

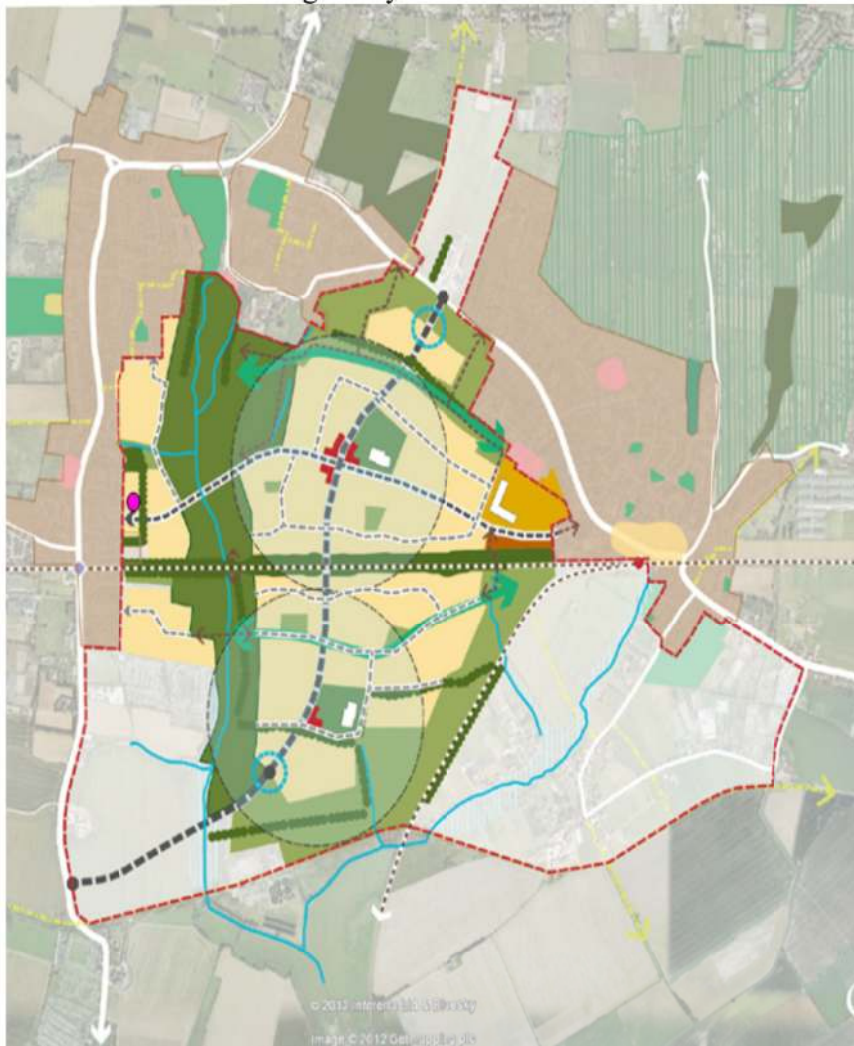
Background

AL/111/16-OUT is an outline application only for housing development of 57 units on a 1.78 hectare site. The land within that application is referred to as AL/111/16 Land or Land East of Orchard Gardens.

In 2009 Arun District Council began its Options for Growth consultation. One of the 3 options considered in that consultation was development at Barnham Eastergate and Westergate. Arun District Council prepared a draft local plan in July 2012 which again identified the Barnham Eastergate Westergate area for strategic housing.

On 12 February 2013 there was the first meeting of the Aldingbourne Neighbourhod Plan Working group. A presentation to the Parish Council concludes with “How to deal with emerging Draft Local Plan - Strategic housing allocation (2000 new homes) - A29 Realignment“

In March 2013 Arun District Council Visioning Study for development in Barnham Eastergate & Westergate was published. This clearly shows the subject site as part of a strategic housing allocation aimed to meet housing need in accordance with NPPF. The site is identified by a pink dot on the plan below from the Visioning Study.



The Aldingbourne Neighbourhood Plan became a made plan in November 2016 following a referendum in October 2016. Turnout in the referendum was 22.09%.

Within the neighbourhood plan process the Aldingbourne Neighbourhood plan (ANP) has been variously referred to as the Aldingbourne Neighbourhood Development Plan (ANDP), the Aldingbourne Plan (AP), the Neighbourhood Development Plan (NDP) and the Neighbourhood Plan(NP). They all refer to the same plan. In the ANDP evidence base the site context plan below shows the subject site as pasture and that it is bounded to the south and west by existing development. It does not link either green space or wildlife habitat from the south or west.



Was the neighbourhood plan team aware that AL/111/16 land was included in the strategic allocation?

In their first meeting the presentation to the Parish Council by the neighbourhood plan working group concluded with “How to deal with emerging Draft Local Plan - Strategic housing allocation (2000 new homes) - A29 Realignment“. The Vision Study for Barnham Eastergate and Westergate was available the following month March 2013.

Within the ANDP process detailed consideration is given to the selection of individual pieces of land as Green Space land. It is possible that the AL/111/16 Land was considered for that as part of “Land rear of Elmcroft Place” If so then it was not assessed for wildlife because the entry for that land is marked as “R Strategic Housing site (R=extensive tract of land)”.

The AL/111/16 Land is mentioned specifically when, as Site 68 in the Strategic Housing Land Availability Assessment (SHLAA), it is considered for local housing provision in the neighbourhood plan preparation. At that stage it is considered suitable for housing by virtue of its proximity to services within the village and it is noted as being available for development with no overriding constraints. The Neighbourhood plan volunteer however rejects it for further consideration because it is part of the strategic allocation.

There can therefore be no doubt that those involved in the neighbourhood plan process were aware that the AL/111/16 Land is within the strategic allocation of the emerging plan and had been obviously so since at least March 2013, but probably as early as 2009.

What does Policy EH2 actually say?

Policy EH2 from the regulation 16 consultation plan is as follows:

Policy EH2 Green Infrastructure and Ecosystem Services New development within, or immediately adjacent to the Biodiversity Corridors identified on Map A will only be supported where it can be clearly demonstrated that development proposals will not give rise to any significant harm to the integrity or function of the Biodiversity Corridors

EH2.1 Green Infrastructure corridors such as woodland and well maintained hedgerows provide important wildlife habitats and cover for migration of wildlife. The parish of Aldingbourne has a number of small copses, old orchards, mature hedgerows, ponds, watercourses and similar habitats hosting a variety of wildlife. These have potential to enhance biodiversity within the parish and provide important connections between the South Downs and the coast, if they are better connected to form wildlife corridors.

EH2.2 All development with the potential to adversely impact on the areas defined on Map A will be required to demonstrate how the scheme will impact on the integrity and function of the Biodiversity Corridors. Where necessary, this should include the identification of avoidance and mitigation measures sufficient to avoid any significant harm to the designation. Developers are strongly encouraged to also demonstrate how the overall function and integrity of the Biodiversity Corridors may be enhanced to provide a 'net gain'. Proposals should also include a management plan to ensure that effective long-term management of the key features within the Biodiversity Corridor can be achieved. Justification: Objective 2c; NPPF 11 paras 109,114,117;

The relevant extract of Map A in the consultation plan is below. The AL/111/16 land is east of the telephone symbol.



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Arun District Council view of Policy EH2 and Strategic Allocation

In their response to the regulation 16 consultation Arun District Council state:

7. Policy EH2 and Map A: Without a key to the map it is believed that those areas blocked in a darker colour are intended to be those identified as 'immediately adjacent to'. Two of these would fall within the western part of a strategic site being considered through the Local Plan Process. There is potential conflict with the strategic elements of the Arun Local Plan 2011-2031 **so this policy needs to be deleted**

Please note the words in 'bold' in the paragraph above were written in 'bold' in Arun District Councils Reg.16 Comments report prepared by Donna Moles of Arun District Council.

Inspectors View of Policy EH2 justification and strategic allocation

The August 2016 examination of the ANDP was made by John Slater MRTPI who fully considered Policy EH2, its 2016 justification by Mr Beaton and its conflict with strategic aims. Mr Slater recommends to Arun District Council and the South Downs National Park Authority “that the Aldingbourne Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum”.

Regarding Policy EH2 his clear recommendation at the top of page 16 is “that the shaded areas including the fields on the east side of Westergate be removed from Map A”. As well as that Mr Slater expresses a general concern about the quality of Maps and states that he expects them to be improved.

It is not clear what happened next. The referendum plan EH2 policy wording is changed to read “Map A1 and A2” instead of Map A. The referendum plan has Map A(2) based on the original Map A which shows the **all the fields** east of westergate removed. On the face of it the Inspectors recommendation had been followed. However a new Map A(1) at larger scale is inserted. This includes hedrows and stream buffers as biodiversity corridor. It also included the AL/111/16 land in the biodiversity corridor, despite fields further east being removed from the corridor. Whilst we can see an argument for a larger scale map to show hedgerows and the chalkstream there is no justification for the inclusion of AL/111/16 land in contravention of the inspectors recommendation. There is no explanation from Arun District Council of why they certified that the inspectors recommendations had been implemented.

Nowhere in the ANDP evidence base mapping is the Land East of Orchard Gardens shown as anything other than a field. It is not adjacent to a chalk stream. There is an argument that the neighbourhood plan is flawed by inclusion of the AL/111/16 Land contrary to the Inspector's recommendation.

At the very least the Inspector's reasoning demonstrates that weight should be attached to the inclusion of this site for strategic housing and decrease any weight attached to EH2.

Applicants comment on Mr Beaton's July 2016 'Justification for Biodiversity Corridor '

From the first neighbourhood plan working group meeting in February 2013 to June 2016 there is nothing in the Aldingbourne neighbourhood plan or evidence base that shows how individual fields/land parcels were assessed for inclusion in the Biodiversity corridors. The Land East of Orchard Gardens is just one of several parcels of land between the built up area of Westergate and the eastern parish boundary all of which are designated in the pre examination plan as either green space or Biodiversity corridor.

It is only in July 2016, over 3 years after the start of the plan process and after publication of the second draft plan, that any rationale for the biodiversity corridor was put forward. That was in a document prepared by Mr M Beaton, chairman of the parish council, dated 12 July 2016, 8 days before regulation 16 consultation closed.. There is no mention within the Neighbourhood Plan working group website pages or the Aldingbourne Parish Council Meeting minutes that this document, or anything like it, was considered prior to publication of the plan. The document appears to have been produced only in response to a critique of the policy on behalf of CALA homes pointing out that there is no justification in the evidence base for the policy and its conflict with strategic planning..

In his belated justification Mr Beaton states

The corridors are based on the Chalk streams (which are Priority Habitats in the UK Biodiversity Action Plan) provide the framework and followed the rationale in “Making Space For Nature” in using natural corridors. Of themselves the chalk streams are narrow and vulnerable to impacts from adjacent land use such as fertiliser or spray drift from arable land and have a limited capacity to encourage the effective movement of a broad variety of plant and animal species. To address this shortcoming areas of grassland / woodland lying next to these streams were incorporated where possible into the corridors to better defend the chalk streams and improve the effectiveness of these routes as biodiversity corridors.

The AL/111/16 land DOES NOT have a chalk stream, or any stream, running through it. Neither is it adjacent to a chalk stream. There is at least 1 separate parcel of land between the AL/111/16 land and the chalk stream. Two parcels are shown on the 1840's tithe map.

Mr Beaton goes on to say

In preparing the Neighbourhood Plan the Parish Council also wished to take account of the landscape and where possible integrate ecological and landscape objectives. To understand the landscape pattern of the Parish the Parish Council examined the 1848 Tithe maps to identify the historic landscape pattern. This was supplemented with a view of the 1948 RAF maps of the area and current aerial photographs to identify those areas in which the traditional pattern of small scale parcels of land still survived and which might contain remnant habitats, in order to conserve elements of the historic landscape pattern of small fields as well as contributing to a more coherent biodiversity / green corridor approach. The analysis reveals a substantial simplification of the field pattern within the Parish as a result of agricultural improvement over the past 150 years. However adjacent to the village that landscape pattern could still be identified in a few key locations, of which the fields east of Westergate are one.

The AL/111/16 proposal is for development of the AL/111/16 land by itself and the boundaries shown on the 1840's tithe map will still be apparent even after development. In the schedule to the tithe maps the parcels of land either side of the chalk stream are described as, and taxed as, either arable or pasture making it unlikely that they would contain much in the way of remnant habitats. AL/111/16 land is shown as arable which is even less likely to contain any remnant habitat than pasture might.

Mr Beaton also states

In developing the Biodiversity / Green Corridor approach the Parish Council has also had regard to linking these corridors to the Rights of Way network and areas with informal public access. In addition, the council wishes to involve the schools within the Parish with this project. A primary and a secondary school lie adjacent to this site.

He is referring to the whole area east of westergate, originally proposed as a biodiversity corridor/green space. The two schools mentioned are at the northern most end of that proposed corridor and ARE NOT adjacent to the site for AL/111/16. THERE ARE NO rights of way adjacent to or over the AL/111/16 land. The proposal provides public openspace adjacent to the wider countryside so allowing AL/111/16 WILL NOT prevent any informal access to that wider countryside.

Mr Beaton states

A wet woodland occurs within the area, which is part open and part dominated by Crack Willow (Salix fragalis), although though both Pedunculate Oak (Quercus robur), Field Maple (Acer campestre) and Ash (Fraxinus excelsior) Hazel (Corylus avellana) Goat Willow (Salix caprea) and English Elm Ulmus procera) are also present. This wet woodland is significant because it also lies across a small chalk stream which runs through the site and eastwards crossing the grassland. This wet woodland, is most probably a remnant floodplain (NVQ - W8) indicated by the presence of Ash (Fraxinus excelsior), Field Maple (Acer campestre) and Dogs Mercury (Mercurialis perennis), woodland which has been modified. NB:- Wet Woodland is a priority habitat under the UK Biodiversity Action Plan.

As stated above the parcels either side of the chalkstream are shown as either pasture or arable in the Tithe Map. Being in the flood risk zone they are unlikely to be suitable for development. In contrast to the AL/111/16 land they ARE adjacent to the chalk stream and could therefore properly be included in the biodiversity corridor according to Mr Beaton's criteria.

The AL/111/16 land is not adjacent to the chalk stream, or even in its flood risk area. The AL/111/16 land is not remnant floodplain wet woodland.

Mr Beaton states

The hedgerows within the site are substantially unmanaged and follow the recognisable 1847 field pattern boundaries. There are a number of large mature trees of Pedunculate Oak (Quercus robur), Sycamore (Acer pseudoplatanus), Ash (Fraxinus excelsior) and Horse-chestnut (Aesculus hippocastanum) along with Field Maple (Acer campestre), Hawthorn (Crataegus monogyna), Black Thorn (Prunus spinosa) Elder (Sambucus nigra), Dogwood (Cornus sanguinea), Bramble (Rubus fruticosus agg) Field Rose (Rosa arvensis). In addition, Hop (Humulus lupulus) White Bryony (Bryonia dioica) and Black Bryony (Tamus communis) Bittersweet (Solanum dulcamara) Traveller's-joy (Clematis vitalba) occur. The hedgerows have been left unmanaged and the subsequent expansion of bramble has created a broad hedgerow habitat

The AL/111/16 land has a tree/ditch line along it's eastern boundary. This is recorded in the ANDP evidence base on the West Sussex County Councils Hedgrow map. The development proposal takes the tree/ditch line into account and ensures its retention as well as having openspace alongside it to provide further long term habitat, including a widened section linking it to the land to the north.

The AL/111/16 proposal therefore protects the integrity and function of the only feature of the AL/111/16 land identified anywhere within the neighbourhood plan process as perhaps being appropriate for inclusion in the biodiversity corridor. However the ANDP has a separate policy EH6 for trees and hedgerows. The AL/111/16 proposal is fully compliant with that policy.

Summary

The neighbourhood plan was formed in full knowledge that the Barnham Eastergate Westergate strategic housing allocation was being considered as a key part of the emerging Arun District Local

Plan..

The AL/111/16 land is a field within the strategic allocation. The Neighbourhood plan did not consider the AL/111/16 site for local housing because it was within the strategic allocation for housing.

The neighbourhood plan did not have any firm evidence base for inclusion of parcels of land within a biodiversity corridor other than perhaps parcels adjacent to chalk streams. It had a separate policy for trees and hedgerows.

The Inspector considered the policy and Mr Beaton's justification, and still said that the fields east of westergate should be removed from the biodiversity corridor because of conflict with the strategic allocation.

The only element of the AL/111/16 land that meets any of Mr Beatons Biodiversity corridor justification criteria is the eastern tree lined boundary.

As explained by the Inspector, Mr Slater, the weight to be attached to the Aldingbourne Neighbourhood plan policies is considerably reduced by the conflict with the strategic aims of the emerging local plan. They are further reduced by including a field in the biodiversity corridor **IN CONTRAVENTION** of the Inspectors clear recommendation to remove all fields east of Westergate.

The test of whether or not the AL/111/16 proposal affects the function or integrity of the EH 2 biodiversity corridor has a low threshold because only the treeline meets the criteria for inclusion in the corridor.

That tree line is being protected so the function of the biodiversity corridor is not affected. The site does not link to any biodiversity habitat to the south so the integrity of the biodiversity corridor is not affected.

Without permission for housing all habitat on the site can, with care, be lawfully removed. The exception being the protected trees.

With Planning permission for housing 20% of the site will be forever preserved as green space, and 28% as rear gardens together providing a mosaic of habitats. With the proposed special provision of wildlife permeable fencing sections this will allow wildlife movement around the perimeter of the site as well as along a protected and enhanced tree/ditchline and public space. Bird and bat boxes can be included as part of a detailed wildlife plan at a later stage. Open eaves details could be incorporated to encourage swallows and martins. Holed bricks can be used to provide insect and bee habitats.

Allowing housing, with appropriate conditions and s106 undertakings, will protect and enhance habitat and therefor meets the EH2 policy criteria so should be supported. Residential development with protection and enhancement of wildlife habitat is in accordance with NPPF.

TCPlanning 5 May 2017