establishes that the proposal should be approved unless its benefits would be substantially outweighed by adverse effects when assessed against the national decision-making policies. The proposal would deliver up to 181 homes, including policy compliant affordable housing, on an allocated site in an authority with a significant housing land supply and delivery shortfall, benefits to which substantial weight must be given under Policy HO7.
- 5.1.2 At the same time, the national policy tests relevant to Dum Wood remain materially unchanged as refusal under Policy N6 would require there to be a significant adverse effect on the integrity of the Local Wildlife Site or the loss or deterioration of irreplaceable habitat. The Appellant's evidence demonstrates that those effects would be avoided through measures including the substantial buffer, defined permissive routes, active woodland management, monitoring and secured remedial measures.

- 5.1.3 Accordingly, the proposal accords with the development plan and the national decision-making policies when read as a whole, its substantial benefits are not outweighed by adverse effects, and NPPF 2026 consequently directs that planning permission should be granted.

Appendix A – NPPF 2026 Policy S4(2) Assessment of the Proposed Development

NPPF 2026 policy S4(2) sets out certain circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects. Each of those are considered in detail below.

S4(2) Criterion	Assessment
S4(2)(a)(i) Development proposal would have substantial adverse impact in relation to allocation or safeguarding of land or buildings for particular uses unless certain exceptions apply	The Site forms part of mixed use allocation MXS7 in the adopted Kirklees Local Plan. The allocation seeks residential development and expressly requires a buffer to protect Dum Wood. The Proposed Development does not prejudice the allocation or safeguarding of land; rather, it delivers the residential component of the allocation in accordance with its intended purpose, whilst also providing the requisite buffer. The Proposed Development therefore accords with, rather than adversely affects, the allocation.
S4(2)(a)(ii) Development proposal would have substantial adverse impact in relation to the application of policies for existing recreational land and facilities (Policy HC7)	The Site does not contain existing recreational land, sports facilities, playing fields, allotments or other facilities protected by HC7. The Proposed Development would not result in the loss of any such facility. New publicly accessible open space and recreational opportunities would instead be created through the development and are secured through the section 106 agreement.
S4(2)(a)(ii) Development proposal would have substantial adverse impact in relation to the application of policies for Local Green Space (Policy HC8)	No Local Green Space designation affects the Site or would be impacted by the Proposed Development.
S4(2)(a)(ii) Development proposal would have substantial adverse impact in relation to the application of policies for areas of particular importance for biodiversity and geodiversity (Policy N6)	Dum Wood is Ancient Replanted Woodland and a Local Wildlife Site. The Appellant's ecological, arboricultural and woodland management evidence, appended to the Statement of Case, demonstrates that the proposal would not result in any adverse effect on the integrity of the Local Wildlife Site and would not result in the loss or deterioration of irreplaceable habitat. As such, a substantial adverse impact does not arise.

S4(2) Criterion	Assessment
S4(2)(a)(ii) Development proposal would have substantial adverse impact in relation to the application of policies for Protected Landscapes (Policy N4)	The Site is not within and the Proposed Development would not affect a National Park, National Landscape or the Broads.
S4(2)(a)(ii) Development proposal would have substantial adverse impact in relation to the application of policies for Residential Curtilages (Policy L2(1)(d))	The Proposed Development does not comprise development within an existing residential curtilage.
S4(2)(b) Development proposal would involve loss of cemetery or burial ground land	The Site is agricultural land and does not contain a cemetery or burial ground.
S4(2)(b) Development proposal would involve loss of water storage or flood risk management land	The Site is not designated or used for water storage or flood risk management purposes.
The following rows address Policy S4(2)(c): where the development proposal would fail to comply with NDMPs which states that development proposals should be refused in specific circumstances.	
Policy DM4 Emerging Development Plan Proposals – DM4(2)	Proposals should not be refused on prematurity grounds other than in limited circumstances This relates to emerging development plan proposals and, given that the Site is allocated, does not apply.
Policy TC3 Main Town Centre Uses Outside Town Centres – TC3(4)	Where a proposal fails to satisfy the sequential test or is likely to have a significant adverse impact on certain considerations The Proposed Development does not include main town centre uses

S4(2) Criterion	Assessment
Policy M5: Development Involving Peat, Coal or Onshore Oil and Gas	Policy M5(1) relates to peat extraction and Policy M5(2) to coal, oil and gas The Proposed Development does not involve relevant uses.
Policy L3: Achieving Appropriate Densities	Policy L3(4) Where proposals do not make efficient use of land in accordance with L4(2) The Proposed Development makes an efficient use of land, and the Council does not contest the issue of density. Please see section 4.5.3 of this Note.
Policy DP3 Design	Policy DP3(3) If without clear justification, proposals conflict with DP3(1) or relevant principles in DP3(2) or with explicit design standards in the development plan. The Application is for an outline permission. The development parameters including the buffer have been carefully designed. Please see section 4.5.4 of this Note.
Policy TR6: Assessing transport impacts	Policy TR6(4) Where proposals would have a severe adverse impact on the transport network or an unacceptable impact on highway safety No such impacts arise and the Council do not allege adverse impacts on the network or unacceptable impacts on highway safety. Please see section 4.5.5 of this Note.
Policy HC5: Hot food takeaways	Policy HC5 addresses certain locations of hot food takeaways close to schools and other areas. No relevant concerns arise.
Policy F6: Development in areas at risk of flooding from rivers or the sea and Policy F7: Ensuring development is safe from flooding	Policy F6 is not relevant as the Site does not fall within Flood Zones 2, 3a or 3b. The proposals will not lead to an increase in the risk of flooding on site or in other locations and therefore is consistent with Policy F7(1) and Policy F7(2) is not engaged therefore.

S4(2) Criterion	Assessment
Policy N2: Improving the natural environment	Policy N2(2) states that if significant harm to biodiversity cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then the development should be refused. This circumstance does not arise. Please see section 4.4.2 and Appendix B of this Note for the Appellant's full response on this matter.
Policy N4 Protected Landscapes	Policy N4(2) states that major development in a Protected Landscape should be refused other than in exceptional circumstances. The Site is not located within a National Park, National Landscape or the Broads and the policy is therefore not engaged.
Policy N6 Areas of Particular Importance for Biodiversity and Geodiversity	Policy N6(1)(a) relates to sites of international importance and as such has no application in this Appeal. Policy N6(2) states that proposals that would entail the loss or deterioration of irreplaceable habitats (including ancient woodland) should be refused unless there are wholly exceptional circumstances reasons and a suitable compensation strategy exists. Please see sections 4.4.5 – 4.4.9 of this Note for the Appellant's full response on this matter.
Policy HE6: Proposals affecting designated heritage assets	Policy HE6(5) relates to substantial harm to or total loss of the significance of designated heritage assets. No such assets are affected.

Appendix B: Assessment against Policy N2: Improving the Natural Environment

Policy N2 requirement	Assessment of the Proposed Development
N2(1)(a): Development proposals should consider the environmental qualities of the land proposed for development, including habitats and landscape character, and identify opportunities for conservation or enhancement.	This policy is concerned with land proposed for development, and as such applies to the Site only. Dum Wood does not form part of the Site and is not being developed. The environmental qualities of the Site (and adjoining Dum Wood) have been assessed through several years of ecological and arboricultural survey work. The Site itself is predominantly intensively managed agricultural land with limited biodiversity value (while Dum Wood is identified as a Local Wildlife Site, Ancient Replanted Woodland and part of the Kirklees Wildlife Habitat Network). Those environmental qualities have directly informed the design of the Proposed Development. The developable area has been set back from Dum Wood, with a buffer measuring between 27.3 metres and 90 metres. The Proposed Development would also involve the removal of intensive agricultural activity immediately adjoining Dum Wood through introduction of a substantial area of native planting and managed habitat. The proposed buffer, biodiversity net gain measures and long-term management of Dum Wood collectively provide opportunities to conserve and enhance the Site's environmental qualities.
N2(1)(b): Development proposals should take account of the quality of agricultural land and, where significant development of agricultural land is necessary, use areas of poorer-quality land where possible.	The Site forms part of adopted mixed use allocation MXS7, and the principle of the loss of agricultural land was considered through the Local Plan process. The Agricultural Land Classification and Soil Resources Report prepared for the Appeal confirms that the Site contains no best and most versatile agricultural land. It comprises 36% moderate quality and 64% poor quality agricultural land. The Proposed Development therefore makes use of poorer

Policy N2 requirement	Assessment of the Proposed Development
	quality agricultural land and do not result in the loss of Grades 1, 2 or 3a land.
N2(1)(c): Development proposals should take suitable opportunities to connect to and strengthen ecological networks extending beyond the Site.	Part of the Kirklees Wildlife Habitat Network runs alongside Dum Wood and extends into the Site, connecting towards Dogloitch Wood. The proposed native planting within the buffer would create a substantial ecological transition zone between the residential development and Dum Wood and would strengthen the function of the Wildlife Habitat Network as a whole. Dense native scrub planting, occasional glades and clearings, and additional canopy and understorey planting would provide covered movement and foraging opportunities for birds, bats and small mammals. Although access to the southern part of the Site will require a limited crossing of the Wildlife Habitat Network and the loss of some hedgerow, this will be addressed through detailed design at reserved matters stage. The Appellant's evidence explains that the integrity and continuity of the network would be retained and strengthened overall. The Proposed Development also aligns with relevant measures in the West Yorkshire Local Nature Recovery Strategy concerning enhancement of existing Local Wildlife Sites, improvement of ancient woodland structure and the creation of transitional habitat.
N2(1)(d): Development proposals should conserve and enhance existing natural features of visual, historic or nature-conservation value where possible, and use appropriate landscaping to integrate development into its surroundings.	Outside of the Wildlife Habitat Network identified above, there are no such features on the Site itself. The adjoining Dum Wood and its associated veteran and notable trees are retained. The Proposed Development would not result in the loss of any part of Dum Wood or any ancient, veteran or notable tree. The buffer provides the necessary separation from the woodland and accommodates the root

Policy N2 requirement	Assessment of the Proposed Development
	protection areas of woodland edge trees. The proposed planting would create a gradual transition between the built development and Dum Wood, provide visual screening and strengthen the woodland margin. Existing hedgerows and trees will be retained where practicable, with the final extent of any tree or hedgerow removal and replacement planting to be determined through reserved matters. The Ancient Woodland Management Plan will secure active management of Dum Wood for the lifetime of the development, including measures to improve its understorey and ground flora and to protect its ecological value.
N2(1)(e): Development proposals should use green infrastructure and nature based solutions to secure multiple benefits, including for biodiversity, surface-water management, climate resilience and recreation.	The buffer and wider landscaping form an integral part of the proposed green infrastructure network. They would provide multiple functions, including separation and protection for Dum Wood, habitat creation, reinforcement of ecological connectivity, visual screening, climate resilience and recreational opportunities. New publicly accessible open space and pedestrian and cycle connections within the development would provide alternative recreational opportunities for new and existing residents. These measures would help disperse recreational activity and reduce pressure on Dum Wood. Sustainable drainage infrastructure will be incorporated into the Proposed Development, with its detailed design secured through the reserved matters and condition process. The green infrastructure proposed is therefore multifunctional and forms part of the scheme's strategy for avoiding impacts and securing environmental enhancement.

Policy N2 requirement	Assessment of the Proposed Development
N2(1)(f): Development proposals should minimise adverse effects on biodiversity and include features supporting priority or threatened species.	The Proposed Development follows the mitigation hierarchy. Direct and indirect effects on Dum Wood have been avoided through the extent of the developable area, the buffer, construction safeguards, sensitive lighting, visitor management measures and the secured management and monitoring arrangements. Proposed conditions require a Construction Environmental Management Plan, an ancient woodland management plan and approval of a sensitive lighting scheme. The ecological evidence identifies appropriate mitigation for species recorded using the Site, including alternative skylark plots and habitat for yellowhammer. The native scrub, woodland edge planting, retained hedgerows and strengthened Wildlife Habitat Network would also provide habitat and movement opportunities for bats, birds and small mammals. Species specific features required by N2, including integrated nest boxes where applicable, can be secured through the detailed design and reserved matters process.
N2(1)(g): Development proposals should ensure that green infrastructure and features supporting nature are designed to minimise the risk of future failure, with arrangements for necessary long-term management.	The proposed section 106 agreement provides a comprehensive mechanism for the long-term management and maintenance of Dum Wood and the buffer. It requires an Ancient Woodland Management Plan to be submitted to and approved by the Council before occupation. The plan will identify the responsible management body, funding arrangements, planting and enhancement works, defined permissive routes, measures to discourage access away from those routes, interpretation and signage, monitoring arrangements and procedures for agreeing and implementing remedial measures. Dum Wood and the buffer must thereafter be

Policy N2 requirement	Assessment of the Proposed Development
	managed in accordance with the approved plan for the lifetime of the development. The Council will be entitled to inspect the land, monitor compliance and require remedial works. The measures will therefore be implemented before occupation, monitored over time and adapted if monitoring identifies a need for further intervention.
N2(2): Refuse development where significant biodiversity harm cannot be avoided, adequately mitigated or, as a last resort, compensated.	This policy is not engaged. The Appellant's evidence demonstrates that any material harm would be avoided and that no loss or deterioration of Dum Wood would arise. The Proposed Development provides a site-specific buffer substantially exceeding Natural England's minimum 15-metre recommendation, together with habitat planting, active woodland management, construction safeguards, a sensitive lighting strategy, defined permissive routes, measures discouraging access into sensitive areas, monitoring and enforceable remedial mechanisms. The Council does not intend to present evidence concerning construction phase impacts, air quality, hydrology or artificial lighting, and hydrology was removed from the reason for refusal after the Appellant's technical response addressed the relevant concerns. Significant biodiversity harm will therefore be avoided, meaning refusal under N2(2) is not justified.
N2(3): Biodiversity enhancements exceeding the statutory biodiversity net gain objective should only be required where supported by an up to date specific site allocation in a development plan.	The statutory biodiversity net gain requirement does not apply because of the age of the application. The section 106 agreement secures at least 10% biodiversity net gain through measures outside Dum Wood, including improvements delivered through the buffer. The adopted Local Plan does not require biodiversity

Policy N2 requirement	Assessment of the Proposed Development
	net gain provision in excess of the 10% requirement (it requires a net gain only).