



Da Vinci House
44 Saffron Hill
London EC1N 8FH
tel: +44 (0)20 3640 8508
fax: +44 (0)20 3435 4228
email: info@iceniprojects.com
web: www.iceniprojects.com

Iceni Response to Aldingbourne Parish Council Consultation Response – AL/113/21/OUT:

Land at Bayards, Level Mare Lane, Eastergate, PO20 3RZ

Introduction

We have reviewed the response provided by Adams Henry Consulting Ltd providing objections on behalf of the Aldingbourne Parish Council (APC) in respect of the proposed development at Land at Bayards.

We set out below our responses and comments to the matters raised in the letter.

Grounds of Objection

The response focuses on seven areas as reasons for objection:

1. Development Principle
2. 5 Year Housing Land Supply
3. Land west of Fontwell Avenue (BN/50/20/PL)
4. Landscape and Visual impacts
5. Biodiversity
6. Affordable Housing
7. Community Food Production

We address these matters in turn below and provide justification to demonstrate how these reasons for objection are not justified and how the proposals comply with planning policy at a neighbourhood, local and national level.

Development Principle

APC draws upon Policy EH1 'Built Up Area Boundary (BUAB)' of the Aldingbourne Neighbourhood Plan (ANP) within its objection letter, it sets out the criteria for the consideration of new development proposals outside the BUAB when there is a demonstrable shortfall in housing land supply, having regard to the requirements of the adopted Arun District Local Plan (ALP).

Drawing upon the first criteria, the APC gives regard to the need to ensure the proposal would be proportionate to the housing supply shortfall and local housing needs of the Parish and can be deliverable in the short term. Although the housing requirement of 70 dwellings for the Parish are considered by APC to be met through the allocation of 85 dwellings in the ANP. The ALP is explicit that the allocation of 70 dwellings is a "minimum" figure. It is our understanding that Policy EH1 relates to the housing land supply of the Arun District and in this wider context of Arun the housing supply shortfall is significant, hence the Council cannot demonstrate a five-year housing land supply. Given this lack of supply it is considered the BUAB is not up to date.

Arun District Council acknowledges that it cannot demonstrate a five-year housing land supply. The Authority Monitoring Report (December 2020) identified supply to be 3.3 years and the Housing Delivery Test – 2020 measurement highlighted the Council has underdelivered on their housing target over the three previous years (61%). In this context it is clear the proposal for 69 dwellings is proportionate to the local housing needs of the wider District, contributing 6.9% towards the annual housing requirements, which can be sustainably accommodated at Land at Bayards.

It should also be noted this scheme can be easily delivered in the next five years and is therefore deliverable in the short term, this is discussed further below. Therefore, it is considered the proposals clearly align with the first criteria set out in policy EH1 of the ANP.

Further to this, the proposals demonstrate they align with the subsequent six criteria set out in policy EH1 (as covered in detail in the Planning Statement submitted with the planning application), and therefore development outside the BUAB is appropriate in this instance in the context of Arun's housing land supply shortfall leaving the BUAB out of date.

5 Year Housing Supply Shortfall

Following the publication of the Housing Delivery Test – 2019 measurement, which showed that Arun had not fully delivered on their housing requirement an Action Plan was implemented in 2019. The Action Plan makes a series of recommendations in order to boost housing delivery including applying a presumption in favour of sustainable development until such time as the 5-year housing land supply is re-established. Given the continued under delivery in the monitoring years 2019 and 2020 the presumption in favour of sustainable development currently applies. It should also be noted the adopted ALP, identifies a supply of net additional homes of which at least 1,250 are to be identified through Neighbourhood Plans or Non-Strategic Site Allocation DPD. However, as set out in the Council's Local Development Scheme (2020) progression of the DPD has been halted and is no longer being prepared. Hence, it can be concluded the Council are making limited progress toward achieving a 5-year housing land supply and therefore windfall sites will be required to meet housing requirements.

In the context of not being able to demonstrate a 5-year housing land supply the Council's Development Plan should, for the purposes of the National Planning Policy Framework (NPPF) be considered out of date and the presumption in favour of sustainable development applies. APC refer to Paragraph 14 of the NPPF which states that in situations where the presumption in favour of sustainable development applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided a range of criteria apply. It then goes on to confirm the adopted ANP meets the criteria set out in Paragraph 14 and therefore the proposals would be in conflict with the ANP. In this context ANP policies should be given consideration when determining this planning application. With this in mind, APC should have considered paragraph 3 of Policy EH1 of their Neighbourhood Plan when preparing this consultation response which, as also referred to above, states:

"Where there is a demonstrable shortfall of housing land supply having regard to the requirements of the adopted Arun District Local Plan, development proposals must demonstrate that each of the following criterion can be met otherwise development outside the BUAB will be resisted".

As stated above, our emphasis is placed on the fact there is a clear undersupply of housing within the District and therefore paragraph 3 of ANP is engaged, the proposal fully aligns with all seven of the criteria set out in the policy and therefore development should not be resisted outside the BUAB. APC have stated *"the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits"*, however it is clear the development would not conflict with ANP due to the wording set out in paragraph 3. Therefore, the material planning considerations in relation to the proposed development do not constitute allowing development that conflicts with the ANP that is likely to significantly and demonstrably outweigh the benefits as referred to in Paragraph 14 of the NPPF. Given the Parish Council themselves suggest due consideration needs to be given to the ANP under paragraph 14 of the NPPF it is clear that the proposals align with

policy EH1 of the ANP and therefore development outside the BUAB should be permitted given the significant lack of housing delivery across the District as set out in paragraph 3 of the ANP.

The response also refers to the 2021 housing delivery test results in relation to the Ministerial Statement published in September 2021, specifically the four-month adjustment intended to be used to the housing requirements figures for 2020/2021 to account for disruption caused by the COVID-19 pandemic. APC suggest this could potentially result in a significant adjustment to the housing delivery figures within the Arun District, effectively reducing the overall housing requirement in the short term. This may be true in the short term but given the significant and consistent under delivery of housing against the local needs of the District, the housing needs will remain high. This site would make a meaningful contribution to meeting the market and affordable housing needs of the District in the short-term and therefore, this adjustment to the housing delivery test figure of 2021 is likely to be menial in the context of the sustained under delivery of housing within the District. We would also note that this does not change the fact the council cannot demonstrate a 5YHLS, which is the main issue here. The point made about the HDT is just a distraction in this instance.

Within this section of their response, APC also refer to emphasis placed on the intrinsic character and beauty of the countryside within the NPPF and how greater emphasis on the creation of high quality, beautiful and sustainable buildings and places is included in the updated version from 2021 (paragraph 126). The proposed development would constitute high quality design which respects these principles set out in the NPPF. The design and character of the proposed scheme reflect that of the permitted scheme (ref: BN/50/20/PL) to the east which was considered by the Council in 2020. In respect of the determination of that application, it was concluded *“it is not considered that the development will harm the character and appearance of the locality and does result in significant harm to the visual amenities of the site/surroundings. The proposal is considered to comply with the relevant design policies”*. Given the similar design and character of the proposals it is therefore considered there is no justification to object to this scheme on design grounds. This is discussed further below in the Landscape and Visual Impacts section. Further to this, the Committee were also pleased to see an application with excellent “green credentials”, that had been well planned and thought through. The scheme was described as the benchmark for all future applications to be judged against. The current proposals for the land at Bayards reflect this high-quality scheme.

Land west of Fontwell Avenue (BN/50/20/PL)

APC argue the permitted scheme to the east does not set a precedent to these proposals due to differences in sustainable transport modes, proximity to the BUAB and the assessment of availability and suitability of the site in the 2019 Housing and Economic Land Availability Assessment (HELAA), although limited explanation of these reasons is provided. These reasons are a matter of planning judgment for the decision maker, however further justification is provided below in relation to the 2019 HELAA and the BUAB.

The response states the land at Bayards, has been classed within the same assessment as the Fontwell Avenue as “developable” (19AL 1), with an identified potential yield of 57 units. The assessment defines developable sites as suitable, available and achievable, but states that specific information suggests that development could not come forward within 5 years (the availability is specified for a future date or is currently unknown, or the achievability of the site is unknown/marginal). Since this was published there has been a key change in circumstances for the site, which will no doubt be picked up in the next published HELAA, in that Reside Developments, a developer, now controls the site, where before it was only promoted by the landowner. This is significant, as it demonstrates the site’s deliverability.

We confirm it is intended the proposed scheme would be developed within the next five years, it is anticipated the development will take approximately 1.5 years to be built out. It is noted the reserved matters will need to be agreed with the Council, however timescales for this permission to be achieved is estimated to be 1 year maximum after outline permission is received. Therefore, total timescales to deliver the dwellings on site will be between 2.5 and 3 years, well within the 5-year period to be considered 'developable' by the NPPF. These timeframes do not differ from the permitted land west of Fontwell Avenue scheme which has already commenced construction.

In terms of the BUAB the proposed scheme is similar to the Land west of Fontwell Avenue scheme in that it will act as a sensible extension to that permitted scheme, hence forming a similar well related relationship to the BUAB.

Landscape and Visual Impacts

APC consider the proposals would be contrary to policy EH1 of the ANP and guidance set out in the Arun District Council Interim Housing Statement (February 2021), due to its density resulting in over-intensive use of the site and its impact on the semi-rural character of the locality. In this context, the proposals have been carefully considered to relate to the settlement boundary of the permitted Fontwell Avenue scheme once built out and therefore reflects the character of this permitted scheme.

Further to this, the boundary treatment on the western edge of the proposed scheme has also been designed to create a new defensible boundary to the settlement which will protect the future landscape character of the wider area. In terms of density the ANP and Arun Local Plan do not provide prescriptive figures in terms of the density, they both state the density of new development shall be appropriate to its location by virtue of size, sitting and relationship to existing properties. Given this the density of 30 dwellings per hectare on this site is considered acceptable as it is in keeping with the grain and pattern of surrounding local developments, it is therefore proportionate to the scale of the settlement as a whole and in line with policy EH1 and the guidance set out in the Arun District Council Interim Housing Statement.

Biodiversity

The below response has been prepared by Lizard Design and Ecology in response to the comments made by ADC in relation to the Ecological Impact Assessment (EcIA). Each matter raised by ADC is addressed in turn below, however, overall on this matter it should be noted Chichester District Council Ecology, Arun District Council Tree Officer and Natural England have all reviewed the EcIA and have not raised an objection.

Data Search

CIEEM EcIA Guidelines (2018) state that "Desk study information can be obtained from a range of sources, including the local environmental records centre, local nature conservation groups and individuals, previous survey reports for the site or other sites in the surrounding area, and various web-based sources."

The CIEEM Guidelines For Accessing, Using And Sharing Biodiversity Data In The UK (2020) state that "Situations where the data search would be extremely unlikely to provide information needed to inform the assessment, due to the scale and location of the proposed development...". In this case, the site has been assessed as offering 'low' ecological value being formed of common habitats. There is a plethora of publicly-available recent reports for larger more impactful sites such as that east of Fontwell Avenue currently under construction. These sources have been used to provide a range of background data on the site. There is very limited potential for protected species on-site and the

provision of further data would be extremely unlikely to result in any changes in the baseline information.

In-combination Effects

CIEEM EclA Guidelines (2018) state that in some cases, other development projects (besides the one being assessed) can influence the baseline and need to be taken into account.

Given that no significant populations of protected species were identified on the site, the in-combination effects would be limited to impacts upon bats and habitats. The habitats of interest on-site are very limited and not well-connected to other areas, as such any surrounding developments would not have any significant effect upon habitats on-site. The proposals have been designed to essentially remove any impacts upon bats, with no significant bat habitats being removed, such that there would not be any in-combination effects.

Reptile Survey

Reptile surveys have been undertaken in accordance with best practice guidelines, include the HGBI Advisory Notes (1998) the now-rescinded (but still generally useful) Natural England Technical Information Note TIN102 (2011), Froglife Advice Sheet 10 (1999) and the JNCC Herpetofauna Workers' Manual (2003). It should be noted that given the length of time since many of these were issued, surveyors rely on a combination of guidelines, local experience and common industry practice.

Whilst it is noted that the government guidelines suggest to avoid July-August, this is still a suitable survey time with reptiles being very active during this period. July 2021 was notably more overcast and cool than a standard summer and as such reptiles would have to use refuges longer than typically, making them more detectable. All surveys were undertaken during suitable weather and at suitable times of day, with times varied to provide the highest chance possible of finding reptiles. The previous reptile surveys of the adjacent plot on Fontwell Avenue also failed to find reptiles and this accords with the anecdotal reports of the owner who has not noted reptiles despite being on site regularly.

The reference to 35 refugia in the EclA is an error which appears to have occurred during amendments to the report. 30 refugia were installed around the site in areas deemed potentially suitable for reptiles, by a surveyor with 6 seasons' of reptile survey experience. The habitats to the north of the site were generally sparser and unsuitable for reptiles, with areas of tall ruderal deemed suitable much denser towards the south.

There is little consensus currently on suitable numbers of refugia required to confirm absence, but the Froglife Advice Sheet (1999) suggests a minimum of 5-10 refuges per hectare. The entire site covers c.2 Ha and is largely unsuitable. Therefore at the lowest point, 30 refuges equates to c. 15 per Ha, or a much higher density if only suitable habitat is considered. The number and location of refugia were therefore considered more than sufficient to have recorded reptiles if present. The proposals seek to retain and enhance the vast majority of the reptile habitat on the site regardless, and the proposals would result in a significant enhancement in the reptile potential of the site, should they subsequently be able to colonise.

Bat Survey

Bat surveys were previously undertaken of the adjacent Fontwell Avenue site in 2020. This highlighted the use of the boundary treeline shared by this site by a low number of common and soprano pipistrelles and serotine bats, all common light-averse species. Barbastelle were very rarely recorded along Fontwell Avenue. The site is considered to be at the extreme of the local barbastelle home ranges from locations such as Slindon. The boundary vegetation on the southern and western boundary largely consists of poor-quality, sparse sycamores with patchy scrub beneath. This habitat would offer some limited foraging and commuting potential for bats. The majority of the site consists

of heavily-grazed horse paddocks offering very low foraging potential and a ubiquitous habitat in the locality.

The CIEEM PEA Guidelines (2017) section 3.13 states that EclA can be undertaken without detailed survey information for a given ecological feature, where: 1) the outcomes of the survey can be reasonably predicted, or would make no material difference to the assessment of likely significant effects; and 2) appropriate mitigation can be designed and secured on the basis of the information available. In this case it is our assessment that the outcomes of the survey could be reasonably predicted given the results of the adjacent survey and the generally low potential for bats on site.

If required further surveys could be undertaken in 2022 but the proposals are already designed with consideration to bats (such as with the minimisation of vegetation removal, retention of mature trees and infill-planting) and as such this would have no material impact upon the design process. Appropriate significant mitigation and enhancement above this has been designed into the scheme through a landscape design which was coordinated with the ecologists. This can be secured through a planning condition and even through an Ecological Design Strategy if required.

Therefore, as set out above the proposals align with relevant guidance in terms of ecology and the nature and extent of the survey work undertaken accurately establishes the baseline situation in relation to the ecological value of the site. An Ecological Design Strategy can also be secured via conditions to ensure appropriate mitigation and enhancement is provided on the site to ensure the long-term benefits to biodiversity.

Affordable Housing

ADC have raised concerns that Aldingbourne, Barnham and Eastergate Community Land Trust, ABE CLT has not been with engaged with regarding affordable housing numbers. We can confirm that Cratus Communications acting on behalf of the applicant have engaged with ABE CLT. Cratus has had email and telephone conversations with Mr Mike Link, Chairman of the ABE CLT. Mr Link responded online to the public consultation on 17 July and a response was provided on 3 August, asking for more information about the CLT, no response was provided by Mr Link. When the Parish Council raised it at the meeting the applicant attended in September Mr Link was contacted again on 1 October to check if he had received the initial response, it was confirmed the response was not received and was therefore sent again. After this email had been received by Mr Link it was confirmed that the CLT would be very interested in the affordable housing for Land at Bayards, which would become more relevant at reserved matters stage. The applicants' intention to liaise with the CLT regarding the affordable housing at the appropriate time was shared and noted by Mr Link.

Community Food Production

The APC have also raised concerns that no allotments had been allocated in respect of this site and the proposal would therefore fail to meet the objectives of the ANP. This point was raised when the applicants met with ADC and the ability to provide allotments on site has been explored further in including speaking directly to the Council.

These discussions concluded as per the Public Open Space, Playing Pitches and Built Facilities January 2020 SPD there is no requirement under planning for on-site allotments (either NP or LP). Paragraph 4.24 of the SPD states that *"For allotments, only large-scale developments will need to provide on-site provision. This is to prevent instances of small sites with only a handful of plots being created (as any allotment plots should look to be served by water and other ancillary facilities). The 'trigger' point for when on-site allotment provision is required is in developments of 728 dwellings or greater"*.

NP Policy LC4 merely states *“Proposals that contribute to the provision of allotments either by making land available for those purposes or by means of financial contributions through legal agreements or (when adopted for the District) the Community Infrastructure Levy, will be supported”*.

As such the proposals will provide an off site contribution collected as part of the CIL payment to contribute towards larger allotment schemes in the District. This aligns with the DPD which confirmed smaller areas of allotment plots are less favourable in comparison to larger plots. It should also be noted fruit bearing trees will also be provided across the site.

Conclusion

This note has provided sufficient justification to respond to the comments made on behalf of APC by setting out further details on their concerns regarding the development principle, including the relevant engaged policies within the ANP, Arun Local Plan and the NPPF, the timescales to develop the scheme, landscape and visual impacts and biodiversity.

It has been demonstrated, in the context of severe under delivery of housing within the District, these reasons for objection are not justified and the proposals fully comply with planning policy at a neighbourhood, local and national level. The proposed scheme would provide a meaningful contribution to meeting the market and affordable housing needs of the District in the short-term. Hence, overall the reasons for objection set out in the comments made on behalf of APC are not material reasons for the refusal of this proposed scheme at Land at Bayards.