
Nursery Fields, Land North of Chalcraft Lane, West Bersted

Planning Statement

Prepared by Barton Willmore LLP on behalf of Landform Bersted Ltd

May 2021

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1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Barton Willmore LLP on behalf of Landform Bersted Ltd ('Landform') to support an outline application for up to 225 residential units, associated infrastructure, open space and vehicular and pedestrian access at Nursery Fields, land north of Chalcraft Lane, West Bersted ('The Site').
- 1.2 The outline application is parameter based, with all matters reserved save for the principal site access which is submitted in detail (the Scheme).
- 1.3 The Site comprises 14.07 hectares and lies within the administrative boundary of Arun District Council ('Arun DC'). The Site sits within the strategic allocation 'West of Bersted' (Policy HSP2, Site SD3) in the adopted Arun DC Local Plan 2018 (ALP).
- 1.4 On 8 December 2020, an application was submitted to Arun DC (LPA ref. BE/148/20/OUT), on behalf of Landform for the residential development of the Site. The description of development was:

"Outline application with all matters, except for site access, reserved for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access. This application affects a Public Right of Way".

- 1.5 On 1 April 2021, a decision notice was issued by Arun DC, refusing outline planning permission for the proposed development.
- 1.6 An appeal was lodged against this refusal of planning permission on 14 May 2021 (PINS ref. APP/C3810/W/21/3275040) (the Appeal). Validation has been confirmed by PINS although at the time of submission, a start date for the Appeal was awaited.

- 1.7 Arun DC refused permission on three grounds, two of which related to the absence of a s106 agreement or obligations to provide for the necessary mitigation (reasons 2 and 3). Reason for refusal no 1 related to the absence of an assessment of the cumulative transport impact of the proposals with the remainder of the SD3 allocation and failure to sufficiently promote sustainable travel. These reasons are refuted in the Appeal. The Appeal includes a draft s106 agreement which is intended, together with appropriate conditions, to provide for the mitigation identified in the Appeal. Landform and the landowners are willing to enter into a similar obligation, subject to any amendment reasonably required by Arun DC and West Sussex County Council (WSCC), in association with this application. A schedule of draft conditions is also included.
- 1.8 Arun DC's objections on highways grounds are not supported by the WSCC as highway authority, and a statement of common ground has been agreed with the highway authority for the purposes of the appeal and we do not anticipate any change of its position with respect to this application.
- 1.9 It is Landform's case that in determining the first application Arun DC has failed to have regard to its Action Plan and has misapplied para 11(d) and 109 of the NPPF. Furthermore, that it has failed to apply its own Action Plan, adopted in response to Arun DC's failure to maintain housing delivery.
- 1.10 The purpose of making this planning application is to provide Arun DC with the opportunity to reconsider its position, in light of, inter alia, the agreed position of WSCC as highway authority, the clear guidance of the PPG on cumulative impact assessment, its own previous decisions in this area, the draft s106 agreement and schedule of conditions and thus avoid further work in progressing the appeal further.
- 1.11 In accordance with Regulation 9 of the 2012 Fee Regulations (as amended), Landform may submit a single revised planning application without paying a further fee. This application complies with eligibility criteria for such a submission: this application is being made within 12 months of the refusal being issued by Arun DC, and the applicant, site location and description of development are unchanged from the original application (LPA ref. BE/148/20/OUT).

- 1.12 The application documents have been amended to reflect the scheme as determined including provisions relating to a future connection to land to the north and the additional information submitted to address the concerns of Natural England. This statement does not seek to repeat in full the appellant's case, and the application should be considered in light of the appeal statements which include a statement addressing highways and transport measures prepared by i-Transport.
- 1.13 Arun DC has accepted in its consideration of the previous application that the proposals would constitute sustainable development and that the presumption in favour of sustainable development is activated and indeed, relied upon by Arun DC in the adopted Action Plan to address the ongoing failure to maintain housing delivery and housing land supply. The relevant policies of the local plan are therefore out-of-date, and Arun DC has signalled a review of the plan is required as acknowledged at para 12.1.12 of the ALP. The application should be considered in this context. The proposals represent the opportunity to provide for much needed new homes for the District, and, given the housing needs of Arun DC, planning permission can and should be granted now for the development as proposed.

2.0 THE SITE AND SURROUNDING AREA

The Site

- 2.1 The Site is located on the western side of Chalcraft Lane, to the rear of Chalcraft Nursery, and comprises agricultural land.
- 2.2 A Site Location Plan (ref: 01304_S_11_P1) is included at **Appendix 1**.

Surrounding Area

- 2.3 The Site is bounded on its northern side by Jubilee Recreation Ground and agricultural land, with further agricultural land located to the west, beyond which lies Orchard Caravan Park. The surrounding area further north and to the east of the Site is predominantly residential in nature, with residential streets leading off Chalcraft Lane to the east and Chichester Road to the north of the Site. Chalcraft Nursery is located immediately south and east of the Site.
- 2.4 A recently completed residential development of 99 units is located north of the Site off New Barn Lane. The outline approval was secured by Landform in February 2016 (Arun DC ref. BE/142/15/OUT) and was sold to Linden Homes who have developed the site.
- 2.5 Planning permission (Arun DC ref. BE/103/19/RES) was approved on 28 April 2020 for the approval of reserved matters following the grant of BE/77/16/OUT and BE/40/18/PL for 50 no. residential units with associated roads, drainage & other related infrastructure on land to the northeast of the Site; the developer of which is Bellway Homes Ltd.
- 2.6 Most recently, planning permission was granted on 23 March 2020¹ to an outline application for up to 20 new dwellings, plus modernisation and improvement of the existing commercial premises at Chalcraft Nursery (Arun DC ref: BE/81/20/OUT). The application was submitted to Arun DC by Barton Willmore on behalf of Landform Bersted Ltd in July 2020. The proposals for Chalcraft Nursery share the same access proposal as Nursery Fields, the subject of this application.

- 2.7 In terms of local amenities, the Site is located within walking distance of local services, including the Regis Secondary School and Southway Primary School. The nearest shops and local facilities are located on Chichester Road, approximately 400m east of the Site.
- 2.8 The wider area to the south and east of the Site is built up in nature. Bognor Regis town centre and railway station are located approximately 2km to the southeast.

Designations

- 2.9 Under the terms of the ALP 2011-2031 (adopted July 2018), the Site falls within part of the strategic allocation SD3 'West of Bersted' which, as a whole, is allocated to provide at least 2,500 dwellings, along with the following infrastructure requirements:
- a. Provide a new three-form entry primary school and nursery places,
 - b. Provide a new 3G pitch facility to serve the west of the District,
 - c. Incorporate two new sports pitches and facilities,
 - d. Provide a Community Hub, which includes:
 - a. Shops
 - b. Provision for new healthcare facilities to serve West of Bersted and Pagham South and North (SD 1 & 2)
 - c. Provide a new Tier 7 library facility
 - e. Provide a road/pedestrian/cycle link between the A259 and Chalcraft Lane including facilitating the cycle route to Pagham and enhancing the A259 cycle route,
 - f. Improvements to the A259 between Bersted and Drayton,
 - g. Ensure no detrimental impact to Pagham Harbour SPA, through compliance with ENV DM2 (Pagham Harbour) and its supporting text,
 - h. Incorporate planned new employment provision,
 - i. Where possible, provide linkages and accessible pedestrian and cycle routes to Bognor Regis town centre; and
 - j. A comprehensive strategy for surface water management will be developed in line with the specific recommendations for this locality in the Arun Strategic Surface Water Management Study.

- 2.10 There are no statutory ecological or landscape designations on, or in close proximity, to the Site. There are no statutory, ecological or landscape designations located on or near to the site.
- 2.11 The nearest statutory designation to the site is the Bognor Reef Site of Special Scientific Interest (SSSI) located approximately 2km to the south of the site. The Solent and Dorset Coast Special Protection Area (SPA) is also located approximately 2km to the south of the site. The Pagham Harbour Ramsar/SPA/SSSI is located approximately 5km to the southwest of the site.
- 2.12 The Site does not contain any listed buildings and is not located in an Archaeological Priority Area.
- 2.13 The Site is located in Flood Zone 1 (at low risk of flooding from rivers) and is not within a Source Protection Zone (i.e., an area where groundwater is vulnerable to contamination).
- 2.14 The Site is not located within an Air Quality Management Area.
- 2.15 Following the endorsement of the masterplan for the SD3 allocation and the submission of the previous planning application (now the subject of the Appeal), Arun DC served a TPO in respect of a number of trees within the site. These are identified and provided for in the proposals.

Public Rights of Way

- 2.16 As shown in the submitted Transport Assessment, there is a network of Public Rights of Way (PRoW) within the vicinity of the site. Footpath 136 runs through the site, providing a connection to Chalcraft Lane to the east and joining the road circa 5m north of the Chalcraft Lane / Central Drive junction. Footpath 3035 runs between Stroud Green Drive and South Way, providing a quicker route to the local schools from the site.
- 2.17 Footpath 137 runs along the site's southwestern boundary and connects to Chalcraft Lane to the west of Chalcraft Lane cemetery.

- 2.18 Footpath 134 runs along the northern edge of the site, providing a connection to B2259 Chichester Road via Newbarn Lane. A financial contribution of £50,000 was secured as part of development BE/92/15 to provide enhancements to this route for use as a cycleway and bridleway.

Planning History

- 2.19 As outlined above, on 8 December 2020, an application was submitted to Arun DC (LPA ref. BE/148/20/OUT), on behalf of Landform for the residential development of the Nursery Fields site for up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access. On 1 April 2021, a decision notice was issued by Arun DC, refusing outline planning permission for the proposed development.
- 2.20 In response to the refusal of permission, an appeal was lodged on 14 May 2021 (PINS ref. APP/C3810/W/21/3275040) against the decision of Arun DC.
- 2.21 This 'resubmission' incorporates the 'post submission' amendments and reflects the scheme 'as determined', together with the additional technical assessment and submissions, notably the additional ecological information, submitted with that application. The applicant, site location and description of development are unchanged from the original application.

West Bersted Framework Masterplan

- 2.22 Policy HSP2 requires the preparation and endorsement of a Framework Masterplan for West Bersted (SD3). On 28th September 2020, Arun DC endorsed the Framework Masterplan.

Action Plan

- 2.23 In response to the then identified shortfall in housing delivery, Arun DC adopted an Action Plan in June 2019. This identifies a number of actions to address the shortfall including reliance upon the presumption in favour of sustainable development as per para 11(d) of the NPPF.

- 2.24 Paragraph 12.1.12 of the ALP also signals a review of the local plan where annual housing delivery is less than the annualised requirement or the projected completion rate (whichever is the lower) in two consecutive years. It would appear that little progress has been made in respect of the review and despite the ongoing failure of Arun DC to maintain housing delivery of the ALP and housing land supply, a review of the Action Plan does not appear to be forthcoming.

3.0 SCOPE OF APPLICATION

- 3.1 This planning application seeks permission in outline for the proposed development. The application is therefore supported by the following documents and plans:

Schedule 1: Application Documents

Doc	Title	Author	Status
1.	Application Form, Ownership Certificates and CIL Forms.	Barton Willmore	To support
2.	Planning Statement.	Barton Willmore	To support
3.	Planning Scope and Written Parameters .	Barton Willmore	To support
4.	Design and Access Statement (including Statement of Community Involvement).	JTP	To support
5.	Affordable Housing Statement (within Planning Statement).	Barton Willmore	To support
6.	Biodiversity Assessment, Net Gain / HRA and Wintering Bird Survey (with addendums).	Ecology Solutions	To support
7.	Flood Risk Assessment.	Cannon	To support
8.	Foul and Surface Water Drainage Statement.	Cannon	To support
9.	Land Contamination Assessment.	Nott Group	To support
10.	Landscape and Visual Assessment (including addendum).	Cooper Landscape Planning	To support
11.	Noise Assessment.	24 Acoustic	To support
12.	Transport Assessment (including addendum).	i-transport	To support
13.	Travel Plan.	i-transport	To support
14.	Transport Statement of Common Ground (signed 26 May 2021).	i-transport	To support
15.	Tree Survey & Arboricultural Report (including addendum).	AT Coombes	To support
16.	Archaeology Assessment.	Orion	To support
17.	Draft s106 Agreement.	Pinsents	To support
18.	Draft Conditions.	Barton Willmore	To support

Schedule 2: Application Drawings

Drawing Number	Title	Author
For Approval		
01304_S_11_P1	Location Plan (1:1250 or 1:2500)	JTP
01304_S_14_P1	Block Plan (1:500 or 1:200)	JTP
01304_PP_01_P4	Land Use Parameter Plan	JTP
01304_PP_02_P2	Green Infrastructure Parameter Plan	JTP
01304_PP_03_P2	Building Heights Parameter Plan	JTP
ITB14244-GA-009B	Junction / Site Access Plan	i-transport
For Support		
01304_MP_01_D3	Illustrative Master Plan	JTP
See Landscape Statement	Illustrative Landscape Strategy	Cooper
01304_S_13_P1	Phasing Plan	JTP

- 3.2 The application reflects the 'scheme as determined' by Arun DC refusing the earlier application. The parameter plans reflect the amended scheme proposals that respond to the 'late' service of the interim TPO and is supported by an additional arboricultural report and ecological information submitted and 'agreed' by Natural England. In addition, a draft s106 agreement is submitted together with a schedule of draft conditions.
- 3.3 Pinsent Masons, the solicitors acting for Landform, is instructed to engage with Arun DC and WSCC in respect of the s106 agreement in order to reach an agreed position. The draft a106 reflects the heads of terms issued by Arun DC and follows the format of the completed Chalcraft Nursery s106 agreement.
- 3.4 The appellant would prefer to enter into a s.106 agreement with the councils but reserves the right to submit a supporting unilateral obligation should that not prove possible. The rationale for the proposals is set out in the Statement of Case submitted with the appeal. It should be noted that the terms are largely as proposed by Arun DC save for the omission of the contested items relating to the alleged 'cumulative traffic issues'. Landform welcomes a dialogue with Arun DC to resolve any other outstanding issues on the proposed deed.

Environmental Impact Assessment

- 3.5 The Environmental Impact Assessment (EIA) process is the mechanism by which the likely significant effects of a development on the environment are assessed. It identifies likely environmental effects and the residual effects once mitigated, as well as the cumulative effects with other developments in the surrounding area. The requirement for EIA is implemented through the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017 (the 'EIA Regulations').
- 3.6 Landform submitted a request for an EIA Screening Opinion to Arun DC on 9 April 2020. In a written response dated 7 May 2020 (**Appendix 2**), officers confirmed that the proposals are considered to be an Infrastructure Project (Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas) within Section 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

- 3.7 The site exceeds 5 hectares, in accordance with Schedule 3 of the Regulations, consideration has been given to the characteristics of the development (e.g., its size, use of natural resources, quantities of pollution and waste generated); the environmental sensitivity of the location; and the characteristics of the potential impact (e.g., its magnitude and duration).
- 3.8 Arun DC concluded in the Environmental Impact Assessment Screening Opinion that was undertaken in accordance with Schedules 2 and 3 of the Town and Country (Environmental Impact Assessment) Regulation 2017 that an Environmental Impact Assessment was not required to support the first application at Nursery Fields.

4.0 THE PROPOSED DEVELOPMENT

4.1 Outline permission is sought for the development of up to 225 residential units, with associated infrastructure, open space and vehicular and pedestrian access (access to be determined in detail) on land at Nursery Fields, on the land north of Chalcraft Lane, West Bersted ('The Site'). The outline application is parameter based, with all matters reserved save for the principal site access which is submitted in detail. The parameters comprise:

- Land Use Parameters – drawing no 01304_PP_01_P4.
- Green Infrastructure Parameters - drawing no 01304_PP_02_P2.
- Building Heights Parameters – drawing no 01304_PP_03_P2.

4.2 Outline planning permission will offer flexibility in layout, whilst the parameters-based approach provides certainty as to the impact of the proposals. It would be appropriate when resolving to grant permission on this application to approve the parameter plans in accordance with current good practice to ensure that the submitted reserved matters fully accord with the proposals as identified in the application.

4.3 This application seeks detailed approval for vehicular and pedestrian access which shall be provided via a new junction from Chalcraft Lane, as shown on drawing Access Drawing ref ITB4224-GA-009B.

Development Area

4.4 The total site area is 14.07 ha. The configuration of the development area shall accord with the parameters set out in the Land Use and Access Parameter Plan ref: 01304_PP_01_P4 (**Appendix 3**).

General Layout and Framework

4.5 The development layout of the site shall accord with the general principles of the Land Use and Access Parameter Plan ref: 01304_PP_01_P4.

4.6 The development area will comprise five development zones broadly as indicated in the Phasing Plan ref 01304_S_13_P1.

- 4.7 The laying out and design of the landscape shall be in accordance with the principles as set out in the Design and Access Statement and Landscape Strategy.

Overall Floorspace

- 4.8 The total amount of residential development within Class C3 (residential) shall not exceed 225 dwellings.

Scale of Built Form

- 4.9 Maximum height of development will accord with the heights set out on the Building Heights Parameter Plan ref: 01304_PP_03_P2.
- 4.10 There are two height ranges across the Site. Buildings fronting the primary road and strategic open space will be a maximum of three storeys (14m). The remaining buildings will be a maximum of two and two and a half storeys (9m and 11m respectively).
- 4.11 Heights shall broadly accord with those shown in the illustrative masterplan contained within the Design and Access Statement.
- 4.12 Where, in accordance with the principles of the illustrative masterplan, buildings straddle boundary lines, the higher height can be achieved.

Density and Land Budget

- 4.13 The total site area is 14.07ha. Based on an indicative developable residential area of 7.09ha, the site density equates to 32 dwellings per hectare.
- 4.14 A breakdown of the indicative land budget for the site is as follows:

Residential	ha	Dwellings	dph
R01	1.93	68	35
R02	2.02	61	30
R03	2.03	61	30
R04	0.60	18	30
R05	0.50	18	35
	7.08	225	32 dph average density

Private 70%	158
Affordable 30%	67
	225

Infrastructure	ha
Primary Road and roads crossing green space	0.76
Telecommun. Mast	0.08
	0.84

Open Space	ha
Amenity space	0.30
Parks and gardens	1.12
Natural open space	1.00
Other open space	1.71
Green buffers	0.52
SuDS	1.50
	6.14

Site boundary 14.07

Strategic Landscape and Open Space

- 4.15 Strategic Landscape and Open Space shall be provided in accordance with the Green Infrastructure Parameter Plan ref: 01304_PP_02_P2. No less than 6ha of public open space will be provided within the Site. Detailed landscape proposals shall be submitted in accordance with the principles of the Landscape Assessment and also set out in the DAS and the Biodiversity Strategy.
- 4.16 Local Areas of Play (LAPs) and Local Equipped Areas of Play (LEAPs) or such similar provision as is agreed will be provided as appropriate. Neighbourhood Equipped Areas of Play (NEAPs) or such similar as are agreed as necessary and appropriate, shall be provided within the strategic open space.

Site Access

- 4.17 Vehicular and pedestrian access shall be provided to the site via a new junction from Chalcraft Lane, as shown on drawing Access Drawing ref ITB4224-GA-009B.

- 4.18 The primary road into and through the site is shown on Land Use and Access Parameter Plan ref: 01304_PP_01_P4. The primary road will be built to a standard capable of accommodating a bus service and will have a limit of deviation of +/- 10m. Tertiary and secondary roads will be approved through reserved matters.
- 4.19 Vehicular access to the wider West Bersted Strategic Allocation (SD3) is not being sought, but land will be reserved for a future connection.
- 4.20 Pedestrian and cycle footpath links will be provided in the broad locations marked on Green Infrastructure Parameter Plan ref: 01304_PP_02_P2. In addition, a footpath / cycle way will be provided between Point A and Points B and C on Land Use and Access Parameter Plan ref: 01304_PP_01_P4.
- 4.21 In addition, land will be reserved for a potential all modes access to the remainder of the SD3 allocation on the terms set out in the draft s106 agreement.

Primary On-Site Roads and Movement Corridors

- 4.22 The details of secondary and tertiary roads will be assessed through reserved matters applications.

Phasing

- 4.23 The site shall be developed in two core phases broadly in accordance with the Phasing Plan ref: 01304_S_13_P1.
- 4.24 The scheme would make a valuable contribution to housing land supply. Affordable housing will be provided in accordance with policy.
- 4.25 The Applicant has considered the potential of the site to accommodate custom-build or self-build plots, in accordance with part (p) of LP Policy H SP2 and the draft s106 agreement includes relevant provisions.

Affordable Housing

- 4.26 The mix of dwellings will be provided in accordance with local needs and Policy HDM1. The Site will provide 30% of affordable housing (67 units) with the tenure in accordance with Policy AH SP2. The target mix of affordable housing is as follows:

1 and 2 bedroom apartments – 49%
2 bedroom houses – 27%
3 bedroom houses – 24%

- 4.27 The total housing mix, including market and affordable dwellings, is as follows:

1 and 2 bedroom apartments – 21%
2 bedroom houses – 19%
3 bedroom houses – 55%
4 bedroom houses – 10%

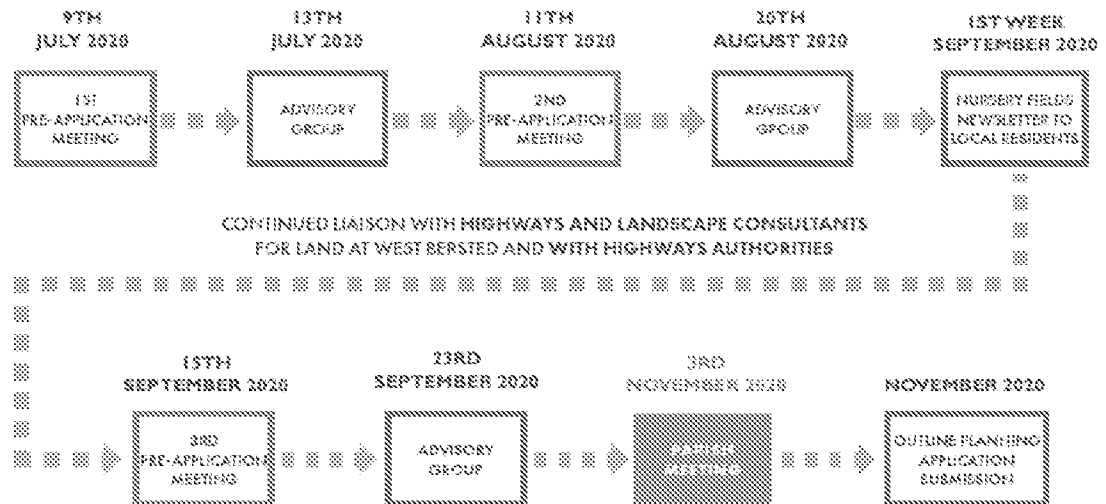
- 4.28 An Illustrative Master Plan (Ref: 01304_MP_01_D1) is included at **Appendix 4** which demonstrates how the development could be delivered within the suggested parameters.

Site Access

- 4.29 **Appendix 5** includes a detailed Site Access Plan (Ref: ITB14224-GA-009B).
- 4.30 Access is proposed from Chalcraft Lane using the access proposed as part of planning application ref. BE/81/20.
- 4.31 Primary cycle routes providing connectivity for new and existing residents are to be provided, with linkages to other key destinations and established pedestrian and cycle networks.
- 4.32 This access road has already received the approval of both WSCC as highway authority and Arun DC when granting permission for the Chalcraft Nursery scheme in March 2021.

Pre-Application Consultation & Engagement

- 4.33 The proposals have evolved following pre-application discussions with both the local planning authority, Bersted Parish Council and local residents. A timeline of stakeholder engagement is provided below.



Arun District Council

- 4.34 An initial pre-application meeting was held with Arun DC on 9 July 2020 and a formal written response was issued on 4 August 2020. The following issues were considered in the initial pre-application response:

- Principle of development – The Site is covered by Policy H SP2a of the Arun Local Plan which seeks the delivery of at least 2,500 units at West Bersted and the redevelopment of the Site to residential, subject to a full assessment, would be acceptable in principle.
- Design
- Neighbour Amenity
- Amenity Space Provision
- Bin Storage
- Affordable Housing
- Highways, Transport and Parking
- Sustainable Construction
- Flooding/Drainage
- Listed Building(s)

- Protected Trees
- Open Space Provision
- Infrastructure Provision
- Biodiversity
- Protected Species
- Sites of National Conservation Importance
- Landscape Impact

4.35 A second pre-application meeting was then held with Arun DC on 11 August 2020. The Council's written response considered the following issues:

- Landscaping / open space provision – seeking to agree viewpoints and to retain a view of the South Downs from Chalcraft Lane. The submission should provide a layering of information which shows the short-term impact of views in the absence of the development of the wider West Bersted site, and the long-term impacts which show the cumulative impact with the fully developed West Bersted site. Arun DC also request further consideration of the overall quantum and provision of useable POS.
- Community consultation – seeking to agree the form, scope and catchment area.
- Infrastructure – seeking to agree the financial contributions to inform viability. To include highways, education, green space, community / library / social / other facilities, utilities / services / SUDS.

4.36 A final pre-application meeting was held with Arun DC on 15 September 2020 with a written response provided on 8 October 2020.

4.37 The full written responses are included at **Appendix 6**.

4.38 This pre-application advice informed the application now the subject of the appeal. Arun DC's formal position is now set out in the three reasons for refusal cited in the decision notice.

West Bersted Advisory Group

- 4.39 Policy HSP2 requires the preparation and endorsement a framework masterplan for West Bersted (SD3) and for proposals to have regard to that masterplan. On 28 September 2020, Arun DC endorsed the Framework Masterplan. As part of this process, Landform presented the proposals for Nursery Fields to the WBAG on 13 July 2020, 20 August 2020 and most recently on 2 September 2020.

Bersted Parish Council

- 4.40 The proposed development was presented to Bersted Parish Council on 3 November 2020.

Engagement with Local Residents & Businesses

- 4.41 A consultation leaflet advising residents and local businesses of the proposal was distributed to local properties during the first week of September 2020.
- 4.42 The flyer was sent to 767 households within a 400m radius (agreed with Bersted Parish Council) from the site with the opportunity to comment via phone call or email over a tree week period from 9 September until 30 September 2020.
- 4.43 The DAS includes a Statement of Community Engagement and summary of responses up to the point of the submission of the previous application.
- 4.44 In considering the previous application, Arun DC undertook consultation in accordance with the regulations. The responses to which are reported in the officers' report.

5.0 PLANNING POLICY CONTEXT

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 5.2 The statutory development plan for the Appeal Scheme comprises the West Sussex Waste Local Plan 2014, the Joint Minerals Local Plan 2018, the Arun Local Plan (ALP) 2011-2031 (July 2018) and any relevant 'made' Neighbourhood Plans, in this case the Bersted Neighbourhood Plan (made 5 November 2014). Arun DC's assessment of the application against the provisions of the development plan is set out in the officers' report in respect of the previous application (now the subject of the Appeal) and confirmed in the reasons for refusal. In support of the Appeal, a schedule, summarising the compliance of the Appeal Scheme with the policies identified by Arun DC in its reasons for refusal was submitted. This is enclosed at **Appendix 7**.
- 5.3 It is accepted by Arun DC that it cannot demonstrate five years' supply of housing land and has consistently failed the housing delivery test, requiring the preparation of the Action Plan. Accordingly, the relevant policies of the development plan are out of date.

National Planning Policy Framework

- 5.4 The latest version of the National Planning Policy Framework (the "NPPF") was published in February 2019 and supersedes previous national planning guidance. The NPPF sets out the Government's approach to planning matters and is a material consideration in the determination of planning applications.
- 5.5 At the heart of the NPPF remains a presumption in favour of sustainable development (paragraph 11). Where this test is met as per the Framework, applications should be approved without delay. Paragraph 11(c) and (d) state that for decision taking this means:

- c. *Approving development proposals that accord with an up-to-date development plan without delay; or*
- d. *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

5.6 For the purposes of Paragraph 11, Footnote 7 states that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. This is the case in Arun DC.

5.7 At Paragraph 38 LPAs are required to approach decisions on proposed development in a *“positive and creative way”* and decision makers at every level should *“seek to approve applications for sustainable development where possible”*. We do not consider that Arun DC has discharged this duty.

5.8 It is the Government's objective to significantly boost the supply of homes and paragraph 59 of the NPPF stresses the importance of there being a sufficient amount and variety of land coming forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The need for new homes in this location is established by the ALP.

- 5.9 Under NPPF Paragraph 73, LPAs are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply. For the purposes of part c, Footnote 39 makes clear that from November 2018, this will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.
- 5.10 In the instances where the test is not passed, Paragraph 75 of the NPPF states that LPAs must prepare an action plan to assess the causes and identify actions to increase future delivery. Arun DC adopted its action plan in June 2019.
- 5.11 With regard to planning obligations, NPPF Paragraph 56 states that obligations must only be sought where they meet the following three tests:
- a) *necessary to make the development acceptable in planning terms.*
 - b) *directly related to the development; and*
 - c) *fairly and reasonably related in scale and kind to the development.*
- 5.12 Paragraph 109 of the NPPF relates specifically to reasons for refusal on highways grounds. It states that development should only be prevented or refused on such grounds *"if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 5.13 In March 2014, the Government published the National Planning Practice Guidance (NPPG), which is also a material consideration relevant to planning applications. The NPPG replaces a number of previous circulars and guidance to provide a simplified single source of guidance at the national level that is subsequently updated over time. The application of para 109 and the relevant guidance in respect of the reasons for refusal is addressed in the i-Transport statement.

- 5.14 Arun DC expressly relies upon the 'presumption in favour of sustainable development' as one mechanism to increase housing delivery and has placed this mechanism at the forefront of its adopted Action Plan to combat the continuing shortfall in housing delivery.

Local Plan and Strategic Allocation H SP2a SD3

- 5.15 The Arun Local Plan (ALP) was adopted on 8 July 2018, some 3½ years after first submission.
- 5.16 The Site forms part of Strategic Allocation SD3 for the land 'West of Bersted' as set out at H SP2a of the ALP. This is earmarked for delivery of at least 2,500 dwellings and supporting infrastructure under Policy H SP2a of the Arun Local Plan.
- 5.17 H SP2 is a generic policy that sets out criteria to be applied in bringing forward the various strategic allocations in the ALP. H SP2 requires proposals to be comprehensively planned and to '**have regard to a masterplan**' that is endorsed by Arun DC. A number of criteria are set out which by implication, are to be reflected in the endorsed masterplan.
- 5.18 H SP2a relates specifically to the three strategic allocations in the Greater Bognor Area, with SD3 being West of Bersted within which the Appeal Site falls. H SP2a SD3 sets out 10 'key design and infrastructure requirements' which development proposals 'will need to meet'.

Housing Land Supply and Delivery

- 5.19 It is important to note that the shortfall in housing land supply is real and has serious implications for the delivery of much needed new homes, including affordable, amounting, on the basis of the latest AMR, to some 1,800 homes. This shortfall is not a one-off event or an 'unfortunate result of a short-term market event', but an on-going and long running position in Arun DC. A 20% buffer was added to the five-year requirement at the local plan stage and was acknowledged by the Secretary of State at para 10 in granting permission for BE/77/16/OUT. This is an area in which the housing market is genuinely in crisis due to a long term and continuing shortfall in land supply and delivery of new homes.

- 5.20 Policy H SP1 of the ALP confirms the housing requirement for Arun DC of 20,000 new homes over the period 2011/12 to 2030/31, with the annual requirement being stepped from 610 homes per annum in 2011/12 to 2015/16 and rising to 1,310 for the period 2021/22 to 2025/26, reflecting as per para 12.1.5 **'the planned delivery of sites'**, including strategic allocations. These strategic allocations are identified in H SP1 with Land at West Bersted being identified as reference SD3 and providing for 2,500 homes.
- 5.21 Para 12.1.12 of the ALP requires that if the AMR confirms that delivery is less than the annualised requirement or the projected completion rate for two consecutive years (as per 12.1 of the plan or Appendix A of the Housing Implementation Strategy), then Arun DC will undertake a partial review of the ALP. The need for an urgent review is emphasised by the need to bring forward an action plan to address the shortfall in supply. The latest published AMR is dated December 2020 and sets out the position as at end March 2020; Arun DC has not yet published the March 2021 completion data, or 5-year supply based on that starting point.

Action Plan

- 5.22 The Action Plan was published in response to the 91% HDT performance in the 2018 results. The AP recognises that 5-year supply in the 2018 AMR was 4.7 years and confirms at 2.1(a) that housing delivery has underperformed in the first 5 years of ALP plan period, notwithstanding the ALP establishing a 5.3 year's land supply (see 5.3)
- 5.23 The AP seeks to identify a number of reasons for such under-performance and cites:
- "An unwillingness ...to coordinate individual schemes through Masterplans in the strategic allocations"** (see 2.1(e)).
- In terms of actions, the AP includes the re-establishment of the presumption in favour of sustainable development.
- 5.24 The AP identifies a range of 'actions' at chapter 7 under development:
- Promote the submission of better quality/compliant planning applications and using pre-application discussions.

- Continue to co-ordinate and liaise with site promoters.
- The re-establishment of the presumption in favour of sustainable development as per para 11(d) of the NPPF.

5.25 Despite the endorsement of the West of Bersted Framework Masterplan in September 2020 and notwithstanding the extensive pre-application discussions and the PPA entered into by Landform, it would appear that the measures set out in the AP have not been effective or are not being applied positively. In fact, the performance of Arun DC has continued to deteriorate as the last application of the housing delivery test showed a substantial deterioration in performance, which was down 30%, from 91% identified in 2018 to 61%. No update or review of the AP has been published, let alone been the subject of consultation.

5.26 In terms of 5-year supply, Arun DC's latest AMR published in December 2020 acknowledges that supply is, on Arun DC estimate, 3.3 years, amounting to a shortfall against requirement (net of the 20% buffer at 1,680: total requirement being 10,079) of 1,800 homes. We believe that the true 5-year supply figure is likely to be less than this.

West of Bersted Framework Masterplan

5.27 A West of Bersted Framework Masterplan (WBFM) has been developed in consultation with Arun DC, landowners and key stakeholders for the West of Bersted strategic allocation. It was subject to a three-week public consultation in July 2020 and was endorsed on 30 September 2020. In endorsing the masterplan, it is implicit that the masterplan was determined by officers and members to meet the requirements of H SP2 and H SP2a SD3.

5.28 The endorsed masterplan does not include any details in relation to phasing, these being removed upon recommendation of officers largely in relation to concern as to the timing of the provision of sports fields with officers advising in their report to committee:

“Officers would be agreeing definitive phasing within an outline application and therefore adequate control is present within the subsequent stages to ensure this matter can be addressed through the according legal frameworks”.

5.29 There is therefore no phasing scheme in the masterplan for this scheme to 'have regard to'. The masterplan is not an SPD and is not listed as such on the Arun DC website. Whilst it has been endorsed, or agreed, by committee and would attract some weight in the considering of the development plan policies HSP 2 and H SP2a (SD3), such policies are out-of-date and the weight to be attached to the masterplan is a function, in part, of the weight to be attached to H SP2 and H SP2a (SD3) in the context of the operation of presumption in favour as per para 11(d) of the NPPF. Limited weight should be attached to the endorsed masterplan.

5.30 In terms of the access and connection to the wider allocation, the masterplan confirms at 7.2.1 that:

"Secondary accesses will also be provided on to Chalcraft Lane although the number, form and location of these accesses are yet to be confirmed. These will be designed as local residential accesses only and are not expected to accommodate a significant volume of traffic".

5.31 The plan that accompanies that section identifies the access now part of the Appeal Scheme and consented through the Chalcraft Nursery permission (BE/81/20/OUT), stating:

"New junction onto Chalcraft Lane serving houses on Landform Land (local residential access only)".

5.32 Planning permission has been granted for the mixed-use intensification of the existing commercial area at Chalcraft Nursery and the Scheme is entirely consistent with the requirements of the masterplan in this respect.

5.33 The draft s106 confirms the offer of Landform to reserve land to provide an 'all modes' connection to the remainder of the SD3 allocation to an agreed standard, should this be required and sought.

5.34 The development the subject to this application would make a valuable contribution to housing land supply relied upon by Arun DC in its latest trajectory. The draft s106 confirms that the scheme will provide for necessary infrastructure in a manner agreed with WSCC (both highways and education) and in accordance with the established mitigation scheme sought by Natural England.

- 5.35 It is plain that the immediate release of this site is required to support the trajectory of new homes delivery established by the AMR December 2020.

Bersted Neighbourhood Plan

- 5.36 The Bersted Neighbourhood Plan (BNP) was 'made' on 5 November 2014. Within the Neighbourhood Plan, the Appeal Scheme is not allocated for residential development. Policy H SP2a of the Arun Local Plan conflicts with Policy ES7 of the BNP. In such instances, Section 38(5) of the Planning and Compulsory Purchase Act 2004 applies.

- 5.37 This states:

"If to any extent a policy contained in a Development Plan for an area conflicts with another policy in the Development Plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan".

- 5.38 The policies of the ALP, including allocation H SP2a, therefore take precedence over Policy ES7 of the BNP. This concurs with Arun DC's position as set out in the Officers' report (Page 13, 5th para).

- 5.39 Nonetheless, the Scheme has sought to respond to the aspirations of the BNP including delivery of a community orchard on the site, as well as the wider aspirations for the delivery of much needed affordable homes, improved vehicular, pedestrian and cycle access, improved connections with the Public Rights of Way network, formal and informal open space and financial contributions towards community facilities.

Gypsy and Traveller Sites

- 5.40 The Regulation 19 consultation on Arun's Gypsy and Traveller and Travelling Showpeople Site Allocations Development Plan Document (G&T DPD) was held between 1 October and 26 November 2020.

- 5.41 Following the publication of evidence studies supporting the Issues and Options public consultation the Preferred Options for the G&T DPD are based on safeguarding the seven existing Gypsy & Traveller sites and five existing Traveller Showmen sites for intensification as the most effective way to deliver appropriate scale accommodation effectively to meet local family requirements. It is proposed that these sites are safeguarded on the Policies Map in perpetuity by strategic Policy G&T SP1 'Safeguarding Existing Gypsy Traveller and Traveller Showpeople sites' rather than providing for such need on strategically allocated sites.
- 5.42 It is important to note that this matter is identified as a matter for "consideration" only under H SP2 and is not included or cited in the reasons for refusal and is accepted in the officers' report as being addressed.
- 5.43 The provision of a Gypsy and Travellers' Site is not identified in SD3 and is not as an express element of the masterplan, which is the point in the process where provision plainly should have been addressed if Arun DC genuinely regarded them as of importance. Reference to the ALP shows a very different scale of need for gypsy and traveller accommodation than that for housing, which is anticipated to be addressed, in the case of private provision on unallocated sites (Policy H SP5) and on public sites through the policies of a DPD. This is based on a preferred strategy promoted by Arun DC of safeguarding existing sites for expansion, rather than the reliance on new sites. To suggest that this a defect in the Scheme which would have adverse impact, let alone demonstrably outweigh the benefits of the proposed housing, does not stand up to scrutiny.
- 5.44 In the report to committee on the first application, officers confirmed that the proposals broadly accord with policy H SP2 part (q) and there was no reason for refusal on this ground and, in light of the above, none would be justified in any event.

6.0 THE CASE FOR DEVELOPMENT

The Principle of Development

- 6.1 In its decision dated 1st April 2021, Arun DC set out its position and confirmed those policies that it considers are infringed by the proposals the subject to the Appeal and now this application; this resubmission includes a draft s106 agreement and a schedule of conditions, both for discussion, which addresses the reasons for refusal no 2 and 3.
- 6.2 Arun DC accepted when determining the first application that the proposals constitute sustainable development and that the presumption as per para 11(d) of the NPPF is activated. Indeed, the adoption Action Plan relies upon it to address the ongoing shortfall in housing delivery and land supply. This remains the case today.
- 6.3 In the context of the first application, the areas of difference between the applicant and Arun DC were narrow. In so far as Arun DC wish to maintain its position that the scheme should be accompanied by an assessment of the likely cumulative impact that would arise from the scheme in combination with the balance of the SD3 allocation, such impact is found by WSCC as being 'small' so that it would not justify refusal under NPPF 109. Similarly, it could not constitute an adverse impact which, when striking the balance under NPPF 11, could significantly and demonstrably outweigh the benefits of the scheme in bringing much needed open market housing to the area. That said, as set out in the appeal statements, it is our position that Arun DC has misapplied the presumption, failed to determine the previous application in accordance with the adopted action plan and attached undue weight to the out-of-date policies of the ALP. It has misconstrued the sustainability of the proposals and has failed properly to identify factors which could reasonably be concluded to tilt the balance in the favour of refusal when applying the guidance of NPPF 11. Whilst Arun DC sought to support its position by reference to the opinion of an "independent expert" it appears that the expert in question was retained to support a decision to refuse and privately advised Arun DC of the unlikelihood of either traffic objection being supported on appeal. Arun DC is invited to reconsider its position accordingly in the determination of this application.

Presumption in Favour of Sustainable Development and Weight to be attached to the Local Plan

- 6.4 The application of the presumption in favour as per para 11(d) by signalled in the adopted Action Plan raises the issue of the weight to be attached to the relevant policies of the ALP, which must include HSP2 and HSP2a SD3 (the allocation specific policies) as per s38(6) of the Act.
- 6.5 Arun DC has accepted that the presumption is triggered and accordingly, that the relevant policies are out-of-date. This is consistent with para 12.1.21 of the ALP which provides for the review of the local plan and which, in the AMR, Arun DC confirms was triggered in January 2021. It would appear that no real progress will be made in any such review until the end of 2021. To date a regulation 18 consultation has yet to be published and the AP confirms that OAN will not be tested or established until the end of 2021 (see para 4.4 of the AP). It seems probable that these dates and action can only slip outwards.
- 6.6 Given that Arun DC relies upon the 'presumption' to increase housing land supply and delivery, it follows that permission should be granted for the proposals given that Arun DC has accepted in its earlier determination that the proposals would constitute sustainable development, unless the two criteria at para 11(d) are infringed.
- 6.7 In respect of criteria (i), officers cite in their report on the previous application the lack of a completed s106 to provide for the agreed and standard mitigation package for the Pagham Harbour SPA/Ramsar. The draft s106 agreement that accompanies this application provides for the agreed package.
- 6.8 In terms of criteria (ii), this is referred to in the summary as the 'tilted balance' and cites adverse impacts, notably:
- Integrity of an internationally designated conservation site (i.e., Pagham Harbour SPA/Ramsar).
 - Potential adverse transport impacts.
 - Lack of infrastructure provision including affordable housing, self-build plots and SAMM tariff.

- 6.9 The first bullet is not sustainable in light of the draft obligation under s.106. The second is not supported by any analysis of those impacts or the highway authority. There is simply no evidence of any serious consequences flowing from the traffic generated by this proposal at any relevant time. The third is also unsustainable: these provisions were on offer in the context of the first application and that offer is repeated for this application in the draft s.106 obligation.
- 6.10 No reference is made to the advice from WSCC Highways in the email dated 5 March 2021 (para 1.19) that even if the appeal proposals fell to be considered with and as part of the remainder of the allocation:

"This simply would have shown the impacts that would arise from this and consequently what would have to be mitigated through any future planning application covering the remainder of the West of Bersted allocation. Proportionately, the impacts from the Chalcroft Nursery Fields development would be small compared with the remainder of the allocation".

- 6.11 Even if Arun DC is correct in its approach to the application of the presumption in favour of sustainable development and the need for an in-combination assessment of the proposals with the remainder of the SD3 allocation, WSCC Highways conclude that such impacts would not be significant. Arun DC has therefore not applied the 'presumption' correctly and hence misapplied its own AP. Whilst it is our position that the application accords with and meets the policy requirement of 'having regard to the endorsed masterplan', Arun DC's position as per para 2 of the Summary at page 28 is that:

"Given that the site forms part of the wider West of Bersted allocation, it should be assessed as such and the requirements of policy H SP2 and H SP2a must be considered".

- 6.12 The starting point of Arun DC is wrong. The AP confirms that the 'presumption is re-established'. The starting point should therefore be to grant permission subject to the criteria at para 11(d) of the NPPF and that by definition the ALP is out-of-date unless 'significant adverse impacts outweigh the benefit'.

Conditions

- 6.13 We have prepared a draft schedule enclosed at **Appendix 8** based upon those attached to the recent planning permission at Chalcroft Nursery (BE/81/20/OUT) and will seek to discuss these with WSCC Highways and Arun DC.
- 6.14 In so far as they are relevant, the proposals the subject of this application respond to the requirements of HSP2 and HSP2a and pay due regard to the endorsed masterplan.
- 6.15 The Bersted Neighbourhood Plan predates the local plan allocation. Nonetheless, it is Landform's intention to provide Community Orchards as well as allotments within the Site and discussions are ongoing with Bersted Parish Council about the detail and delivery of these elements. However, as confirmed by Section 38(5) of the Planning and Compulsory Purchase Act 2004, where a policy contained in the development plan conflicts with another policy in a more recent plan, the conflict must be resolved in favour of the policy contained in the last document to become part of the development plan. As the Arun Local Plan post-dates the Bersted Neighbourhood Plan, Policy CLW4 of the Neighbourhood Plan is out of date in this respect.
- 6.16 The proposed development would provide up to 225 residential units, with associated infrastructure, open space and vehicular and pedestrian access. As such, redevelopment of the Site accords with Policy H SP2a and is therefore acceptable in principle.
- 6.17 Landform has engaged with the promoters of the wider site and the proposals will not fetter nor undermine the wider master planning of the strategic allocation pursuant to policy SD3. In fact, these proposals expressly provide for a vehicular connection to be made from the wider site if it is required in the future.

Technical Considerations

Residential Amenity Matters

- 6.18 The Land Use and Access Parameters Plan ref: 01304_PP_01_P4 sets out the proposed parameters.
- 6.19 As shown on the Building Heights Parameter Plan Ref. 01304_PP_03_P2, the dwellings will be a maximum height of 14m.
- 6.20 A Noise Assessment has been undertaken and assesses any potential impact to the amenity of existing properties on Chalcraft Lane. This demonstrates that noise levels will be acceptable for existing residents.

Highway and Access

- 6.21 A Transport Assessment (TA) has been prepared by i-Transport. The TA considers matters of access, network impact and accessibility in line with relevant local national policies and guidance and has been updated to respond to Arun DC's reasons for refusal. The TA focuses on connectivity between the Site and the existing built-up area of Bersted and ensuring that safe and suitable access can be achieved for all users. To this end, a Stage 1: Road Safety Audit accompanies the planning submission. The network assessment is prepared in accordance with the WSCC Highways 'Transport Assessment Methodology' and forecast the trip generation associated with the residential element of the site and the vehicular intensification associated with the increase in commercial floorspace. WSCC raised no objection to the previous application now the subject of the Appeal and a Statement of Common Ground was entered into on 26 May 2021 confirming WSCC Highway's position.
- 6.22 The TA confirms that access is proposed from Chalcraft Lane using the access approved as part of planning application BE/81/20. The proposed access arrangements have been designed in accordance with the relevant design guidance contained in the Manual for Streets and delivers an appropriate arrangement and visibility to ensure the safe movement of vehicles.

- 6.23 A 3.2m foot/cycle way is provided adjacent to the site access road that connects with a Toucan crossing over Chalcraft Lane. In turn, this will connect to Central Drive and onward cycle connectivity to the Advisory Cycle Route to Bognor Railway Station via a length of shared use path on the eastern side of the Chalcraft Lane carriageway.
- 6.24 Whilst the layout of the site would be a matter for consideration as part of a Reserved Matters Application, an illustrative layout is provided that demonstrates how development can be delivered on the site. Primary cycle routes providing connectivity for new and existing residents are to be provided, with linkages to other key destinations and established pedestrian and cycle networks.
- 6.25 In this regard, it is demonstrated that the site will deliver safe and suitable access, and that the proposed development compiles with the paragraph 108 of the NPPF.
- 6.26 The draft s106 agreement and the revised parameter plans provide for the reservation of a land for an all modes connection to the wider SD3 site should these be required and consented, and the mechanism for transfer at nominal cost, i.e., £1.
- 6.27 The revised parameter and draft s106 also include provisions for the provision of footpath and cycle connections, upgrade of existing and alternative/additional routings, to respect retained trees.

Parking

- 6.28 The subsequent reserved matters application will provide details of the vehicular parking serving the site. However, the TA confirms that parking will be provided with reference to the Arun DC Parking Standards Supplementary Planning Document or the prevailing standards at the time of the application.
- 6.29 The reserved matters will also provide details of cycle parking provision. However, the TA confirms that adequate cycle parking facilities would be provided for the proposed dwellings in secure covered parking, such as within a garage or cycle store. Accordingly, cycle parking would be provided to comply with the relevant standards.

Accessibility

- 6.30 Bersted offers a good range of local facilities and services which future residents of the site are likely to visit on a day to day basis. The TA includes a full appraisal of pedestrian, cycle and bus connectivity within the vicinity of the site and will set out measures to encourage sustainable access to these facilities.

Design

- 6.31 The accompanying Land Use and Access Parameter Plan fixes key principles for the proposed development, including land use, access and building heights.
- 6.32 The DAS prepared by JTP provides a full explanation of the design evolution and rationale. The DAS has been updated to reflect the latest iteration of the parameter plans.

Landscape

- 6.33 A Landscape and Visual Appraisal (LVA) has been prepared by Cooper Landscape to support the application. The LVA explains that the Landscape Strategy has been carefully considered in developing the proposals and factors such as the retention of trees and hedgerows, protection of the landscape character, the creation of soft edges to the countryside, the preservation of the surface water system and the creation of pedestrian routes have been fundamental constraints to the layout.
- 6.34 The Landscape Strategy for the site is set out includes:
- retention of all significant trees, protection of their RPZs, and all hedgerows, subject only to the tree removals necessary to create the site access.
 - replacement of any tree losses in kind.
 - strengthening of the existing planting to the cemetery.
 - green corridors and footpaths as shown on the landscape master plan.
 - a tree planted avenue along the access road.
 - tree planting within the car parking and housing areas of the site, together with new amenity space.

- creation of a pedestrian spine, as advised by the allocated site master plan, making use of the existing hedgerows which run down the site; and
- care with the new layouts and heights of new buildings and the creation of landscape buffers to avoid visual impact on local properties.

6.35 The LVA concludes that other than the inevitable change to the site's character as a result of the residential development of the site, the residual landscape and visual effects of the proposals are not assessed as Important.

6.36 An addendum letter dated 19 May 2021 is also submitted in support of this application. The letter advises Arun DC that Cooper Landscape has reviewed the Tree Preservation Orders as well as the tree officer's consultation response of 18 January 2021, the amended parameter plans and the officer's refusal report in connection with planning application BE/20/148/OUT and confirms that there is nothing in these documents that changes the professional advice contained within the LVA that was submitted as part of the original planning application for Nursery Fields.

Arboriculture

6.37 A Preliminary Arboricultural Impact Assessment (AIA) has been prepared by AT Coombes and is submitted in support of this application. The AIA identifies a total of 30 individual trees and 45 tree groups, which are largely confined to the periphery of the site. 26 individual trees and 31 tree groups are classed as Category B and 4 individual trees, and 14 tree groups are classified as Category C.

6.38 The AIA sets out various protection and management measures for the trees and hedgerows on Site.

6.39 It is advised that, as far as possible, the design should retain B category trees and the associated shrub mass and hedging. The design should also take full consideration of the root protection requirements, branch spreads and potential for shading of retained trees.

- 6.40 The AIA goes on to provide recommendations for preliminary tree work, together with recommended timescales for the work some of which has health and safety implications and advises that there is potential to improve and re-generate old hedgerows around the site. It also advises of potential to improve the tree cover through enrichment planting on the field boundaries.
- 6.41 A further revised Arboricultural Impact Assessment, together with a Tree Protection Plan and Arboricultural Method Statement will need to be produced at RMA stage. All trees can be retained and protected as set out in BS5837:2012 throughout the works.
- 6.42 Since the submission of the previous Preliminary AIA on 29 October 2020, two Tree Preservation Orders (TPO/BE/1/21 and TPO/BE/3/20) have been issued by Arun DC, which cover several of the trees throughout the site. An addendum AIA dated 18 May 2021 is therefore submitted in support of this application and the updated reflected in Appendix 1 (Tree Survey) and 3 (Tree Constraints Plan) of the addendum report. Also appended is a S106 Access Road Phasing Plan showing the proposed improvements to the public right of way FP136, and the possible future road link.
- 6.43 The addendum report concludes that there have been no changes to either legislation or policy which would alter the assessment and conclusions set out in the October 2020 Preliminary AIA.
- 6.44 Further, the draft conditions schedule (attached at **Appendix 8**) proposes suitably worded conditions to ensure adequate protection of trees and hedgerows on or near the site.

Flood Risk and Surface Water Management

- 6.45 A Flood Risk Assessment (FRA) prepared by Cannon Consulting Engineers is submitted in support of this application. The FRA confirms that the Site lies in Flood Zone 1 (the low probability flood area) and is not considered likely to flood as the result of overtopping from a watercourse or from coastal flooding.

6.46 The FRA concludes that the:

- proposed development is not considered to be subject to significant or unmanageable flooding from the sources identified in the Flood and Water Management Act 2010 (FWMA).
- surface water management strategy relies on restricted discharge to ditches.
- assessed surface water management scheme provides sufficient on-site attenuation to manage the 1 in 100 annual probability storm plus 40% climate change allowance; and
- proposed features provide a suitable level of treatment for the proposed land uses.

Utilities and Wastewater

6.47 A Utilities and Wastewater Statement has been prepped by Cannon Consulting Engineers. The Statement sets out the capacity position with regards to utilities (electricity, gas, water supply, telecommunications) and wastewater drainage (network, conveyance and treatment). In summary, there is no insurmountable capacity issues which would preclude the redevelopment of the site for up to 225 dwellings.

Ground Conditions and Contamination

6.48 Nott Group has prepared a desk-based Desk Based Contaminated Land Assessment and the report dated October 2020 is submitted in support of this application. The Assessment concludes that, based upon the development of the preliminary conceptual site model, the risk of encountering contamination during development is assessed as medium. As a result, it is recommended that prior to development a site investigation to include chemical testing of soil samples is undertaken.

6.49 A ground gas risk assessment is recommended, along with a geotechnical and foundation assessment. The conceptual site model should also be updated, and remedial works undertaken if required.

Noise

- 6.50 An Environmental Noise Survey has been carried out by 24Acoustics to determine existing noise levels during daytime and night-time periods and calculations undertaken to determine the likely noise from the use of the proposed site access road, taking into account the potential future intensification of the road.
- 6.51 Outline recommendations have been provided in relation to the glazing and ventilation strategy to ensure that average noise levels from road traffic within habitable rooms would comply with the requirements of British Standard 8233:2014.
- 6.52 Noise levels in external amenity areas are considered acceptable in planning terms given the context of the site.
- 6.53 It is concluded that, with the recommended outline measures set out in the report, noise levels will be acceptable for future occupiers of the scheme and there will be no material change to the occupiers of the existing dwellings on Chalcraft Lane.

Archaeology

- 6.54 A Historic Environment Desk-Based Assessment prepared by Orion is submitted in support of this application.
- 6.55 Based on the available evidence, the Assessment concludes that the study site has a moderate potential to contain buried remains from the prehistoric and Roman periods. There is a low potential for remains of interest from other periods. There is no evidence that the proposed development would result in the loss of archaeological remains of high significance, that would require preservation in situ.
- 6.56 It is confirmed that the archaeological interest of any remains present within the study site could be secured by a staged programme of archaeological works, which would confirm the extent of any archaeological remains, identify any areas of interest, and excavate and record these prior to construction activity within those areas. Such a programme of works would realise the research value of the remains present and would contribute to understanding of prehistoric and Roman land use in the locality. It would therefore provide an adequate form of mitigation for the loss of any potential remains. Such a programme of archaeological works could be secured via a suitably worded planning condition.

- 6.57 Finally, the setting of heritage assets in the study site and the surrounding area has been assessed and the study site is not considered to form part of the setting of any of the listed buildings in the wider study area, nor does it contribute to their significance. The proposed development would retain planting along the southern and western boundaries of the study site, ensuring that the presence of proposed development within the study site would not affect the setting of Morell Farmhouse even in winter views. The other listed buildings in the wider area were found to be completely screened from the study site and would not be affected by the presence of the proposed development. As such the proposed development would preserve the setting of the listed buildings in the surrounding area.
- 6.58 On this basis it is clear that the impact of the proposed development on the archaeological potential of the study site could be adequately mitigated, and the development made acceptable in terms of archaeological and heritage impacts. It therefore accords with the requirements in paragraphs 193 through 199 of the NPPF and policy CS3 of the 2009 Core Strategy, policy DM1, DM3 and DM6 of the Arun Local Plan to 2031.

Biodiversity and Habitat

- 6.59 An Ecological Assessment (EA) has been prepared by Ecology Solutions which confirms that there are no statutory or non-statutory designated sites of nature conservation interest situated within or immediately adjacent to the Site. However, the Site lies approximately 3.6km north-east from the European and nationally designated site Pagham Harbour (SPA, Ramsar, and SSSI). The potential for impacts to these designated sites in addition to their supporting habitats and qualifying species, is assessed in detail within the accompanying Shadow Habitats Regulations Assessment (sHRA), also prepared by Ecology Solutions.
- 6.60 The sHRA concludes that the proposals would not result in any adverse effects on the integrity of Pagham Harbour SPA (in view of the sites' conservation objectives), when the proposed scheme is considered alone or in combination with other plans or projects.

- 6.61 Given the areas of open countryside and existing development separating the application site from nearby statutory designated sites, the provision of new public open space within the application site and the implementation of standard engineering protocols and best practice throughout the construction period, it is considered that the proposed development is unlikely to have any significant impacts on any of these nearby designated sites, during either the construction or operational phase.
- 6.62 The majority of the habitats within the Site generally hold very limited ecological value, with the Site primarily comprising hardstanding, buildings and bare earth. The proposals will retain habitats of relatively greater ecological significance (i.e., the boundary ditches), with sufficient scope to offset losses to these habitats where appropriate. Losses to the grassland habitats are considered to be of low ecological significance.
- 6.63 A suite of protected species surveys and assessments have been undertaken. The trees offer nesting and foraging opportunities for birds in addition to suitable, roosting, foraging and navigational resources for bats. The Site is also utilised by low populations of Common Lizard and Grass Snake.
- 6.64 Appropriate mitigation measures have been proposed, including measures to safeguard bats, reptiles and bats. Subject to the implementation of mitigation measures as outlined above in respect of these species, opportunities for key faunal groups may be retained and moreover enhanced post-development.
- 6.65 In conclusion, on the evidence of the ecological surveys undertaken, the Site is not considered to be of particularly high intrinsic value from an ecology and nature conservation perspective. The design of the proposed development and the implementation of the mitigation measures recommended in the submitted EA (and accompanying sHRA) will ensure that there are no adverse effects on any designated sites or protected species as a result of development at the Site.

- 6.66 The sHRA includes winter bird surveys undertaken in January, February and March 2021 in response to initial consultation responses received from Natural England and Arun DC's Ecology Officer under the previous planning application (LPA ref. BE/20/148/OUT). The May 2021 sHRA confirms that there is no evidence from the additional winter bird surveys undertaken, or indeed for site visits completed in October, November and December 2020, to indicate that the application site is utilised by foraging Brent Geese, despite the fact that it currently supports a winter wheat crop. In contrast, the February 2021 survey identified a flock of Brent Geese located a significant distance to the south-west of the application site, within the extensive fields located closer to the SPA / Ramsar site. As detailed in the sHRA, any concerns raised about the potential for the site to constitute functionally linked land, fell away prior to determination of the previous planning application following the finding of the additional surveys that were undertaken.
- 6.67 On 25 March 2021, Natural England concluded that in respect of the Appropriate Assessment undertaken and the additional information (Ecologist's Briefing Note, Feb 2021) provided in support of the application, they concurred with the Authority's conclusions about functionally linked land and that recreational disturbance will be mitigated against by financial contributions (SAMM tariff) towards the Pagham Bird Aware scheme.
- 6.68 The proposed development is therefore considered to be acceptable in ecology terms, subject to securing the mitigation and avoidance measures proposed. In those terms the competent authority could legally and safely grant a habitats approval under the Habitats Regulations 2017 for the proposed plan/project.

Infrastructure Contributions

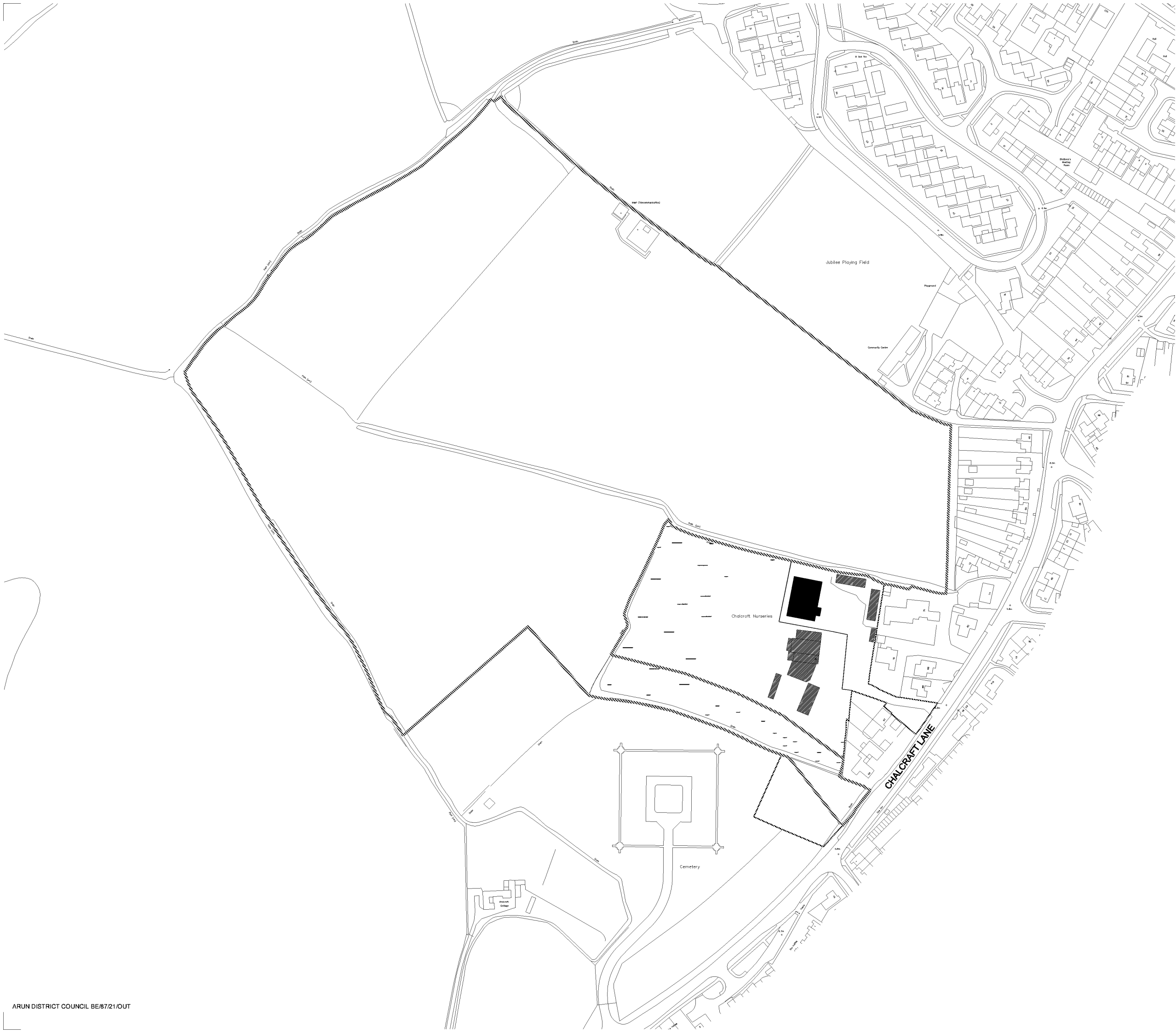
- 6.69 Arun DC's CIL charging schedule came into force in April 2020. The Site does not fall within the charging schedule as per site SD3. Accordingly, a s106 agreement will be entered into to address mitigation and other matters, such as affordable housing, subject to the statutory tests. A draft s106 agreement has been prepared for discussion.

7.0 SUMMARY AND CONCLUSIONS

- 7.1 Arun DC accepts that it cannot demonstrate a 5 years' supply of housing land and has consistently failed the Housing Delivery Test. The 'Presumption in Favour of Development' as per para 11(d) of the NPPF is activated and Arun DC's own Action Plan expressly requires its application. Permission ought to have been granted by Arun DC subject to consideration of the two criteria at para 11(d). It is Landform's position that these are satisfied, either by the Scheme or as modified through appropriate conditions and s106 Obligations.
- 7.2 The relevant policies of the ALP are out-of-date as are the terms of the endorsed masterplan which was prepared and endorsed pursuant to ALP policies HSP2 and HPS2a (SD3). Limited weight should be attached to the ALP. The ALP requires a partial review in event of a failure in housing land supply and delivery. Whilst this review was acknowledged in the AP, it would appear that little progress has been made.
- 7.3 In response to criteria (i) at para 11(d), there are no assets or areas that would be harmed by the proposals (with the proposed s106 obligations) and the 'presumption' requires Arun DC to grant permission unless the "*adverse impacts of doing so would significantly and demonstrably outweigh the benefits*". Likewise, para 109 requires 'severe' impacts to be identified before refusal is contemplated on traffic grounds.
- 7.4 It is not sufficient for Arun DC to allege that an absence of harm has not been demonstrated, or to assert that the impacts of the Scheme outweigh the benefits. First, there needs to be a demonstration of harm. There is none of any substance relating to either the sustainability case or the allegation of cumulative harm. The highway authority rejects both allegations and Arun DC's expert acknowledges the weakness of both points (see email dated 26 March 2021 attached at **Appendix 9**). Further, even if some harm could be identified it is plain that such alleged harm or impacts cannot be reasonably described as either being severe or such as to significantly outweigh the manifest benefits of the Scheme to housing delivery and the land supply. These are the high hurdles set by NPPF 11 and 109 to defeat otherwise sustainable development such as this.

- 7.5 It is clear, as evidenced in the response of WSCC Highways and in the statement by i-Transport, that the Scheme, when considered with conditions and the package of measures to be addressed by s106 contributions, should be found to be acceptable and would not result in harm or impact of substance or sufficient to warrant refusal.
- 7.6 Para 11 (d) sets a simple test for Arun DC and the presumption in favour is relied upon by Arun DC as one of the mechanisms in its Action Plan to address the ongoing failure in the Housing Delivery Test. There is no evidence that supports the contention that the Scheme, when considered together with the comprehensive package of contributions and measures to be secured through the s106 agreement, would give rise to 'significant impacts' that would outweigh the benefits of the appeal proposals, notably the provision of 225 new homes, including self-build and affordable housing, extensive areas of open space on a site that is well connected to the existing community and facilities, in an area identified for housing development and the delivery of which falls continually below requirement. Planning permission should be granted without further delay, and we invite Arun DC to reconsider its position accordingly.

APPENDIX 1
SITE LOCATION PLAN (REF: 01304_S_11_P1)



Notes:
Do not scale from this drawing.
All contractors must visit the site and be responsible for taking and checking Dimensions.
All construction information should be taken from figured dimensions only.
Any discrepancies between drawings, specifications and site conditions must be brought to the attention of the supervising officer.
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Key
----- Nursery Fields application boundary (14.07 ha)

PLAN FOR APPROVAL

P1	16.10.20	First Issue	VB	GP
Rev	Date	Description	Drawn	Chkd

Drawing Status

PLANNING

Client

Landform Bersted Ltd



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Unit 5, The Rum Warehouse
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Project

Nursery Fields,
West Bersted

Drawing Title

Nursery Fields
Location Plan

Scale @ A3 1:2500 Job Ref. 01304

Drawing No. 01304 _ S_11 Revision P1

Scale Bar
0 20 40 60m



APPENDIX 2
ADC SCREENING OPINION DATED 7 MAY 2020



Arun District Council
Arun Civic Centre
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Littlehampton
West Sussex BN17 5LF
Planning & Building Control General Enquiries
Tel: (01903) 737756 Fax: (01903) 730442
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e-mail: planning@arun.gov.uk
website: www.arun.gov.uk/planning

Mr Neil Purvis
Barton Willmore
7 Soho Square
London
W1D 3QB

Please ask for: James Cross
Email: james.cross@arun.gov.uk
Telephone: 01903 737784
Our Ref: SD3 WOB
Your Ref: 27042/A5/EIA
Date: 07 May 2020

Dear Neil

**SD3 West Bersted: Land North of Chalcroft Lane, West Bersted
Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental
Impact Assessment) Regulations 2017 (as amended)**

The above Screening Opinion was requested in writing via email on 09 April 2020. Set out below is Arun District Council's formal response to this. This considers the additional information received on 23 April 2020 relating to:

- 1) *Updated Ecological Assessment undertaken by Ecology Solutions dated March 2020*
- 2) *Confirmation of Pagham Harbour SPA Mitigation Strategy via email dated 23 April 2020 received from Mr Neil Purvis and contained within Ecology Solutions Ecological Assessment*

The Council considers the above proposal to be an Infrastructure Project (Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas) within Section 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

With regard to the stated Schedule 2 criteria and thresholds, it is noted that the site area comprises approximately 14 hectares which falls above the applicable threshold of 5 ha. The number of dwellings comprises up to 230 units which exceeds the applicable threshold of 150 units. The proposal falls within Schedule 2 development and requires screening under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

It is therefore necessary to consider the proposal against Schedule 3 of the Regulations. This schedule outlines the criteria to consider in determining whether development falling within Schedule 2 will require an EIA. The criteria includes the characteristics of the development (e.g. its size, use of natural resources, quantities of pollution and waste generated); the environmental sensitivity of the location; and the characteristics of the potential impact (e.g. its magnitude and duration).

Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 states *where it is determined that the proposed development is not Environmental Impact*

Assessment development, the authority must state any features of the proposed development and measures envisaged to avoid, or prevent what might otherwise have been, significantly adverse effects on the environment... This will usually be through planning conditions or planning obligations, enforceable by the local planning authority which has powers to take direct action to ensure compliance. (NPPG Paragraph: 018 Reference ID:4-018-20170728)

This Screening Response now continues regarding the Schedule 3 Headings.

(1) Characteristics of the Development

a. Size of the Development

The application site comprises a number of parcels within the strategic allocation SD3 West Bersted which is allocated for 2,500 dwellings. At this stage, this development is not considered a committed development in terms of EIA NPPG guidance.

The proposed development will comprise a maximum of 3 storeys (15m to ridgeline above ground level) and would therefore not be out of scale with the existing development to the south east of the site. Character Area Design Guidance that will be brought forward under the SD3 West Bersted Framework Masterplan will provide sufficient control to avoid any significantly adverse effects on the environment.

Therefore, the scale and nature of the proposed development is considered appropriate to the existing development.

b. Accumulation with Other Development

Surrounding parcels of land currently comprise agricultural use and have been highlighted for future development. The land subject of this is allocated within SD3 West Bersted and an indicative timetable for the development is agreed with the Local Planning Authority under Planning Performance Agreement.

The submitted EIA Screening Assessment details the committed development as defined within the NPPG. Whilst it is acknowledged that much of the surrounding area will be subject to change as a result of the SD3 allocation, these parcels fall outside the scope allowed for consideration within the NPPG guidance.

The parcel of land does not comprise an *integral* parcel of land as defined by the NPPG and could proceed independently. Current discussions with the landowner's and their agent have confirmed this is their preferred approach and land ownership would permit delivery in this manner. All infrastructure requirements (drainage etc) able to be delivered independently of the wider strategic allocation.

The delivery of the site will need to accord with the wider master planned area, subject to Policy H SP2a and other Local Plan requirements. Such requirements will include consideration being given to the cumulative impacts relating to matters including traffic impacts and mitigation. The Local Planning Authority acknowledges that the development of this site could be delivered independently and it is the intention of the applicant's, owing to the separate landownership, to proceed with development independently of the wider site.

c. Use of Natural Resources

The development would not use natural resources such as land, water, material or energy in excess of that reasonably considered to be associated with the construction of a residential development. None of these comprise non-renewable sources or are in short supply.

Adequate controls exist within the planning process and use of conditions to control such measures and limit/reduce the use of non-renewable resources.

d. Production of Waste

The development will produce wastes predominantly through the construction phases of development. The applicant's submission details that waste would be sorted, reused and recycled where possible in accordance with separate relevant legislation.

Arun District Council have a separate set of requirements regarding the disposal or operational waste which the operational constructions of the development would be subject to.

e. Pollution and Nuisances

The development will likely result in the release of pollutants but is unlikely to result in any hazardous, toxic or noxious substances to the air. These will primarily be involved in the construction phases of the development. The pollutants released are not anticipated to be significant or exceed limits reasonably associated with the construction of a residential development of this nature.

The applicant's submission states that any hydrocarbons used as part of the construction phases of the development (e.g. plant and vehicle fuel and lubricants) would be stored and used in accordance with all applicable legislation and mitigations measures secured by the Local Planning Authority through the Construction Environmental Management Plan (CEMP).

The Local Planning Authority can control such impacts including dust emissions in accordance with best practice by imposing conditions relating to CEMP. Such an approach accords with that advocated by NPPG guidance which advocates controls via conditions and obligations.

f. Risk of Major Accidents and/or Disasters, including those caused by climate change and also having regard in particular to substances or technologies used

Risk of major accidents and/or disasters comprise a risk during the construction phases of the development. The applicant's submission notes that the contractor(s) would implement measures in accordance with best practice Health and Safety legislation/requirements and best practice.

Storage of any hazardous materials will be governed by separate Health and Safety legislation and the Local Planning Authority are able to control such risks through the imposition of CEMP condition.

g. Risks to Human Health

Risks to human health would only occur through the construction phases of development and such risks would derive from dust and emissions generated during the construction phase of development. Such risks could be mitigated through the CEMP.

The site's former agricultural use is not known to be at any risk of any former contamination. The initial searches provided by the applicant within the Screening submission do not indicate otherwise.

In the event that more detailed surveys were undertaken, controls relating to contamination remediation would be sufficient, for a site of this size, to provide adequate controls. Such controls could be mitigated by way of condition, as advocated by NPPG guidance.

h. Other Characteristics

Transport impacts, for the purposes of Screening, should be considered in the context of NPPG guidance on committed development, as set out above. The submission of a Transport Assessment will provide sufficient consideration and controls to ensure no wider highways impact will result.

In providing a Transport Assessment as part of more detailed design proposals, NPPF guidance will require the cumulative highways impact to be given consideration. WSCC operate separate pre-application advice which the applicant's are encouraged to engage in, given wider cumulative impacts that the development may have on the Strategic Road Network, owing to its relationship with the wider SD3 West Bersted site.

The subsequent Transport Assessment should take account of employment uses at Enterprise Bognor Regis to be incorporated. Further impacts upon the Strategic Road Network will need to take into account the A27 junctions improvements at the Bognor Road roundabout and Whyke roundabout.

The Chichester Local Plan mitigation schemes on the A27 Chichester Bypass only accounts for the impacts of Chichester's own strategic development and delivers a 'no worse' than existing scenario on the highway network. Accordingly, the Transport Assessment will need to consider appropriate highways mitigations at the A27 Bognor Road and Whyke junctions as well as measures targeted at reducing travel demand by car in favour of more sustainable transport modes.

Owing to the proposed size of the development, impacts upon the above aspects of the Strategic Road Network are likely to be limited, in principle. However, these impacts will need to be considered within the subsequent Transport Assessment.

(2) Location of the Development

a. Existing and Approved Land Use

The site is mostly surrounded by existing residential land. The site presently comprises agricultural land comprising a mixture of Grade 2 and Grade 3b land (Best and Most Versatile Land). The evidence base underpinning the SD3 allocation of the Arun District Local Plan assessed the impact of the loss of this land for the purposes of future residential development and considered this to be acceptable, in principle.

The submission has provided an Agricultural Land Classification Survey (Appendix 2 of the EIA Screening Submission) which concludes that the loss of this Best and Most Versatile agricultural land would comprise less than 20 hectares and not considered significant.

As detailed development proposals are developed, accordance with Policy SO DM1 (soils) will be required. The Agricultural Land Classification Report submitted in support of this Screening Opinion details that accordance with Local Plan requires should be achievable, subject to sufficient detailed information.

Please note that the Grade 2 and 3b land does not extend across the entirety of the wider SD3 West Bersted Strategic Allocation.

b. Relative Abundance, Availability, Quality and Regenerative Capacity of Natural Resources in the Area and its Underground

None relevant.

c. Absorption Capacity of the Natural Environment

The application site falls within the 5km buffer of the Pagham Harbour Special Protection Area – a European designation for its habitat and biodiversity interest and function. The site is also located within 2km of the Bognor Reef Special Site of Scientific Interest.

Arun District Council has standing advice which has been agreed in consultation with Natural England regarding mitigating impacts upon the Pagham Harbour SPA. An Appropriate Assessment will be undertaken as part of the development and will rely on the Mitigation Strategy to accord with the standing advice.

The potential impact of the proposal upon features of nature conservation interest and opportunities is able to be addressed within the Habitats and Ecology Reports in accordance with the Guidelines for Ecological Impact Assessment developed by the Chartered Institute of Ecology and Environmental Management (CIEEM). The use of this methodology will accord with Natural England advice provided on the wider SD3 West Bersted site and should therefore be applied on this site to ensure consistency across the wider SD3 West Bersted Masterplan.

The proposal is likely to affect designated sites and if a 'Likely Significant Effect on a European Site'. LPA will undertake an Appropriate Assessment as part of the formal application process. Whilst this has been done at Local Plan level but will also be undertaken when the application is received.

Previous Natural England advice on the wider SD3 West Bersted site sets out the detail on what should be included in a report to inform a Habitats Regulation Assessment, which should form part of any submission being brought forward. In principle, Natural England has confirmed in their consultation response for the wider SD3 West Bersted Masterplan proposals that a mitigation strategy according with standing advice would be appropriate. A copy of this advice has been provided to you under separate cover.

In devising the HRA mitigation, the potential loss and functionality of linked habitats will require consideration in relation to brent geese. Furthermore, the Green Infrastructure Study (2012) identifies the need for the provision of high quality local greenspace to reduce pressure on Pagham Harbour. The design of greenspace presents an opportunity to reduce recreational pressures on the Pagham Harbour SPA. This advice should be incorporated into mitigation measures.

The applicant has confirmed that a Habitats Regulations Assessment will be provided which is likely to conclude no impact upon the nearby Bognor Reef Special Site of Scientific Interest given the proximity and distance of the application site on its receptors.

The updated Ecology Assessment received at the request of the Local Planning Authority confirms the site provides some potential opportunities for faunal species; albeit such opportunities are limited on the whole.

The site is known to suffer from Groundwater Flooding impacts as a localised issue. However, a Flood Risk Assessment and Drainage Strategy which will be secured within any subsequent application period, in agreement with Arun District Council and Southern Water, is able to mitigate any potential impacts.

A number of Public Right of Ways (paths 134, 136 and 137) run through the site. These will be safeguarded in perpetuity.

Construction phases of the development could give rise to changes in traffic movements; however, these could be controlled by way of CEMP condition and in consultation with the Local Highway Authority. Transport movements associated with the development would be addressed through a Transport Statement to ensure no adverse impacts would result. However, vehicle movements associated with up to 230 dwellings could be accommodated within the wider road network subject to improved access points and highways improvements. Such improvements would be secured by the Local Planning Authority by way of obligation which accords with the NPPG guidance on such matters.

There are no long ranging sensitive views into, out of, or across the site. The sensitivity of the site comprises general landscape impact which an adequate Landscape Strategy can sufficiently address. Furthermore, general design considerations and negotiations within the application process would control impacts on such receptors.

Nearby heritage assets namely comprise the North Bersted Conservation Area; located approximately 700m to the north east of the site. The wider SD3 Strategic Allocation acknowledges that some degree of change will occur. However, the nature and associated harm on the setting of nearby heritage assets will be controlled within the subsequent design and assessment of development.

The construction and occupation of the development is unlikely to give rise to any unacceptable noise impacts. Construction phases of the development are likely to result in the largest source of noise. However, a CEMP would mitigate any such impacts by way of planning condition.

The site is not known to be susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions such as temperature inversions, fogs or severe winds that would present environmental problems.

(3) Characteristics of the Potential Impacts

a. Extent and Nature of the Impact

The site comprises a total area of 14.04 ha which is surrounded in part by existing residential development and agricultural land. Areas of sensitivity comprise PROWs, cycle paths and the Jubilee Recreation Ground. These receptors would namely be affected through the construction phases of the development through noise and dust generation. These impacts could be controlled adequately via CEMP condition.

b. Transboundary Nature of the Impact

The development would not result in any transboundary impacts that would require the Secretary of State to check Environmental Statements.

c. Magnitude and Complexity of the Impact

The development would result in a change from greenfield land to residential land; however, such a change is not considered to be unusual owing to the Local Plan process and subsequent Strategic Site allocation.

The development will influence receptors including businesses and facilities; however, such effects are considered to be positive and would not result in any negative impacts. Owing to the increased floor place of commercial development (comprising over 1,500 sqm) a Retail Impact Assessment will be required in accordance with Local Plan Policy. Such a requirement will adequately address impacts on receptors including businesses and facilities.

No valuable or scarce features or resources will be affected; nor would the development result in the breach of any environmental standards.

The submitted Ecological Assessment and supporting Pagham Harbour SPA Mitigation Strategy (detailed in the email correspondence dated 23 April 2020 with Neil Purvis) confirms no impacts upon protected species or habitats would result, subject to mitigation measures in accordance with the Council's mitigation strategy and subsequent planning obligation.

d. Probability of the Impact

The impacts described and anticipated above can be clearly established and predicted. The probability of any effects can be determined with reasonable confidence and therefore the controls that can be secured by planning conditions and obligations would be sufficient.

e. Expected Onset, Duration, Frequency and Reversibility of the Impact

The expected onset of the associated impacts would be incurred following the discharge of pre-commencement conditions attached to any planning permission. The most severe impacts would only last throughout the construction phases of the development and would be intermittent in nature. The operational impacts associated with the development would be continuous but of a limited nature, as detailed above.

Noise, dust and emissions arising from the construction phases would comprise reversible impacts. All other impacts that could result in impacts that could be irreversible are able to be adequately controlled to ensure their nature is reversible (i.e. storage of waste and hazardous materials in accordance with separate legislation).

f. Possibility of Effectively Reducing the Impact

The likely impacts arising from the development are commensurate with the quantum of development proposed. Most impacts will arise from construction taking place on site – for example, the undertaking of groundworks on the site (such as HGV vehicle movements, deliveries of goods onto site, excavation of earth etc). These are unlikely to be effectively reduced if the proposed development were to be reduced as they do not follow economies of scale.

Conclusion

The above Environmental Impact Assessment Screening Opinion has been undertaken in accordance with Schedules 2 and 3 of the Town and Country (Environmental Impact Assessment) Regulation 2017 and has concluded that **an Environmental Impact Assessment is not required**.

In accordance with Regulation 5(b) of the above 2017 Regulations this Screening Opinion has set out several measures required to avoid, or prevent, what might otherwise have been, significant adverse effects on the environment.

If you require any further information, please do not hesitate to contact me on the below details at your convenience.

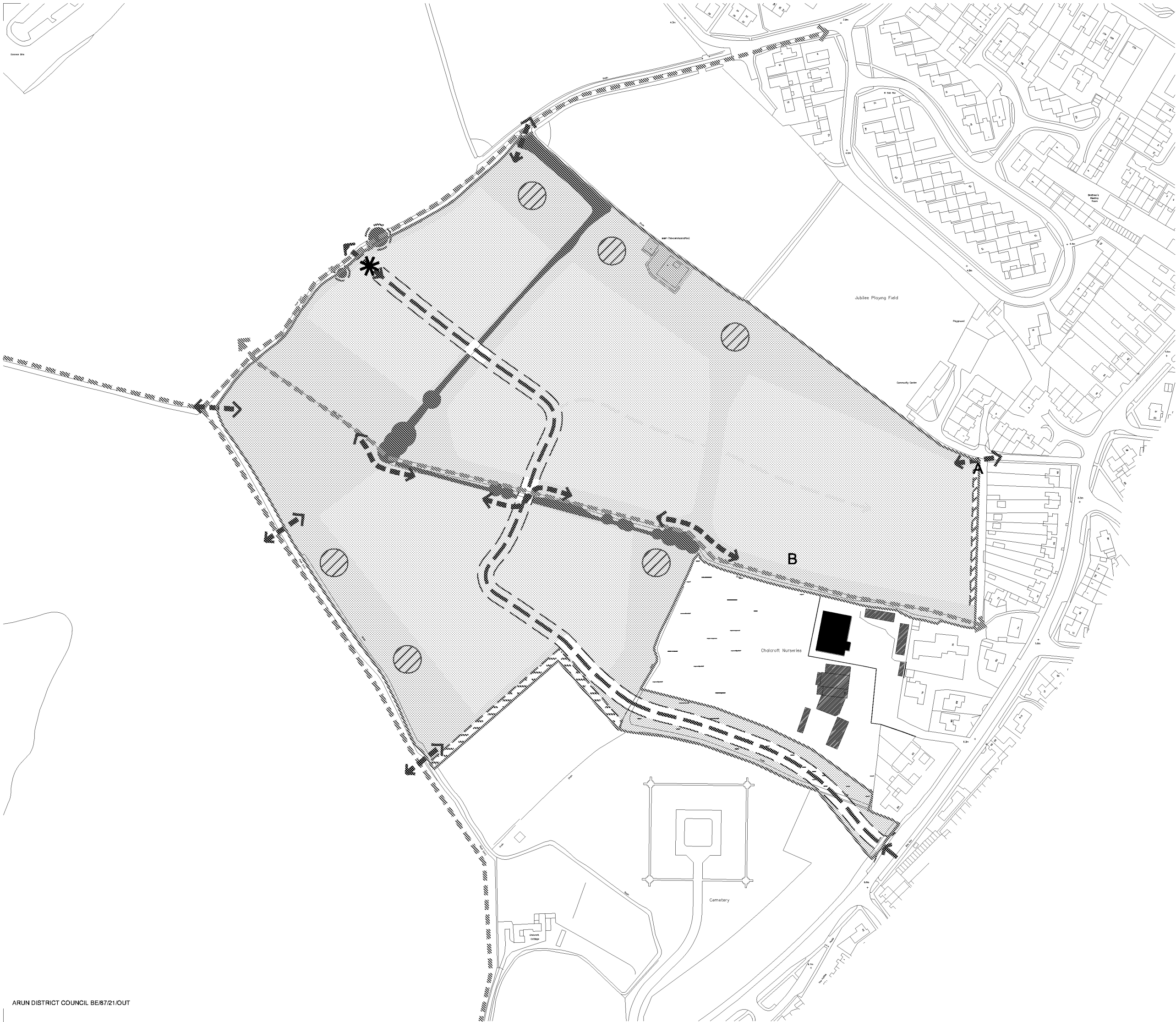
Kindest regards,



James Cross Bsc (Hons) MSc Logi TP. MRTPI
Strategic Development Sites Project Officer
Arun District Council, Maltravers Road, Littlehampton, BN17 5LF
Email: james.cross@arun.gov.uk | DD: 01903 737784



APPENDIX 3
LAND USE AND ACCESS PARAMETERS PLAN (REF:
01304_PP_01_P4)



Notes:
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Any discrepancies between drawings, specifications and site conditions must be brought to the attention of the supervising officer.
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Key

- Application boundary
- Residential use (including tertiary roads and incidental open space)
- Primary vehicular route (alignment subject to centre line deviation limits of +/- 10m)
- Secondary vehicular route (indicative alignment)
- Vehicular access
- Pedestrian and cycle way (aligned to avoid retained trees and hedgerows)
- Existing Public Rights of Way
- AB** Cycle link to be achieved from point A to point B, as part of the development infrastructure at RMA stage
- Indicative location of water management feature
- Telecommunication Mast
- Buffer planting
- Open space
- Existing trees and hedgerows to be retained where possible
- 2m offset from root protection area
- Land reserved for potential future vehicular access to wider area

PLAN FOR APPROVAL

P4	24.02.21	Retained trees next to reserved land added	VB	GP
P3	22.02.21	Pedestrian and cycle ways added	VB	GP
Rev	Date	Description	Drawn	Chkd

Drawing Status
PLANNING

Client
Landform Bersted Ltd



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Unit 5, The Rum Warehouse
Pennington Street
London, E1W 2AP
+44 (0)20 7017 1780
www.jtp.co.uk

Project
**Nursery Fields,
West Bersted**

Drawing Title
**Land Use and Access
Parameter Plan**

Scale @ A3 1: 2500 Job Ref. 01304

Drawing No. 01304 _ PP_01 Revision P4

Scale Bar 0 20 40 60m



APPENDIX 4
ILLUSTRATIVE MASTER PLAN (REF: 01304_MP_01_D3)



Nursery Fields
Illustrative Masterplan
for Landform Bersted Ltd

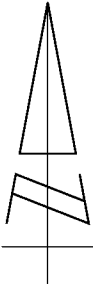
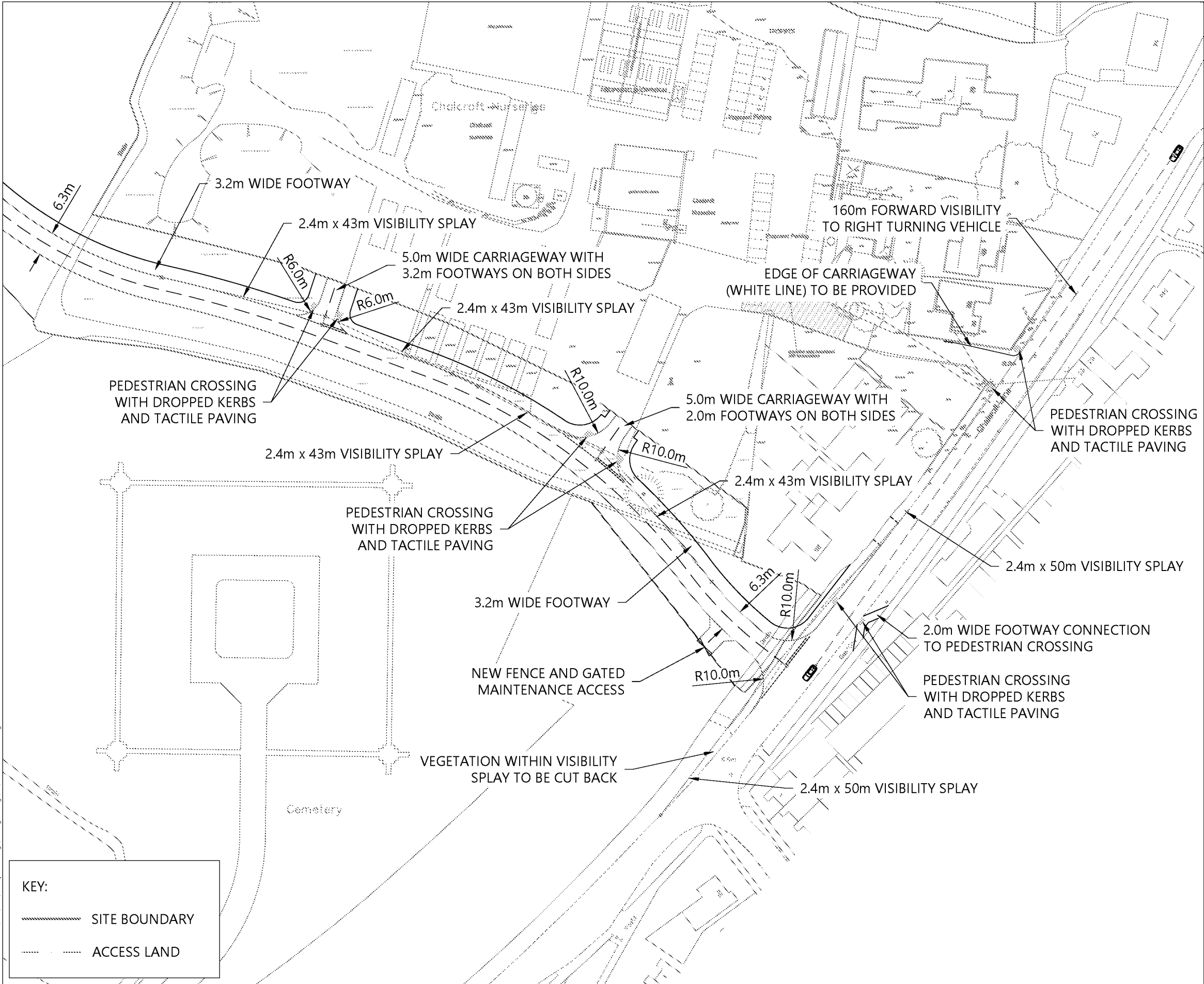
Drawing No. 01304_MP_001

Scale @ A2 1:2000 Rev D3

0 20 40 60m



APPENDIX 5
SITE ACCESS PLAN (REF: ITB14244-GA-009B)



B	03.02.21	JD	ARRANGEMENT AMENDED	DS	DS
A	26.11.20	JD	RSA COMMENTS INCORPORATED	DS	DS
REV	DATE	BY	DESCRIPTION	CHK	APD

STATUS: FOR INFORMATION



Grove House, Lutyens Close, Chineham
Basingstoke, Hampshire, RG24 8AG
Tel: 01256 338640
www.i-transport.co.uk

TITLE: SITE ACCESS ARRANGEMENT

PROJECT: LAND WEST OF BERSTED

CLIENT: LANDFORM ESTATES

DRAWN: JD	CHECKED: DS	APPROVED: DS
PROJECT No: ITB14224	SCALE @ A3: 1:1000	DATE: 02.11.20

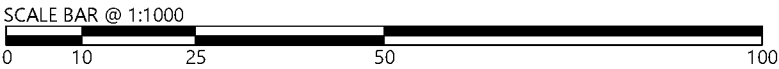
DRAWING No: ITB14224-GA-009	REV: B
-----------------------------	--------

T:\Projects\14224\Site\14224-009\Working Drawings\GA\ITB14224-GA-009.dwg

KEY:
SITE BOUNDARY
ACCESS LAND

REPRODUCED FROM THE ORDNANCE SURVEY
MAP WITH THE PERMISSION OF THE
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APPENDIX 6
ARUN DC PRE-APPLICATION ADVISE DATED 4 AUGUST, 14 SEPTEMBER &
8 OCTOBER 2020



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Ed Hanson
7 Soho Square
London
W13 9ES

Date: 4th August 2020

Please ask for: James Cross
Tel: 01903 737784

Your Ref:
Our Ref: PAA/67/20/

Dear Mr Hanson,

Pre-Application Advice

The proposals include development of up to 250 residential dwellings, associated infrastructure, open space and access.

Nursery Fields Chalcraft Lane Bognor Regis PO21 5TS

I write regarding the above matter and your enquiry received on 8th July 2020.

DESCRIPTION OF PROPOSED DEVELOPMENT

From the details submitted, I understand you propose a development comprising up to 250 residential dwellings, associated infrastructure, open space and access. Any future application would comprise outline in nature, with site access to be determined. This enquiry is assessed on this basis.

DESCRIPTION OF SITE

The site comprises a total area of 13.46 ha of land known as Nursery Fields, located north of Chalcraft Lane, Bersted, Bognor Regis. The site borders the Chalcraft Nurseries site which, collectively, sit within the wider strategic allocation of West of Bersted covered by Policy H SP2a of the Arun Local Plan. Existing agricultural access to the site is from Tara Perry Close to the east.

The site is predominantly agricultural in use, comprising three separate field parcels which are bounded by trees and hedgerows. PROW path 136 passes through the centre of the site, in a southeast to northwest direction. The PROW connects PROW paths 134 and 137 at the north western site boundary, to Chalcraft Lane. Part of the site comprises Grade 2 Best and Most Versatile agricultural land.

DESCRIPTION OF LOCALITY

The site is located to the west of Bersted, on the northern outskirts of Bognor Regis. The land to the immediate north and west of the site is agricultural in nature, with the site boundaries defined by field parcels. Land to the south east is largely residential in nature. The wider area to the south and east of the site is built up in nature. Bognor Regis town centre and railway station are located approximately 2km to the southeast of the site.

Chalcroft Nurseries is located to the immediate southeast of the site. The south of the site is bounded by Chalcroft Lane Cemetery with residential use beyond. Residential dwellings and a care home are located immediately to the east of the site along Chichester Road and Tara Perry Close. An area of playing fields known as Jubilee Recreation Ground is also located to the north east of the site.

There are no statutory, ecological or landscape designations located on or near to the site. The nearest statutory designation to the site is the Bognor Reef Site of Special Scientific Interest (SSSI) located approximately 2km to the south of the site. The Solent and Dorset Coast Special Protection Area (SPA) is also located approximately 2km to the south of the site. The Pagham Harbour Ramsar/SPA/SSSI is located approximately 5km to the southwest of the site. The site is located in Flood Zone 1.

PLANNING ISSUES

The following issues have been identified for consideration.

Principle

Design

Neighbour Amenity

Amenity Space Provision

Bin Storage

Affordable Housing

Highways, Transport and Parking

Sustainable Construction

Flooding/Drainage

Listed Building(s)

Protected Trees

Open Space Provision

Infrastructure Provision

Biodiversity

Protected Species

Sites of National Conservation Importance

Landscape Impact

RELEVANT PLANNING HISTORY

BE/14/11/	Renewal of unimplemented planning permission BE/141/07/ - Outline application for one detached 3 bedroom house with 2 car spaces	Refused 06-04-11
BE/47/09/	Outline Application for the demolition of all existing buildings and redevelopment of the site with up to 70 dwellings (up to 28 Affordable), public open space and strategic landscaping. Departure from the Development Plan.	Refused 12-08-09
		Appeal: Dismissed 16-02-10
BE/141/07/	Outline application for one detached 3 bedroom house with 2 car spaces	ApproveConditionally 27-02-08

COMMENT ON SITE HISTORY

None relevant.

RELEVANT POLICIES - the following policies are considered relevant to your proposal:

Arun District Local Plan 2011-2031

<u>AHSP2</u>	AH SP2 Affordable Housing
<u>DDM1</u>	D DM1 Aspects of form and design quality
<u>DDM2</u>	D DM2 Internal space standards
<u>DSP1</u>	D SP1 Design
<u>ECCSP2</u>	ECC SP2 Energy and climate change mitigation
<u>ENVDM2</u>	ENV DM2 Pagham Harbour
<u>ENVDM4</u>	ENV DM4 Protection of trees
<u>ENVDM5</u>	ENV DM5 Development and biodiversity
<u>HSP2</u>	H SP2 Strategic Site Allocations
<u>ECCDM1</u>	ECC DM1 Renewable Energy
<u>ECCSP1</u>	ECC SP1 Adapting to Climate Change
<u>ENVSP1</u>	ENV SP1 Natural Environment
<u>HDM1</u>	H DM1 Housing mix
<u>HORDM1</u>	HOR DM1 Horticulture
<u>HWBSP1</u>	HWB SP1 Health and Wellbeing
<u>INFSP1</u>	INF SP1 Infrastructure provision and implementation
<u>OSRSP1</u>	OSR SP1 Allotments
<u>SDSP1</u>	SD SP1 Sustainable Development
<u>SDSP1A</u>	SD SP1a Strategic Approach
<u>SDSP2</u>	SD SP2 Built-up Area Boundary
<u>WDM1</u>	W DM1 Water supply and quality
<u>WDM2</u>	W DM2 Flood Risk
<u>WSP1</u>	W SP1 Water
<u>OSRDM1</u>	Protection of open space, outdoor sport, comm& rec facilities
<u>QESP1</u>	QE SP1 Quality of the Environment
<u>TSP1</u>	T SP1 Transport and Development
<u>WDM3</u>	W DM3 Sustainable Urban Drainage Systems
<u>WMDM1</u>	WM DM1 Waste Management

<u>Bersted Neighbourhood Plan 2014 Policy CLW3</u>	Sport and Leisure Provision
<u>Bersted Neighbourhood Plan 2014 Policy CLW4</u>	Provision of Allotments
<u>Bersted Neighbourhood Plan 2014 Policy ES1</u>	Design of new development
<u>Bersted Neighbourhood Plan 2014 Policy ES2</u>	Surface water management
<u>Bersted Neighbourhood Plan 2014 Policy ES5</u>	Building design
<u>Bersted Neighbourhood Plan 2014 Policy ES6</u>	Protection of trees

<u>Bersted Neighbourhood Plan 2014 Policy ES7</u>	Development outside of the Built Up Area Boundary
<u>Bersted Neighbourhood Plan 2014 Policy GA1</u>	Pedestrian and Cycle Connections
<u>Bersted Neighbourhood Plan 2014 Policy HDQ1</u>	Housing Site Allocations
<u>Bersted Neighbourhood Plan 2014 Policy HDQ2</u>	Integration of new housing
<u>Bersted Neighbourhood Plan 2014 Policy HDQ4</u>	Housing mix
<u>Bersted Neighbourhood Plan 2014 Policy HDQ5</u>	Design of new housing development
<u>Bersted Neighbourhood Plan 2014 Policy HDQ6</u>	Outdoor space
<u>Bersted Neighbourhood Plan 2014 Policy HDQ7</u>	Attention to detail
<u>Bersted Neighbourhood Plan 2014 Policy HDQ8</u>	Car parking

Planning Policy Guidance:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

Supplementary Guidance:

SPD11	Arun Parking Standards 2020
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PRINCIPLE

The application proposes the redevelopment of the site referred to as 'Nursery Fields' with a development of up to 250 dwellings, associated infrastructure, open space and access.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 makes clear that any determination to be made under the planning Acts is to be determined in accordance with the policies within the development plan unless material considerations indicate otherwise. The "Development Plan" in this instance comprises the Arun Local Plan 2011-2031 (July 2018) and the made Bersted Neighbourhood Development Plan 2014 - 2029 (submission plan with examination modifications).

Policy ES7 of the Bersted Neighbourhood Development Plan (BNDP) states that development outside of the built-up area boundary, as shown in Appendix F, will not be supported. The site is shown as countryside, outside of the built-up area boundary, within the Bersted Neighbourhood Development Plan.

The Arun Local Plan was adopted in July 2018 and post-dates the Bersted Neighbourhood Plan Document. Policy H SP2a requires West Bersted to deliver at least 2,500 dwellings throughout the Plan period.

Owing to the dates of the BNDP and the ALP, the ALP post-dates the BNDP. Policy H SP2a (ALP) in its wording conflicts with Policy CLW 4 (BNDP). In instances where the Local Plan post-dates the Neighbourhood Development Plan and there is conflict in policy, Section 38(5) of the Planning and Compulsory Purchase Act 2004 applies.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 states:

'If to any extent a policy contained in a Development Plan for an area conflicts with another policy in the Development Plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.'

On the date of this response, Arun District Council are not aware of any work having been undertaken to progress a Neighbourhood Plan Review at this stage.

NPPG Paragraph: 099 Reference ID: 41-99-20190509 makes clear that:

However, when other policies in the development plan are updated, this may mean that existing neighbourhood plan policies become out-of-date, for example where they conflict with a strategic policy or where they are superseded by other local policies. This does not necessarily mean that the whole neighbourhood plan becomes out-of-date, but only those policies which are superseded by other development plan policies.

Policy H SP2 (ALP) requires development proposals within the Strategic Site Allocations to be comprehensively planned and should have regard to a master plan endorsed by the Council. Policy H SP2 requires (in summary):

- a. Providing for public realm improvements, shared community uses, and connectivity of transport modes including walking, cycling and public transport
- b. Ensure a harmonious relationship between town and country
- c. Protects, conserves or enhances the natural environment, landscapes and biodiversity
- d. Incorporate high quality, well connected green spaces, planting within main street and biodiversity rich open spaces
- e. Extend, enhance and reinforce strategic green infrastructure and publicly accessible open space
- f. New community hubs where required to be provided
- g. Where existing village centres will serve the needs of strategic development sites their improvement as sustainable centres will be required
- h. Where community buildings are provided these shall be designed and provide for a range of uses such as healthcare, policies, faith and community groups
- i. Integration of community hubs and local centres of an appropriate form and scale where identified in the allocation policies
- j. Ensure walkable access to local community, recreational and shopping facilities, jobs and accessible transport
- k. Address off-site capacity requirements that relate to particular allocations
- l. Positively respond to sustainable water management
- m. Maintain and enhance any important features, characteristics and assets of the local area
- n. Provide for the required infrastructure that relates to that particular allocation, in accordance with Policy INF SP1 and the Infrastructure Delivery Plan
- o. Enable strategic District wider infrastructure to be delivered at strategic sites if the location is appropriate for the District
- p. Consider inclusion of an area of the sites for Self-Build and Custom Build, and
- q. Consider the delivery of an area as a site for Gypsy and Traveller accommodation.

ADC understand that the Framework Masterplan for the wider SD3 West Bersted is well progressed and will be brought before the Development Control Planning Sub-Committee on 30 September 2020 (submitted to ADC for consideration w/c 17 August 2020). The site is subject to High Level Development Principles which provide greater clarity on the development plan policies. These have been endorsed by the District Council and are a material consideration in the assessment of applications within the West of Bersted allocation.

The indicative PPA provided by the applicants indicates submission will post-date submission of the Masterplan Framework. Therefore, ADC will expect accordance with the above criteria to demonstrate the comprehensive master plan of the wider SD3 West Bersted allocation. Any submission should be supported by a supporting statement to detail how the principles of the above are fulfilled.

Policy H SP2a (ALP) requires the West of Bersted strategic allocation to deliver 2,500 homes

throughout the Local Plan period. The provision of up to 250 dwellings on the enquiry site would contribute to the provision of the 2,500 homes in accordance with Policy H SP2a.

Policy H SP2a sets out a 10 point criteria which details key design and infrastructure requirements. For the reasons set out in the following sections of this response, the development would accord with this criteria, in principle.

Subject to the above, the development of this site would accord with Policy H SP2a of the Arun Local Plan, in principle.

DESIGN

Policy D SP1 of the Arun Local Plan (ALP) requires development proposals to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Policy D DM1 (ALP) sets out a 15 point criteria against which the design of new development should accord with. Criteria 1 requires development to reflect or improve upon the character of the site and surrounding area, in terms of scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features.

Policy ES1 (BDNP) requires new development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and contribute to local character by creating a sense of place appropriate to its location. Policy HDQ5 (BDNP) requires proposals for new housing must be of a high quality and designed to reflect the local character.

Para 127 of the NPPF requires planning decisions to ensure developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should be visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting and maintain a strong sense of place, using the arrangement of streetscapes, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. Para 130 (NPPF) makes clear that permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions.

In applying the above Local Plan policies, Officers give will give weight to the adopted Arun District Council Design Guidance which comprises an SPG document, used to provide further detail on the above policies. Should an application be forthcoming this guidance will be used to assess development. Conformity with this guidance should be demonstrated in any future submission.

The indicative layout shown in the enquiry plans provides for a number of perimeter blocks which accord with the layout of the wider SD3 Masterplan Framework. Such a design, with appropriate access connections, would conform with the wider MF area. Further work should be undertaken within the adjoining landowners to ensure access points and road connections work. Clarity should be ensured between both parties that the nature and character of these connection points will align seamlessly.

The layout provides for vehicular access onto Chalcraft Lane utilising a priority right turn junction. This access point aligns with the indicative layouts sought within the wider Masterplan Framework.

The site provides for allotments and sports pitches. This matter is detailed further below. The location of the allotments and sport pitches appear to conflict with the three green fingers that run through the site. This concept within the Masterplan Framework was specifically pursued by both Officers and Members in the Council and the enquiry layout would result in the dilution of this. Such a layout would conflict with the wider green infrastructure strategies of the Council and Local Plan provisions. Further work should be undertaken to strengthen this green connection/corridor to ensure the layout better aligns with the Masterplan Framework.

The enquiry layout shows the continuation of the public footpath running to the north of the Chalcraft Nurseries site. The frontage looking over this area should have specific attention paid to it to ensure issues of crime and anti-social behaviour do not result. The exit point of this route onto Chalcraft Lane has the opportunity to be a key pedestrian entrance/exit point to the development. This pedestrian junction is subject to third party land outside of both the applicant's and District Council's control. However, it would be beneficial to the wider community and development for this pedestrian junction to be enhanced, commensurate to the status of this pedestrian route.

The site will border the Chalcraft Nurseries site to the south. Development on the enquiry site will have a relationship with the commercial development on the Nurseries site, across the Public Footpath route. Boundary treatments along this interface should be specifically designed to ensure development is not facing a commercial hard frontage. The use of appropriate boundary treatments, landscaping and separation distances could achieve an acceptable relationship.

The development appears to achieve a high level of pedestrian and cycle connectivity throughout the site. This should be emphasised clearly with a series of diagrams within any supporting Design and Access Statement. The diagrams should differentiate the hierarchy between access routes, and how these connect to the wider area and West Bersted development site. Regard should be given to pages 50 and 51 of the Arun District Council Design Guide in terms of connectivity and hierarchy of routes.

Should a formal application be forthcoming, an overlay showing previously approved development to the north of the site should be provided. This will allow Officers, Members and members of the public to see how the design of the scheme will integrate with the surrounding area.

In finalising the detailed design of the development, particular attention should be given to the Arun District Council Design Guidance (SPD) document which sets a series of parameter and standards which development should accord with. In particular, depths of rear gardens will be required to achieve a minimum depth of 10m.

Taking the above factors into account, the development would reflect the low-key, edge of settlement, suburban character of the site and surrounding area. It would therefore comply with paragraphs 127 of the NPPF and Policies D SP1 and D DM1 of the Arun Local Plan and Policies ES1 and HDQ5 of the Bersted Neighbourhood Development Plan, in terms of design.

INTERNAL SPACE STANDARDS

Policy D DM2 (ALP) requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs.

Nationally Described Space Standards set out the current guidance for dictating minimum space standards. The indicative floor plans submitted appear to exceed these standards. On this basis, the development would accord with Policy D DM2 of the Arun Local Plan.

NEIGHBOUR AMENITY

Policy QE SP1 (ALP) requires development to contribute positively to the quality of the environment and ensure development does not have a significantly negative impact upon residential amenity. Policy D DM1(3) (ALP) requires development to have a minimal impact to users and occupiers of nearby property/land e.g. by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

NPPF para 127(f) requires decisions to create places with a high standard of amenity for existing and future users.

The development would comprise one of the first parcels in the delivery of the wider SD3 West Bersted allocation.

Therefore future relationships with neighbouring properties are able to be designed to be compatible as subsequent parcels come forward. The principle constraints in terms of neighbouring amenity comprises the previously approved development to the northern portion of the site. Any future submission should show committed development in the surrounding areas overlaid onto the location plan to detail the relationship in any forthcoming application.

Relationships with existing properties will predominantly comprise properties to the east which presently front onto Chalcraft Lane. The submitted plans show residential development along the eastern boundary of the site. In principle, and subject to appropriate detailed design coming forward, such a relationship could be acceptable. The acceptability of any design would be reliant upon accordance with the standards and principles detailed within the Arun District Council Design Guidance, particularly in respect of back to back distances being achieved.

Back to back distances will be assessed in accordance with the standards contained within the Arun District Council Design Guide SPD.

On the basis of the above, the development would create a place with a high standard of amenity for existing, adjacent, nearby and future users in accordance with NPPF paragraph 127 and Policies QE SP2 and D DM1 of the Arun Local Plan.

BIN STORAGE

Policy WM DM1 (ALP) requires new residential development to ensure that kerbside collection is possible for municipal waste vehicles. Where appropriate, communal recycling bins and safe storage area should be available to residents of flats.

For all new residential development including flat conversions, the applicant must show bin storage/collection provision as follows:-

Each unit should be provided with the equivalent of 240 litres of residual waste storage/bins. For flats the communal/bulk bins can be used on the basis of 240 litres of residual waste storage/bin per flat. Alternatively one 240 litre wheelie bin for each property can be provided. The same amount of storage space/bins for recyclable materials is required.

It is recommended that if any communal provision is located near or adjacent to the highway, it should be suitably enclosed and landscaped so that the maximum pulling distances and vehicle access requirements are complied with.

The LPA and WSCC (acting in their capacity as the Local Highways Authority), will require satisfaction that the internal main access road and secondary access road will be finished to adoptable standard, if the development does not provide for private collections. This should be clarified at application stage.

Any application should be accompanied by a refuse vehicle tracking layout to ensure that the curvature in the road layout can accommodate refuse vehicles.

Therefore, in principle, subject to adequate detailed design, the development could accord with Policy WM DM1 of the Arun Local Plan, subject to sufficient details being provided at application stage.

AFFORDABLE HOUSING

Policy AH SP2 (ALP) requires 30% of the units on sites of over 11 units to comprise affordable housing. Provision is required to be on-site. The mix of the 30% provision of units should comprise 75% rent and 25% intermediate housing. Policy AH SP2 (ALP) sets out the housing bedroom sizes within this mix.

The enquiry proposes the provision of 75 units towards affordable housing which comprises:

1 bedroom - 40%
2 bedroom - 40%
3 bedroom - 20%
4+ bedroom - 10%

This on-site provision equates to 30% provision and the above mix reflects the housing sizes contained within the Council's SHMA document.

The supporting information does not set out what tenure types affordable units would comprise. The Council will require a mix comprising 75% social rent and 25% intermediate housing; unless otherwise advised by the Housing Officer. Should an application be forthcoming the tenure types will be secured via S106 agreement.

On the basis of the above indicative housing mix, it is considered that the enquiry would accord with Policy AH SP2 of the Arun Local Plan.

HIGHWAYS TRANSPORT AND PARKING

Policy T SP1 (ALP) requires development to incorporate appropriate levels of parking in line with WSCC guidance on parking provision and consider the impact on highways safety. ADC Supplementary Planning Guidance has since been adopted and takes precedence over WSCC standards.

The SPD requires 20% of total units (250) to be provided for visitor parking. The enquiry scheme should provide 50 visitor spaces. The specific unit mix of the wider open-market housing has not yet been provided within the enquiry submission. Should an application be forthcoming ADC will be guided by the Arun District Council Parking Standards Supplementary Planning Guidance in implementing Policies T SP1 and T DM1 of the Arun Local Plan.

NPPF para 108 states in assessing applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. NPPF para 109 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

It is understood access to the site will be provided via a new priority right turn junction access from Chalcraft Lane which will be shared by the proposed commercial and residential development on the Chalcraft Nurseries site. This will route through to the wider masterplan area relating to the up to 250 units area. It is understood from the enquiry that the intention is not to share vehicular access into the wider West of Bersted site and for this access to serve solely the 250 units. The acceptability of this in terms of placemaking is considered to be acceptable in principle; on the basis that access for pedestrians and cycles is provided between this parcel and the wider SD3 West Bersted site. However, in terms of vehicular traffic and traffic flows, Officers at Arun District Council will be guided by the comments received from West Sussex County Council, acting in their capacity as the Local Highway Authority in any future application. ADC would advise you to ensure such movements are acceptable with the adjoining landowners to seek to achieve a holistic development and to demonstrate that the lack of vehicular connectivity is acceptable both to your site and the wider masterplan area.

ADC understand that you are currently engaging with West Sussex County Council through their own separate pre-application process. WSCC act in their capacity as the Local Highways Authority and provide advice to the District Council. Should an application be forthcoming, ADC and the LHA will require it to be demonstrated that the cumulative impacts associated with the development proposal will not be exacerbated. This will, in part, be dependent upon the junction improvements in the form of a roundabout to the south of Chalcraft Lane.

Any Transport Assessment which will support the application should detail the effect on highways on a year by year basis to take into account both the short-term and long-term cumulative impacts. We understand from the Southern Consortium Team that the junction improvements to Chalcraft Lane are being brought forward to earlier phases within the development which will lessen the short term impact on Chalcraft Lane, until the southern roundabout is provided. Should this comprise the principal vehicular access point for the 250 unit scheme, a clause will be imposed within either condition or according S106 agreement, to prevent occupation of dwellings until the access point onto Chalcraft Lane has been provided.

On any application the Council will take a balanced view following comments received from WSCC acting as the Local Highways Authority (LHA) to inform its assessment and its potential impact upon wider highway safety.

In either eventuality, any works will be required to be provided prior to the occupation of units on the site. The LPA will seek to restrict the occupation of units on the site until the provision of the upgraded priority junction has been undertaken. Therefore, your early engagement with WSCC would be encouraged.

It is not clarified whether the internal roads will comprise adopted highways. If this is the intention then any construction of the internal roads will need to accord with WSCC standards to enable them to latterly take ownership and control over. In this instance, the specification of the road and its according drainage strategy should be constructed to WSCC standards.

We understand you are currently engaging with WSCC in relation to their separate pre-application service provided.

CYCLE PROVISION

In accordance with Policy T SP1 and ADC guidance, the site requires provision for secure cycle storage. Should an application be forthcoming, provision of 1 cycle space per dwelling would be required under ADC guidance. Sufficient cycle spaces could be provided to ensure accordance with the above standards and therefore, in principle, accordance with Policy T SP1 of the Arun Local Plan could be achieved.

SUSTAINABLE CONSTRUCTION

Policy ECC SP2 (ALP) requires all new residential development to be energy efficient and to demonstrate how they will:

- a. Achieve energy efficiency measures that reflect the current standards applicable at the time of submission;
- b. Use design and layout to promote energy efficiency; and
- c. Incorporate decentralised, renewable and low carbon energy supply systems, for example small scale renewable energy systems such as solar panels.

Policy ECC SP2 requires all major developments to produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated this is unviable.

Should an application be forthcoming accordance with the above criteria would be sought to fulfil the contents of Policy ECC SP2 of the Arun Local Plan.

FLOODING

Policy W DM3 (ALP) requires development to identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDS), appropriate to the size of development, at an early stage of the design process. Proposals for major development proposals must incorporate SUDS within the private areas of the development in order to provide source control features to the overall SUDS design.

The wider Masterplan Framework has an indicative blue water strategy in place which broadly relies upon a series of retention and attenuation basins which control discharge flows by natural and man-made features, along the existing drainage ditches. Any SUDS strategy which seeks to address the existing high water table will need to correspond with the overall SUDS strategy for the wider West Bersted site. The LPA will expect compliance with the overall SUDS strategy for the wider West Bersted site to be demonstrated at application stage. However, in the eventuality that adjoining parcels were not to come forward, the LPA would require the SUDS strategy to work in isolation to ensure delivery of this parcel is not prevented. You may wish to liaise with our Drainage Engineer Paul Cann in respect of emerging SUDS strategies within your development.

You should investigate different features that could be incorporated into the design of new development to provide source control features including, but not limited to, green roofs, permeable driveways and parking, soakaways, water harvesting and storage features (e.g. water butts etc...).

Subject to sufficient drainage information which accords with the overall wider West Bersted SUDS strategy, the development would fulfil Policy W DM3 of the Arun Local Plan, in principle.

LISTED BUILDING

There are no statutory or locally listed buildings in the immediate vicinity that would be affected by the proposed development.

PROTECTED TREES

Policy ENV DM4 (ALP) states development will be permitted where it can be demonstrated that trees contributing to local amenity, are shown not to be damaged or destroyed, unless development fulfills the 3 point criteria in the policy.

A review of the Council's GIS systems details that there are no trees protected by way of formal Tree Preservation Orders on the site. However, there are a number of mature trees along the existing field boundaries on the site that contribute to amenity value on the site. On the basis of the wording of Policy ENV DM4 of the ALP, they are afforded commensurate consideration within the planning process.

Should an application be forthcoming any submission should be accompanied by a full tree survey which seeks to protect all trees of amenity value.

Should you be seeking to remove any trees from the site you may wish to consider contacting ADC's Tree Officer (details provided in the accompanying PPA) to ascertain their agreement in principle. Subject to favourable comments being received by the Council's Consultees within any application, the development could accord with policy ENV DM4 of the Arun Local Plan.

OPEN SPACE PROVISION

Policy OSR DM1 (ALP) requires housing developments, where viable, to contribute towards (a) open space provision in accordance with the guidance set out in the current Open Space Study, (b) playing pitch provision in accordance with the guidance set out in the Playing Pitch Strategy, (c) indoor sport and leisure facilities through financial contributions and (d) strategic projects identified in the Leisure and Cultural Strategy.

The Arun District Council Open Space, Playing Pitches, Indoor and Built Sport Facilities SPD makes clear the thresholds and requirements for public open space and associated facilities, in accordance with new residential development.

Should the development yield in 250 units then 1.7ha of POS would be required based on an average population of 2.2 persons per household (550 residents). The provision of 250 units of residential accommodation would trigger the provision of LAPs, LEAPs and NEAPs which should be provided on-site. Maintenance and management fees will be required for LEAPs and NEAPs, but not LAPs.

Maintenance and management contributions would be required for Open Space, also, if put up for adoption by the LPA. These fees are detailed in table 4.1.4 of the Arun District Open Space SPD. Should private management company be used then no management and maintenance fee would be sought. Tables A2.1 and A5.1 set out the minimum site size and buffer requirements for LAPs, LEAPs and NEAPs.

The current adopted Play Pitch Strategy for West Bersted, combined with the requirement of Policy H SP2 of the ALP, requires the provision of sport provision to be in a central hub. In this instance, ADC would require provision of sports pitches within the area identified as the Sport Hub in the Masterplan Framework. Accordance with this design would be required to be consistent with the approach required by Local Plan Policy H SP2. In the eventuality that the Sports Hub were not forthcoming, or progress on the delivery of the wider West Bersted site were not forthcoming, the Council's preference would be to re-route these contributions to provision elsewhere in the District. This would ensure delivery of the infrastructure required but provide sufficient flexibility if progress on the wider West Bersted site is not achieved. The Masterplan Framework highlights the area shown as sports pitches and allotments to comprise open space and the Council's preference would be for this provision to follow through into a detailed application. This would accord with Policy H SP2 of the Local Plan.

No land budget has been provided within this enquiry; though should an application be forthcoming then one should be provided to enable the LPA to assess policy compliance with open space provision. In the event that there were a deficit in public open space provision, owing to the wider Master Planned nature of the site, a financial contribution towards off-site provision could be sought. However, this should not prejudice adjacent landowners within the wider West Bersted site and the starting point will be to achieve policy compliant levels of on-site provision in the first instance.

The development would also have wider access to areas of West Bersted green space to the west which will come forward with later parcels. However, there would be no open space provision issues that would prevent this development from functionally operating on its own in the interim period, until wider access is provided. Financial contributions will be sought towards the ongoing management and maintenance via S106, unless a private management company is appointed. The Council's preference would be to take on management and maintenance which is accordant with the Council's aspirations within the wider West Bersted allocation.

From the plans submitted it appears that the layout could provide adequate on-site open space with provision of LEAPs and LAPs being on-site. On this basis, the development would accord with Policy OSR DM1 of the Arun Local Plan and ADC Open Space, Playing Pitches, Indoor and Built Sport Facilities SPD.

INFRASTRUCTURE PROVISION

S106 and Infrastructure Costs will be sought for the following matters. Proportionate yields on a per dwelling basis will be taken from the overall contributions and the Council's Infrastructure Development Plan (2017 version) will be used as a baseline.

At this stage the Council is unable to provide definitive figures due to lack of definitive QS costings and application of RPI indexation. The use of RPI indexation will be confirmed at outline stage and the LPA reserves the right to apply a different indexation at their discretion.

You will be aware of the ongoing work in relation to the West Bersted S106/IDP Schedule which is ongoing and being undertaken. You have been asked to feed into this ongoing work. Please note that any discussed figures at this stage are subject to change and will not be finalised until a corresponding S106 agreement is formally drawn up and reviewed by all parties.

The LPA will require all landowners to be agree to a Memorandum of Understanding which outlines delivery of infrastructure in principle across the West Bersted strategic site, prior to any application being determined. This is to ensure that infrastructure across the wider strategic development site

does not prevent development from coming forward. ADC officers are currently finalising the Infrastructure Development Plan costs for West Bersted and will share updated iterations for comment. ADC are anticipating work on the West Bersted IDP will be finalised by August/September 2020. A Memorandum of Understanding regarding apportionment will be sought throughout October 2020 between all parties to ensure effective delivery of Infrastructure.

The LPA considers that as a minimum the following matters will comprise the Draft Heads of Terms in any forthcoming S106 agreement:

- 1) Habitat Mitigation Measures
- 2) Education
- 3) Social/Leisure/Sports
- 4) Health Care
- 5) Utilities
- 6) Flood Risk/Drainage
- 7) Transport
- 8) Libraries

All contributions will be required to accord with tests set out in Regulation 122 of the Community Infrastructure Levy Regulations.

BIODIVERSITY

Policy ENV DM5 (ALP) requires consideration to be given to increasing biodiversity net gains through utilisation of landscaping measures throughout the site.

Policy ENV DM5 (ALP) sets out a number of elements which can seek to achieve net gains in biodiversity, including provision of green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats. To achieve biodiversity net gains developments are required to be appropriately designed to facilitate the emergence of new habitats through the creation of links between habitat areas and open spaces.

ADC, in conjunction with the Southern Consortium, have all agreed to utilise the DEFRA Biodiversity Matrix for assessing biodiversity net gains. The use of this matrix should be utilised to evidence biodiversity net gains in any subsequent planning application.

On the basis of the above, and subject to appropriate information being submitted within any future submission, the development would reflect the landscaping characteristics of the site and local area, improve landscaping around the site to achieve biodiversity net gains and retain existing trees of merit; in accordance with Policies ENV DM4 and ENV DM5 of the Arun Local Plan.

SITE OF NATIONAL IMPORTANCE FOR NATURE CONSERVATION

The site falls within the 5km buffer of the Pagham Harbour Special Protection Area. Policy H SP2a(g) (West Bersted) requires development to ensure no detrimental impact to the Pagham Harbour SPA results, through compliance with ENV DM2 (Pagham Harbour) and its supporting text.

Policy ENV DM2 requires all new residential development likely to have an impact on Pagham Harbour to:

- i. Make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.
- ii. Create easily accessible new green spaces for recreation within or adjacent to the development site. These shall be capable of accommodating the predicted increases in demand for local walking, including dog walking. Good pedestrian links shall be provided between housing areas in addition to the provision of new and existing green space in order discourage car use.

The work currently undertaken on the wider Masterplan Framework details that the proposal would be well linked to a network of both existing and emerging new green spaces. These spaces are designed to be capable of accommodating predicted increases in demand for local walking, including dog walking which will also discourage car usage.

The Screening Opinion issued for the Chalcraft Nursery/Nursery Fields application will require an Appropriate Assessment to be undertaken by the decision taker. In accordance with the Council's Screening Opinion ADC will undertake this AA at application stage.

Natural England have recommended that mitigation towards the Pagham Harbour SPA be undertaken in accordance with the agreed strategic approach to access management. In this instance, a financial contribution of £871 per new dwelling would be incurred. Please note this figure may be subject to indexation.

Subject to the above, and subject to favourable comments being received from Natural England at application stage, the development would not result in adverse impacts upon the Pagham Harbour SPA, in accordance with Policies H SP2a(g) and ENV DM2 of the Arun Local Plan.

LANDSCAPE

Policy D SP1 (ALP) requires development proposals to reflect the landscaping characteristics of the site and local area.

The EIA Screening Opinion from ADC confirmed that no Landscape Visual Impact Assessment was required. However, as per the Chalcraft Nurseries site a photographic viewpoint survey should be undertaken with a supporting assessment being provided. The adopted High Level Development Principles require views of the South Downs national park to be taken into account.

To ensure a comprehensive approach to landscape and visual impact, we would ask that you liaise with the Southern Consortium to identify their agreed viewpoints for their LVIA work with ADC. Where possible, there should be an overlap between the viewpoints used for the two sites. In any submission we would ask that you provide a layering of information which shows the short-term impact of views in the absence of the development of the wider West Bersted site, and the long-term impacts which show the cumulative impact with the fully developed West Bersted site.

Subject to satisfactory details coming forward at application stage, the LPA would take a balanced view on wider landscape impacts, in their application of Policy D SP1 of the Arun Local Plan.

OTHER CONSIDERATIONS

SHARP SAND AND GRAVEL CONSULTATION AREA

The enquiry site falls within the WSCC Sharp Sand and Gravel Consultation Area. The WSCC Joint Minerals Local Plan (2018) comprises part of the Development Plan for the purposes of determinations under Section 38(6) of the Planning and Compulsory Purchase Act 2006 (as amended).

Any application should be accompanied by a Minerals and Waste Extraction Assessment which will be assessed by WSCC in regard to future potential and capacity to extract sharp sand and gravel from the site.

This designation was taken into account when the SD3 West Bersted strategic development site was allocated within the Arun Local Plan; however, any assessment should follow on from the assessments undertaken at Local Plan stage.

Subject to sufficient and adequate detail being provided, and taking into account the allocation of the wider West Bersted site, the development should accord with the West Sussex County Council Joint Minerals Local Plan and Arun Local Plan policies, in respect of sharp sand and gravel extraction.

CUSTOM & SELF-BUILD HOUSING PROVISION

Policy H DM1 (ALP) states the Council will particularly encourage the development of self-build homes on appropriately sized, serviced sites that are capable of being serviced. Such sites can be provided either as part of a development scheme or on an individual basis. Any future submission should be accompanied by a statement which details conformity with the overall wider Masterplan Framework that is anticipated to be adopted by Arun District Council in September 2020. Within this statement of conformity it should be demonstrated that the overall housing mix across the wider SD3 West Bersted site has given consideration to self-build and custom build homes.

CONCLUSION

Based on the above comments I conclude that were an application for planning permission be submitted it would be likely be approved subject to the amendments being addressed in full as set out above.

FOLLOW UP MEETING

We have a further two follow up meetings arranged to discuss this pre-application in further detail. The costs of these have already been covered. The positions provided in these responses may be subject to change following further meetings and additional information is provided. Please take this response as being non-binding on the Council which is provided on a without prejudice basis to any future determination, until all meetings and responses have been concluded in full.

MAKING AN APPLICATION

If you decide to proceed with making an application you will need to quote the reference number for this advice in the pre-application advice section of the relevant application form. This will ensure that the application receives priority and a speedy validation process.

You will need to submit the following documentation/information with your application to meet the National Validation Requirements:

Fully completed and signed Application Form with full description of the proposal.
Ownership Certificate and Agricultural Land Declaration
Design and Access Statement
Correct Fee
Location Plan (1:1250)
Site / Block Plan (1:500)
Elevations (Existing and Proposed)
Floor Plans (Existing and Proposed)
Roof Plans
Environmental Impact Statement
Completed CIL Forms

Please note that the Council has a Local Validation Requirements List for each type of application and you should refer to it before submitting your application. Failure to provide the required documentation will result in the application being treated as incomplete and delay the validation of the planning application.

Having looked through the Local Validation Requirements List, I would suggest that the following additional documents will be required:

Affordable Housing Agreement
Affordable Housing Statement

Biodiversity Survey and Report
Construction Management Plan (if submitting in full)
Land Contamination Assessment
Sharp Sand and Gravel Assessment/Statement
Foul and Surface Water Drainage Statement
Landscaping Strategy
Lighting Assessment
Bin Storage and Collection Provision (if submitting in full)
Parking Plan
Planning Application Summary
Street Scene
Transport Assessment/Travel Plan
Transport Statement
Tree Survey and Arboricultural Report
Historic Environment Record Search
Pagham Harbour Access Management Contribution Legal Agreement
Heritage Statement (if considered applicable)
Information to enable the LPA to undertake an Appropriate Assessment

You should be aware that any advice given by the Council in relation to pre-application advice will be based on the case Officer's professional judgement and will not constitute a formal response or decision of the Council with regard to any future planning applications. Any views or opinions expressed are given without prejudice to the consideration by the Council of any formal planning application which will be subject to wider consultation and publicity. Although the case officer may indicate the likely outcome of a formal planning application, no guarantees can or will be given about the decision that will be made on any such application. Any further correspondence will be at the Case Officer's discretion depending on the nature of the further enquiry. It may be necessary to submit a further pre-application advice request. Please note this advice only relates to planning and does not relate to any other legislation which may or may not apply such as Building Regulations or ordinary watercourse consents. You will need to carry out your own checks to determine whether any other consents or permissions are required.

I trust this is of assistance to you.

Yours sincerely



Neil Crowther
Group Head of Planning



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Ed Hanson
Barton Willmore
7 Soho Square
London
W1D 3QB

Please ask for: James Cross
Email: james.cross@arun.gov.uk
Telephone: 01903 737784
Our Ref: PAA/67/20
Your Ref:
Date: 14 September 2020

Dear Ed

SD3 West Bersted Strategic Development Site: Nursery Fields, Chalcraft Lane, Bognor Regis, PO21 5TS

Pre-Application Submission: *Development of up to 230 residential dwellings, associated infrastructure, open space and access.*

Further to our meeting on 11 August 2020 at 1000 hours via online video conferencing, please find below the Local Planning Authority's formal response in relation to the issues discussed, comprising Landscape, Community Consultation and Infrastructure.

Description of Site

The site comprises a total area of 13.46 ha of land known as Nursery Fields, located north of Chalcraft Lane, Bersted, Bognor Regis. The site borders the Chalcraft Nurseries site which, collectively, sit within the wider strategic allocation of West of Bersted covered by Policy H SP2a of the Arun Local Plan. Existing agricultural access to the site is from Tara Perry Close to the east.

The site is predominantly agricultural in use, comprising three separate field parcels which are bounded by trees and hedgerows. PROW path 136 passes through the centre of the site, in a southeast to northwest direction. The PROW connects PROW paths 134 and 137 at the north western site boundary to Chalcraft Lane. Part of the site comprises Grade 2 Best and Most Versatile agricultural land.

Description of Locality

The site is located to the west of Bersted, on the northern outskirts of Bognor Regis. The land to the immediate north and west of the site is agricultural in nature, with the site boundaries defined by field parcels. Land to the south east is largely residential in nature. The wider area to the south and east of the site is built up in nature. Bognor Regis town centre and railway station are located approximately 2km to the southeast of the site.

Chalcraft Nurseries is located to the immediate southeast of the site. The south of the site is bounded by Chalcraft Lane Cemetery with residential use beyond. Residential dwellings and a care home are located immediately to the east of the site along Chichester Road and Tara Perry Close. An area of playing fields known as Jubilee Recreation Ground is located to the north east of the site.

There are no statutory, ecological or landscape designations located on or near to the site. The nearest statutory designation to the site is the Bognor Reef Site of Special Scientific Interest (SSSI) located approximately 2km to the south of the site. The Solent and Dorset Coast Special Protection Area (SPA) is also located approximately 2km to the south of the site. The Pagham Harbour Ramsar/SPA/SSSI is located approximately 5km to the southwest of the site. The Site is located in Flood Zone 1.

Planning Issues

The following issues have been identified for consideration in this response:

1. Landscape / Open Space Provision
2. Community Consultation
3. Infrastructure

This response should be read in conjunction with the first pre-application response dated 03 August 2020 under reference PAA/67/20. This response solely seeks to respond to the specific issues set out above following our second pre-application meeting.

Comment on Site History

BE/81/20/OUT: Pending Consideration

Outline application with some matters reserved for the development of 20 residential dwellings, 2,240 sqm of commercial space (Use Class A1, B1(b), B1(c) and B8), landscaping, access, parking and associated infrastructure.

BE/14/11: Refused 06-04-11

Renewal of unimplemented planning permission BE/141/07/ - Outline application for one detached 3 bedroom house with 2 car spaces.

BE/47/09: Refused 12-08-09 / Appeal Dismissed 16-02-10

Outline application for the demolition of all existing buildings and redevelopment of the site with up to 70 dwellings (up to 28 Affordable), public open space and strategic landscaping. Departure from the Development Plan.

BE/141/07: Approve Conditionally 27-02-08

Outline application for one detached 3 bedroom house with 2 car spaces.

Relevant Policies

Arun District Local Plan 2011 – 2031:

SD SP1	Sustainable Development
SD SP1a	Strategic Approach
SD SP2	Built-up Area Boundary
H SP1	The Housing Requirement
H SP2	Strategic Site Allocations
H DM1	Housing Mix
D SP1	Design
D DM1	Aspects of Form and Design Quality
OSR DM1	Open Space, Sport & Recreation
T DM1	Sustainable Travel and Public Rights of Way
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
QE SP1	Quality of the Environment
INF SP1	Infrastructure Provision and Implementation
INF SP2	New Secondary School

Bersted Neighbourhood Plan

ES1	Design of New Development
GA1	Pedestrian and Cycle Connections
CLW3	Sport and Leisure Provision
CLW6	Local Green Spaces

CLW7	Local Open Space
HDQ1	Housing Site Allocations
HDQ2	Integration of New Housing
HDQ4	Housing Mix
HDQ5	Design of New Housing
HDQ6	Outdoor Space

Planning Policy Guidance:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

Supplementary Guidance:

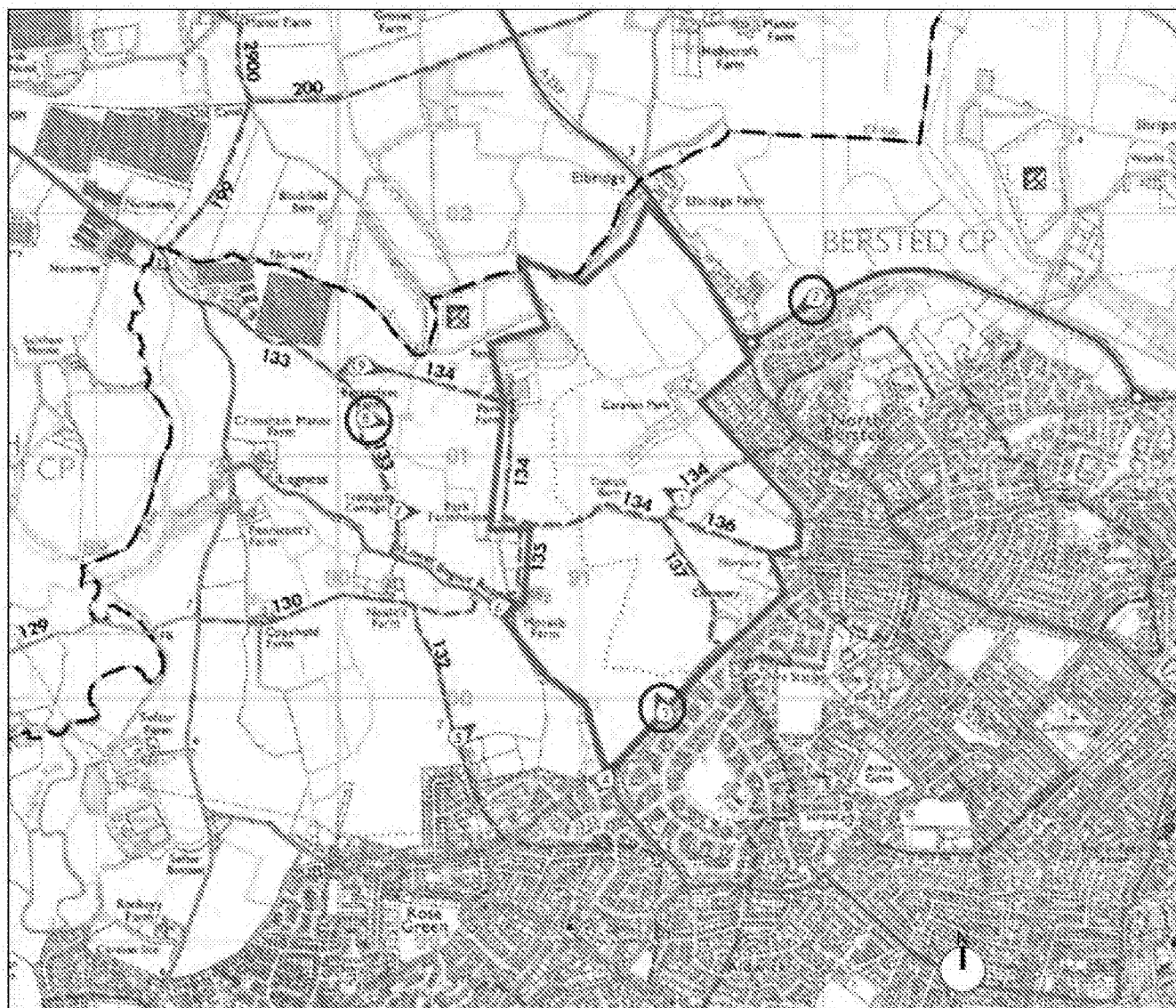
SPD11	Arun Parking Standards 2020
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1. Landscape

Policy D SP1 (ALP) requires development proposals to reflect the landscaping characteristics of the site and local area.

The EIA Screening Opinion from ADC confirmed that no Landscape Visual Impact Assessment was required. However, as per the Chalcraft Nurseries site a photographic viewpoint survey should be undertaken with a supporting assessment being provided. High Level Development Principle SDP 16 requires the green infrastructure framework to retain a view of the South Downs from Chalcraft Lane.

To ensure a comprehensive approach to landscape and visual impact, we would ask that you liaise with the Southern Consortium to identify their agreed viewpoints for the LVIA work with ADC. Where possible, there should be an overlap between the viewpoints used for the two sites. In any submission we would ask that you provide a layering of information which shows the short-term impact of views in the absence of the development of the wider West Bersted site, and the long-term impacts which show the cumulative impact with the fully developed West Bersted site.



Agreed LVIA Viewpoints for wider West Bersted Allocation

2. Open Space Provision

Annex 2: Glossary of the National Planning Policy Framework (February 2019) defines Open Space as:

All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

The Town and Country Planning Act 1990 defines open space as:

Land laid out as a public garden, or used for the purposes of public recreation, or land which is disused burial ground.

Policy OSR DM1 (ALP) requires housing developments, where viable, to contribute towards (a) open space provision in accordance with the guidance set out in the current Open Space Study, (b) playing pitch provision in accordance with the guidance set out in the Playing Pitch Strategy, (c) indoor sport and leisure facilities through financial contributions and (d) strategic projects identified in the Leisure and Cultural Strategy.

Policy H SP2 (ALP) states that a comprehensive development of the allocation will need to be meet key requirements including (d) incorporating high quality, well connected green spaces, planting within main streets and biodiversity rich open spaces and (e) extend, enhance and reinforce strategic green infrastructure and public accessible open space.

The Arun District Council Open Space, Playing Pitches, Indoor and Built Sport Facilities SPD (January 2020) makes clear the thresholds and requirements for public open space and associated facilities, in accordance with new residential development.

Appendix 2 of the above SPD makes clear the purpose of open space:

Fields in Trust offer some guidance to the quality guidelines for open space. These include:

- *Located where they are of most value to the community to be served*
- *Sufficiently diverse recreational use for the whole community*
- *Appropriate landscaped*
- *Maintained safely and to the highest possible condition with available finance*
- *Positively managed taking account of the need for repair and replacement over time*
- *Provision of appropriate ancillary facilities and equipment*
- *Provision of footpaths*
- *Designed so as to be free of the fear or harm or crime*

A well-designed open space should be attractive, usable and aim to provide multiple social, health and environmental benefits. It should incorporate existing landscape features such as mature trees and hedgerows, appropriate new planting, play provision and car parking/cycle storage. It is important that the biodiversity of a site is considered through inclusion of native species and the creation/retention of a variety of habitats.

In terms of public open space, Appendix 2 of the above SPD sets out the following guidelines to define what new forms of public open space should and should not be:

*Public open space **should be**:*

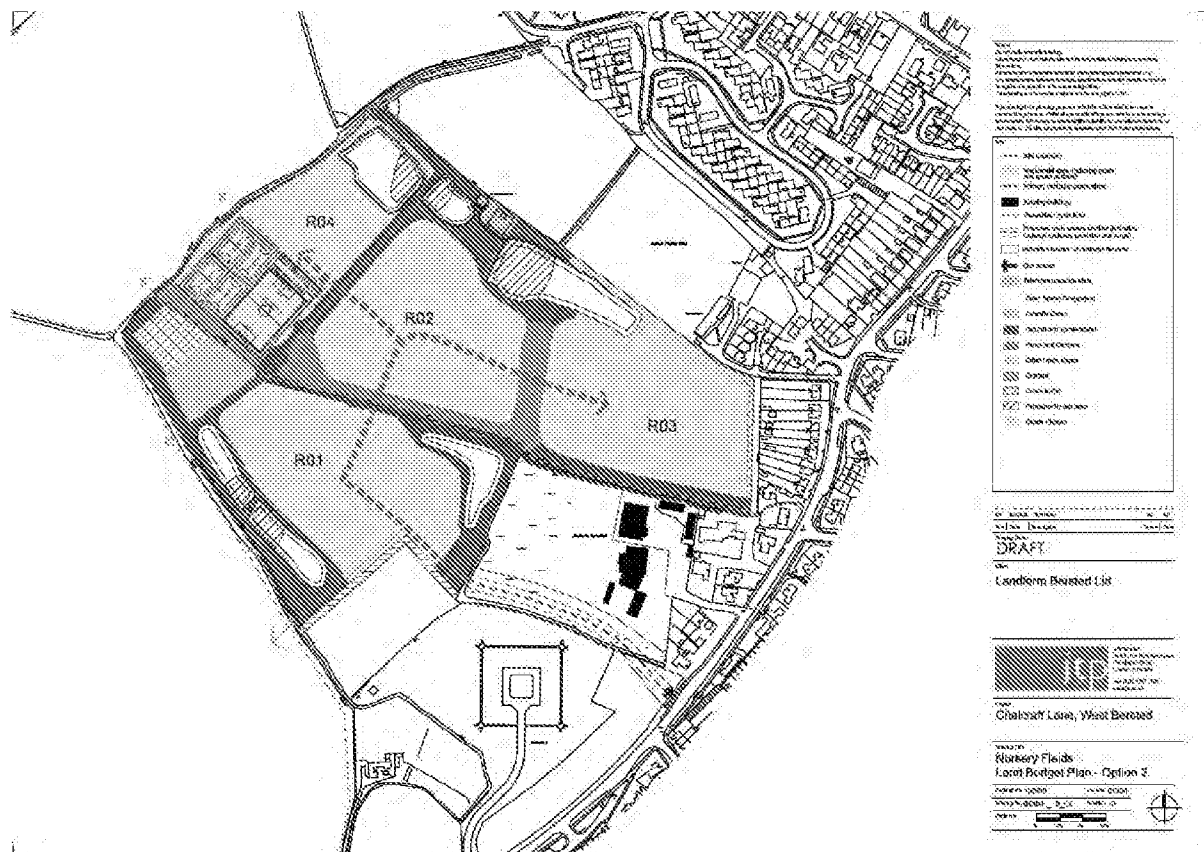
- *Located within new residential areas in accessible parts of the development avoiding conflict with major hazards such as busy roads and not immediately adjacent to SUDs*
- *Linked to local paths/cycle ways and the area beyond the development and have well placed entry points to encourage safe access*
- *Distributed evenly throughout the site with consideration of larger central areas of public open space which could accommodate a wider range of uses, forming a focal point for new communities*
- *Welcoming to encourage people to use them with soft landscape features, containing high quality materials, well maintained boundaries with an attractive appearance*
- *In areas which are overlooked by housing to provide natural surveillance*
- *Considerate to existing and established landscape features including existing trees and hedgerows and work with these to retain and enhance them*

*Public open space **should not be**:*

- *Provided on spaces left over after the planning process has been concluded i.e. areas of land left over after the location of roads and buildings have been determined*
- *Unusable or undesirable areas without any purpose. The inclusion of undesirable areas with no clear function will not be allowed simply to make up the required numbers*
- *Including narrow verge areas or entrance roadways*
- *Including SUDs or drainage areas which whilst an environmental benefit is recognised as not being permanently publicly accessible i.e. in water holding periods*

- Including bunds or mitigation screen planting areas, fenced off areas, narrow strips of land, or small pockets of land in place as development separation areas as these are not publicly accessible

Submitted on the 26 August 2020 were the following draft plan for comment and an according Land Budget:



Natural & Semi-Natural: Having reviewed the typologies put forward, in accordance with their layout and the Council's above SPD, we would have concerns that the extent of *natural and semi-natural* has been over ambitiously assessed within this draft plan. We consider, on the basis of much of this land falling around the SUDS, that the natural and semi-natural space would comprise substantially less than 1.91 ha.

Parks and Gardens: The parks and gardens typology appears to fall to the side of pedestrian/cycle links. This is not in accordance with the Park/Garden typology and therefore the quantum proposed, when viewed against its design on the attached plan, is considered to be overambitious.

Amenity Greenspace: The amenity greenspace typology is considered to comprise POS in the form and location detailed submitted. The quantum of 0.313ha towards total POS is considered acceptable.

Based on the typologies put forward, we do not consider that the overall quantum and provision of POS is acceptable, having regard to the above details in the SPD document. We consider this could be resolved through the removal of the Sports Pitches on the parcel known as RO5 to increase the quantum of usable POS in accordance with the above SPD. However, in its current form Arun District Council would not support the development based on POS provision detailed.

3. Community Consultation Strategy

Paragraph 39 (NPPF) states early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

Paragraph 124 (NPPF) makes clear that the creation of high quality places is fundamental to what the planning and development process should achieve. Effective engagement between applicants, communities, local planning authorities and other interests throughout the process can assist in achieving this.

Paragraph 128 (NPPF) reiterates that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

The development subject of this pre-application submission falls within the wider ongoing work of the West Bersted Framework Masterplan development. As part of this process there has been:

- Ongoing public consultation work undertaken by Lichfields
- Ongoing Advisory Group meetings with the West Bersted AG
- Arun District Council public consultation period (currently ongoing and ceasing on 21 September 2020)

In addition to this, and in respect of this application, we understand it is your intention to begin your public engagement work on the week commencing 07 September 2020. To ensure this work fulfils the requirements of paragraphs 39, 124 and 128 of the NPPF we would expect:

- Materials to be posted to a catchment area to be agreed with the Parish Council and responses feedback to yourselves
- Engagement with local Members on the Advisory group and any ward Members this doesn't encompass
- Engagement with the Parish Council at the local level
- Specific engagement (i.e. 1-2-1 meetings or alternatives in light of Covid-19 restrictions) to demonstrate detailed engagement with those most affected by the development proposal

Arun District Council are happy to comment/agree in principle the scope of all catchments so a joined up collaborative approach can be demonstrated in the application process.

ADC will undertake a separate 21 day consultation period upon receipt of the application, as required by the Development Management Procedure Order, as part of the application process.

Such a level and extent of engagement may be sufficient to satisfy the requirements advocated by paragraphs 39, 124 and 128 of the National Planning Policy Framework, as set out above. However, Arun District Council has guidance on community involvement (<https://www.arun.gov.uk/statement-of-community-involvement-sci-engagement/>). Table 5 (pages 24-25) sets out a checklist which should be accorded with. Flexibility will be afforded considering the recent Covi-19 pandemic. Accordance with these criteria should be detailed. Justification showing any discordance with the document will be required at application stage within any Statement of Community Involvement.

4. S106 & Infrastructure Costs

Policy H SP2 (ALP) requires development proposals within the Strategic Site Allocations to be comprehensively planned and should have regard to a masterplan endorsed by the Council. Criterias (a) – (q) highlight a number of requirements to be met to achieve a comprehensively planned development. Included within this list is criteria (o) which requires developments to enable strategic District wide infrastructure to be delivered at strategic sites if the location is appropriate for the District.

S106 and Infrastructure Costs will be sought for the following matters. Proportionate yields will be taken from the overall amounts and the Council's Infrastructure Development Plan (2017 version) will be used as a baseline.

Highways (indicative contributions: £457,516.00)

- 1) Contributions to A27 Whyke Road Roundabout
- 2) Contributions to A27 Bognor Road Roundabout
- 3) Contributions to A29/A259 Rowan Way
- 4) Contributions to A259 Felpham Relief Road
- 5) Contributions to A259 Oystercatcher
- 6) Contributions to A29 Realignment
- 7) Contributions to A259 Corridor Improvement Bognor Regis to Littlehampton
- 8) A259 Spine Road through Site

The Council is currently working with the wider Southern Consortium to ascertain total costs for the A259 spine road running through the site. The above indicative contributions for highways exclude the cost required for the A259 spine road at this stage. We understand we are approximately 8 weeks away from having figures submitted to the Council from the Southern Consortium Group. Should a situation arise where these costings are not being provided then we can confirm that ADC will undertake work with WSCC to retrieve costs to prevent development from being stagnated.

Education (indicative contributions: £2,676,280.00)

- 9) Provision of 3FE Primary School to serve West of Bersted
- 10) Contributions to 10FE Secondary School to serve Development in the District
- 11) Provision of 100 New Nursery Places to serve West of Bersted

Green Infrastructure (indicative contributions: £1,240,698.66)

- 12) Pagham Harbour SPA Access Management
- 13) Off-site Allotment Contribution
- 14) Public Open Space Maintenance Contribution
- 15) Play Maintenance Contribution

Community Facilities/Library/Social/Other (indicative contribution: £701,220.01)

- 16) Provision of new Tier 7 library facility (forming part of the new community centre)
- 17) Provision of Outdoor Sports Pitches
- 18) Provision of 3G Sports Pitches
- 19) 3G Pitch Maintenance Contribution
- 20) Contributions to Expansion of Existing GP Surgeries
- 21) Indoor Sport and Leisure Contribution, incc Hub Building & Changing Facilities
- 22) Health & Fitness (incorporated within Hub Building)
- 23) Swimming Pool Contribution
- 24) Police Contribution
- 25) Fire & Rescue Service Contribution
- 26) Bus Service Provision

Utilities/Services/SUDS (indicative contribution: £137,461.06)

- 27) Surface Water Drainage Connection to Off-Site Solution
- 28) Contributions to Off-Site Reinforcements to Mains Supply

We currently have committed contributions towards the above infrastructure items from previous planning permissions. This list is currently being updated with our S106 Contributions Officer throughout August. On the date of this response committed infrastructure currently totals £64,739.00 across the entirety of the West Bersted site.

On the basis of the above calculations, and on the assumption of a total unit yield of 230 units, contributing to 9.2% of the total West Bersted dwelling yield, contributions of £22,640.00 per dwelling would be sought.

This indicative "roof tax" applies equally to the Chalcraft Nurseries site also.

We are finalising this list and establishing definitive costings throughout late August/early September in terms of Regulation 122 compliance for each landowner. You have indicated you will provide comment on each infrastructure item and its application to this site. We would be grateful if you could provide this under separate cover?

Towards the end of September 2020 we will be undertaking a round table meeting with the Council's appointed Planning solicitors to agree the Memorandum of Understanding. A draft copy of this document will be circulated the week prior to this meeting. A calendar invite will be sent around early September upon appointment of the LPA's Planning solicitor.

Once agreed, this Memorandum of Understanding will form the draft Heads of Terms for all subsequent S106 agreements which will be subjected to indexation using the Retail Price Index measure.

Our Planning Solicitors (Town Legal LLP) have indicated a cost of £8,000 (excluding VAT) for progressing the Chalcraft Nursery application and a cost of £15,000 (excluding VAT) for progressing the Nursery Fields application.

We would be grateful if you could provide a contact which our solicitors are able to liaise with you for admin purposes?

We would be grateful if you could confirm you are happy for us to appoint Town Legal LLP under the PPA agreement to progress this work for both sites? All invoices will be sent directly to yourselves on the details to be provided.

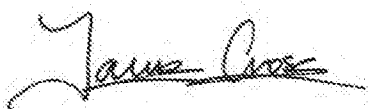
Please note that the above figures are provided for the purposes of forecasting viability within your development and are provided on a without prejudice basis. The above figures are given in good will and are not binding upon the Council in any subsequent discussions or formal determination of applications and corresponding S106 agreements.

Summary & Conclusions

I trust that the above detailed information provides clarity regarding the Council's expectations and requirements as you progress your proposals. The Local Planning Authority anticipates accordance with the above requirements to be finalised ahead of seeking formal planning permission.

If you require any further information, please do not hesitate to contact me on the below details at your convenience.

Kindest regards,





Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF
Planning & Building Control General Enquiries
Tel: (01903) 737756 Fax: (01903) 730442
Dx: 57406 Littlehampton
Minicom: 01903 732765
e-mail: planning@arun.gov.uk
website: www.arun.gov.uk/planning

Ed Hanson
Barton Willmore
7 Soho Square
London
W1D 3QB

Please ask for: James Cross
E mail: james.cross@arun.gov.uk
Telephone: 01903 737784
Our Ref: PAA/67/20
Your Ref:
Date: 8 October 2020

Dear Ed

SD3 West Bersted Strategic Development Site: Nursery Fields, Chalcraft Lane, Bognor Regis, PO21 5TS

Pre-Application Submission: Development of up to 230 residential dwellings, associated infrastructure, open space and access.

Further to our meeting on 15 September 2020 at 1100 hours via online video conferencing, please find below the Local Planning Authority's formal response in relation to the issues discussed, comprising Highways, Access and Transportation, Open Space Provision and Playing Fields, Public Contributions/Obligations and Public Consultation.

Description of Site

The site comprises a total area of 13.46 ha of land known as Nursery Fields, located north of Chalcraft Lane, Bersted, Bognor Regis. The site borders the Chalcraft Nurseries site which, collectively, sit within the wider strategic allocation of West of Bersted covered by Policy H SP2a of the Arun Local Plan. Existing agricultural access to the site is from Tara Perry Close to the east.

The site is predominantly agricultural in use, comprising three separate field parcels which are bounded by trees and hedgerows. PROW path 136 passes through the centre of the site, in a southeast to northwest direction. The PROW connects PROW paths 134 and 137 at the north western site boundary to Chalcraft Lane. Part of the site comprises Grade 2 Best and Most Versatile agricultural land.

Description of Locality

The site is located to the west of Bersted, on the northern outskirts of Bognor Regis. The land to the immediate north and west of the site is agricultural in nature, with the site boundaries defined by field parcels. Land to the south east is largely residential in nature. The wider area to the south and east of the site is built up in nature. Bognor Regis town centre and railway station are located approximately 2km to the southeast of the site.

Chalcraft Nurseries is located to the immediate southeast of the site. The south of the site is bounded by Chalcraft Lane Cemetery with residential use beyond. Residential dwellings and a care home are located immediately to the east of the site along Chichester Road and Tara Perry Close. An area of playing fields known as Jubilee Recreation Ground is located to the north east of the site.

There are no statutory, ecological or landscape designations located on or near to the site. The nearest statutory designation to the site is the Bognor Reef Site of Special Scientific Interest (SSSI) located approximately 2km to the south of the site. The Solent and Dorset Coast Special Protection Area (SPA) is also located approximately 2km to the south of the site. The Pagham Harbour Ramsar/SPA/SSSI is located approximately 5km to the southwest of the site. The Site is located in Flood Zone 1.

Planning Issues

The following issues have been identified for consideration in this response:

1. Highways, Access and Transportation
2. Open Space Provision and Playing Fields
3. Public Contributions/Obligations
4. Public Consultation

This response should be read in conjunction with the former pre-application responses dated 03 August 2020 and 14 September 2020 under reference PAA/67/20. This response solely seeks to respond to the specific issues set out above following our third pre-application meeting.

1. Highways, Access and Transportation

a) Highways

We clarified that we are still awaiting confirmation from your Transport Consultants regarding cumulative impacts in terms of both short term and long term impacts. It is not possible to comment on the acceptability of the scheme in relation to highways without the views of the Local Highway Authority (WSCC) and separate advice should be sought on these issues. Specifically, the Local Planning Authority will be required to give consideration to:

- 1) Whether the development is acceptable in cumulative highways impact terms being delivered without the upgrading of the nearby road network (short term)
- 2) Whether the development is acceptable in cumulative highways impact terms being delivered once the upgrading of the nearby road network has taken place (long term)

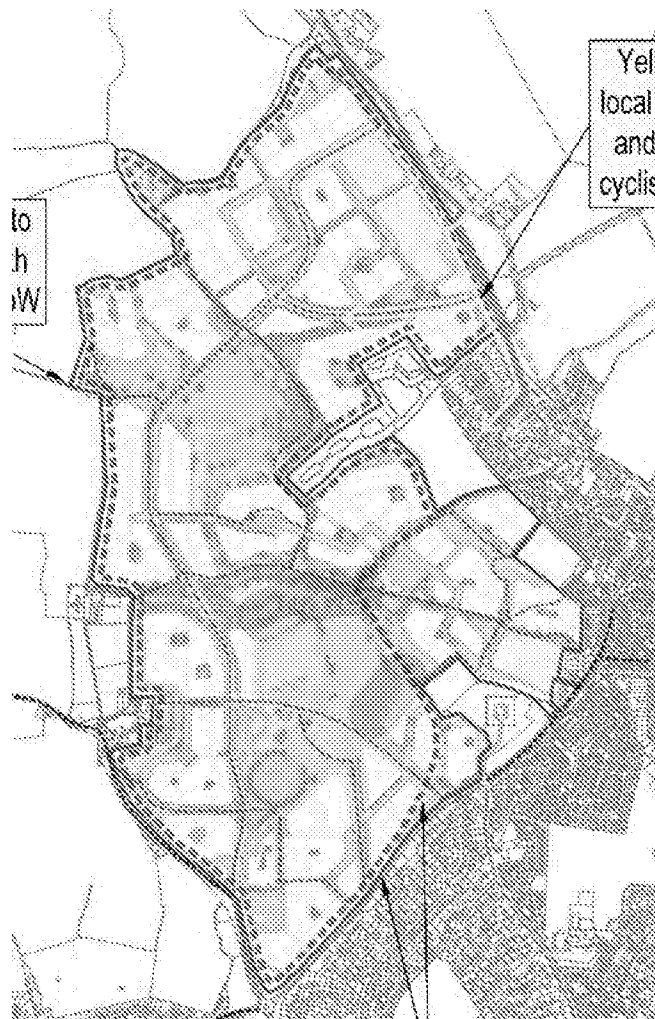
The application should be supported by a corresponding Transport Assessment which takes into account the cumulative impacts of the adjacent development. Officers will require satisfaction that the traffic flows take into account the flows generated by the wider development and that a joint approach has been agreed. The information and the parameters used, and the overall conclusions reached, should reflect this joint approach. The joint approach should result in an overall mitigation package for the whole strategic allocation based on the cumulative impact and each development parcel should proportionally contribute to the overall package of mitigation.

b) Cycle Connectivity

Arun Local Plan Policy T SP1 requires priority to be given to cycle routes in the first instance. Direct cycle connections and wider connectivity and therefore key to ensuring this development operates successfully.

As highlighted in the pre-application process the Council's preference is to provide segregated cycle routes throughout the site to ensure cycling is prioritised.

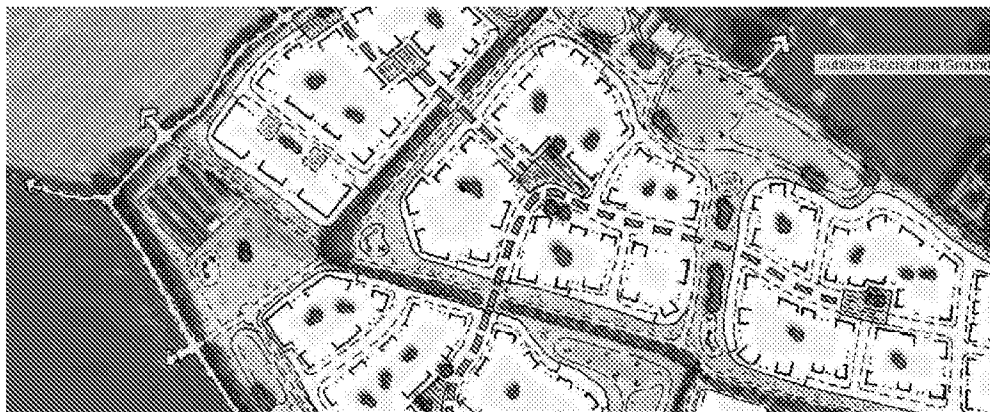
Officers have fed back to the Southern Consortium regarding additional links to the local centre. This will facilitate a cyclist priority layout. These additional links are highlighted in yellow in the extract below. We will require you in any application to detail how connections from the application site will relate to these connections in the wider Framework Masterplan. This is to ensure the masterplanned requirement of Policy H SP2 is fulfilled and the requirements of Policy H SP2a are met.



Additional Cycle Connections within Development shown in Yellow Highlighter

To facilitate direct cycle connections across the site, in the pursuit of achieving priority to cyclists within the development, we would ask that a direct route be facilitated from the Jubilee Hall/Tara Perry close entrance through the site in a diagonal SW/NE direction, to facilitate the cycle route towards the local centre and onwards towards Pagham. The feasibility of this should be explored and evidenced within the supporting documentation in the evolution of the design within any forthcoming application.

c) Three Green Finger Concept



Suggested Layout to Address Three Finger Concept

Officers raised concern with the proposed pre-application layout which diluted the three green fingers concept originally proposed. Following the pre-application discussions we understand that PROW 136 is a fixed parameter and whilst the option is available to re-route this path, we also appreciate the constraints this would place upon delivering development expediently.

To resolve this impasse, Officers would support the layout based on extending the path around the perimeter of the orchard to make a focal point/feature of this. This is illustrated in the yellow highlighter above.

This suggested layout maintains the direct link east to west throughout the site and will provide alleviation to what would otherwise be a single stretch of surface. This will could also provide a focal point/destination within the development which is a positive urban design response to a fixed parameter on the site.

This layout would be an option the Councilš would consider appropriate. However, Officers are willing to consider any alternative arrangements provided they deliver the placemaking aims integral to the submitted Framework Masterplan.

Officers welcome the set back and reduction of residential units in parcel RO5 to better frame this open space. Officers consider that, subject to the delivery of c. 230 dwellings across this site, that an efficient and effective use of land is achieved.

2. Open Space Provision and Playing Fields

The pre-application response issued on 14 September 2020 outlined how the Council calculates open space provision on a case-by-case basis.

Upon the time of response, the Framework Masterplan has been endorsed by Arun District Council.

The importance of the endorsed Framework Masterplan is that we can now see how spaces, connections and wider public open space will functionally relate as a collective whole. Officers are therefore able to take a pragmatic view with the safeguard of the endorsed Framework.

As detailed in the presentation by JTP Architects, the site sits within a wider area of greenspace and access to this space is both easy and practicable. The connections provided from the residential parcels to these wider green spaces would therefore work in perpetuity and throughout the lifetime of the development.

On this basis and given the connections demonstrated and accessibility of wider public open space, Officers are satisfied that this approach would provide a comprehensively planned development which takes into account the overall, wider open space provision.

3. Planning Obligations

Additional information regarding infrastructure and obligations has been provided to the Council on 18 September 2020 following initial discussions at our meeting.

Throughout July/August/September 2020 various contributions have been circulated amongst the development team for comment. These have been provided on a private and confidential and without prejudice basis. The purpose of these is to engage discussions with developers to ensure the level of contributions sought is economically viable.

The information provided by the applicant highlights that estimated costs across the development has increased by 77% since the initial viability work undertaken in 2017 which underpins the Local Plan evidence base.

The document submitted on 18 September 2020 queries whether:

- 1) The current S106 mitigation estimates and or the scope of mitigation works are inaccurate; or
- 2) The evidence submitted to support the Local Plan was incorrect

Since receipt of this document Officers have had an opportunity to discuss the 2017 viability work with our Planning Policy Team to provide further clarification in respect of the updated calculations since 2017.

Officers have also raised the ongoing appeal in respect of LPA ref: EG/22/19/OUT known as the 'Boweries' appeal which requires a similar methodology to the delivery of the West Bersted site.

The Arun District Council Infrastructure Delivery Plan is a Living Document

Section 5 of the Arun Infrastructure Capacity Study and Delivery Plan Phase 2 Infrastructure Delivery and Phasing Plan (Feb 2017) clearly states that the data provides the most up to date picture in terms of infrastructure required and anticipated costs (my emphasis).

All site specific costing tables end with the title indicative costs (my emphasis). In February 2017, costs were not fully known and we do not consider it unreasonable for costs to evolve as the scope and complexity of projects become more fully realised.

The fact that the IDP includes anticipated and not actual costs is acknowledged in the Inspector's Report (<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12488.pdf&ver=12506>).

Paragraph 197 emphasises that the 2017 IDP is intended to be a living document as the Local Plan is implemented. It is not a document which should be used to set the price or even the type of infrastructure mitigation throughout the 20 year period covered by the Local Plan.

In relation to the Inspector's conclusion on highways mitigation, paragraph 125 states:

The ATS identifies improvements to road junctions that are necessary to remove severe impacts, including some of the A27 beyond the district. Contributions will be sought to these projects where necessary

Paragraph 146 of the Inspector's report states:

The ATS identifies mitigation at junctions on the A27, A29, A259 and B2166 which would remove severe impacts. Development would make contributions to the junction improvements, which would be secured by Policies H SP2a and INF SP1.

The Arun Local Plan

Policy H SP2(k) requires the development to address the off-site capacity requirements, that relate to that particular allocation identified in the Arun Transport Assessment (2016 and 2017 and taking into account any subsequent relevant assessment) and the local highways network (my emphasis).

Policy INF SP1 states the Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development (including the necessary infrastructure set out in the Infrastructure Delivery Plan) to meet the needs of occupiers and users of the development. Infrastructure provision should be delivered using the following approach:

The bullet point list under INF SP1 includes testing the capacity of existing infrastructure, where there is insufficient capacity to support new development; mitigate the impacts; and provision should be secured no later than completion of the development, or phase for which it is needed.

Therefore, it is clear that the IDP and all subsequent mitigation studies are a starting point for negotiation and testing; all evidence based documents and Arun Local Plan Policy wording makes clear the figures provided are not absolute. Such an approach was considered sound by the Inspector in the adoption of the Local Plan.

The indicative financial contributions identified in the IDP are not set in stone, but provide a very important, and an evidenced steer with regard to what is required to ensure the impacts of the strategic allocations are mitigated.

The Arun Local Plan Viability Study 2017

The 2017 Viability Study was undertaken and published in January 2017; therefore, it used the emerging evidence from the Arun Infrastructure Capacity Study and Delivery Plan. The Viability Study references paragraph 174 of the NPPF 2012 which states evidence supporting the assessment should be proportionate, using only appropriate available evidence (my emphasis).

This accords with the Planning Practice Guidance (September 2019) which states, on numerous times, that a decision maker can give appropriate weight to emerging policies. Therefore, the Local Plan Viability Study should be seen as a strategic viability assessment, which gives a good indication of the deliverability of the site. As set out in paragraph 1.9 – no part of this report constitutes a valuation and the report should not be relied on in that regard.

Table 10.5 of the 2017 Study shows that the site would remain viable at 35% affordable housing, and only lose viability (to a marginal level) by providing 40% affordable housing. It should be noted that the Council seek affordable housing policy compliance of in this instance at 30% which is a lower rate than that tested in the 2017 Viability Study.

The Arun District Council CIL Viability Study July 2018

The subsequent CIL Viability Study, published in July 2018, shows a different level of viability for strategic sites. This study is based on different viability buffers, so the differing outcomes are not unexpected. The main different input comprise development costs which increased by 13% since June 2016 and an increase in developer's profit from 17.5% to 20% of GDV.

It should be noted that this is a high level viability study and not an appraisal. It was commissioned and used for the purposes of assessing whether development (including the strategic sites) could be capable of supporting CIL, without prejudicing their infrastructure costs.

Infrastructure Comparison Table: General

Paragraph 5.23 of the 2017 IDP states:

Additional items in the transport infrastructure package will be identified as further work is undertaken on the strategic sites. A number of sustainable transport measures have been included in the Phasing Plan based on previously identified requirements.

Therefore, the tables provided in the 2017 IDP are not conclusive and it makes clear that the supporting evidence would require review.

Paragraph 5.6 of the Phase 1 Infrastructure Capacity Study and Delivery Plan (<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n10195.pdf&ver=10116>) sets out the capacity issues on the A27. In particular Whyke and Bognor Road are two junctions which require mitigation.

The method for apportioning the costs, that were available at the time in February 2017 was to divide the total cost of mitigation across the sites that impacted on those junctions the most. At this time there were less mitigation costs available. This approach has now been updated and presented into a consolidated document.

Summary

We trust that the above details how the IDP and subsequent mitigation studies are a starting point for negotiation and testing. All evidence based documents and Arun Local Plan wording makes clear the figures provided are not absolute nor conclusive.

This approach was considered by sound by the Inspector in the adoption of the Local Plan.

You are aware of the ongoing Memorandum of Understanding discussions taking place and are in receipt of draft versions of these. Whilst these are provided on a non-binding and without prejudice basis for both parties, these documents set out the scope of contributions being sought based on the information available at this time and will need to be considered against more detailed information at the planning application stage. Definitive figures attributed to each contribution will be negotiated at the planning application stage and on the basis of joint agreement between the parties having been reached.

4. Public Consultation

An overview was given regarding the public consultation strategy which the Local Planning Authority are in agreement with in principle.

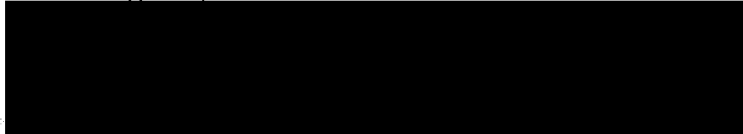
The LPA set out their requirements regarding the contents of the Statement of Community Involvement which should be provided within the subsequent planning application submission.

Summary & Conclusions

I trust that the above detailed information provides clarity regarding the Council's expectations and requirements as you progress your proposals. The Local Planning Authority anticipates accordance with the above requirements to be finalised ahead of seeking formal planning permission.

If you require any further information, please do not hesitate to contact me on the below details at your convenience.

Kindest regards,



APPENDIX 7
ARUN DC DECISION NOTICE (REF. BE/ 148/ 20/ OUT)

Application for Outline Consent

DECISION NOTICE

Application Ref: BE/148/20/OUT

1 To Addressee

Barton Willmore LLP
7 Soho Square
London
W1D 3QB

2 Site Address

Nursery Fields
Land to the North of Chalcraft Lane
West Bersted
PO21 5TS

3 Description of Development

Outline application with all matters, except for site access, reserved for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access. This application affects a Public Right of Way.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **REFUSE** to approve the development as described in the application and plans for the reasons stated.

- 1 Due to insufficient information, in the form of a relevant Transport Assessment to address off-site capacity requirements related to the strategic allocation and the local road network, and due to a failure to demonstrate through an effective Transport Assessment that the transport effects of the development on the local highway network can be satisfactorily mitigated, the applicant has failed to demonstrate that the proposed development would not result in a severe cumulative residual impact on the road network, contrary to paragraph 109 of the National Planning Policy Framework and Arun Local Plan policies H SP2(k) and T SP1(e). In addition, the application fails to sufficiently encourage the use of sustainable modes of transport, contrary to paragraphs 102 and 108 of the National Planning Policy Framework and Arun Local Plan policies T SP1, T DM1 and H SP2.
- 2 In the absence of a completed S106 legal agreement, the application fails to secure a developer contribution towards the agreed strategic approach to access management at Pagham Harbour, contrary to the requirements of Arun Local Plan policy ENV DM2 (i). In the absence of this mitigation measure there would be an Adverse Effect on the integrity of an Internationally designated conservation site, contrary to policies H SP2a and ENV DM2 of the Arun Local Plan and the relevant legislation, the Conservation of Habitats and Species Regulations (2019, as amended).

- 3 In the absence of a completed Section 106 legal agreement, the application fails to secure affordable housing provision, self-build plot provision, infrastructure contributions towards play, social, leisure and sports facilities, healthcare, education, fire & rescue services and police, and the transport mitigation package, necessary to support development. The application therefore fails to comply with Arun Local Plan policies INF SP1, AH SP2, H SP2, H SP2a, D SP1, D DM1, policy HDQ4 of the Bersted Neighbourhood Development Plan and Arun District Council Supplementary Planning Document Open Space, Playing Pitches, Indoor and Build Sports Facilities, January 2020.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.



Neil Crowther
Group Head of Planning

Case Officer: Ms Myer

Decision Issued: **1st April 2021**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

APPENDIX 8
DRAFT CONDITION SCHEDULE

PLANNING CONDITIONS

TOWN AND COUNTRY PLANNING ACT 1990

Outline application with all matters, except for site access, reserved for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access.

Nursery Fields
Land to the North of Chalcraft Lane
West Bersted
PO21 5TS

LPA REF: BE/148/20/OUT

Draft 1 - 14th May 2021

1.0 Introduction

- 1.1 Appellants proposed draft conditions to be attached to any planning permission for BE/148/20/OUT.
- 1.2 Conditions to be discussed with ADC.
- 1.3 The conditions set out below are provided on a without prejudice basis.

2.0 Draft Planning Conditions

Condition 1 – Reserved Matters

The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

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 (as amended).

Condition 2 – Time Limit

The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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 (as amended).

Condition 3 – Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan 01: Drawing No. 01304_S_11 Rev P1
- Land Use and Access Parameter Plan: Drawing No. 01304_PP_01 Rev P4
- Building Heights Parameter Plan: Drawing No. 01304_PP_03 Rev P2
- Green Infrastructure Parameter Plan: Drawing No. 01304_PP_02 Rev P2
- Site Access Arrangement: Drawing No. ITB14224-GA-009 Rev B

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, T SP1 and T DM1 of the Arun Local Plan (2011-2031).

Condition 4: Compliance with Approved Plans:

The development (including all reserved matters and other matters submitted for approval pursuant to the conditions attached to this permission) shall conform to the parameters identified by the parameter plans approved under condition [3] above.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, T SP1 and T DM1 of the Arun Local Plan (2011-2031).

Condition 5: Phasing Plan:

Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a plan showing how the implementation of the development will be phased including the site access required by condition [xxx] below shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be implemented in accordance with the approved plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, T SP1 and T DM1 of the Arun Local Plan (2011-2031).

Condition 6 – Demolition & Construction Management Plan

No development shall take place, including any works of demolition, until a Demolition and Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority, to include:

- a. An indicative programme for carrying out of the works;
- b. Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e. Measures to control the emission of dust and dirt during construction;
- f. Anticipated number, frequency and types of vehicles used during construction;
- g. Method of access and routing of vehicles during construction;
- h. The location or locations to be used for the parking of vehicles by site operatives and visitors;
- i. Loading and unloading of plant, materials and waste, including permitted times for deliveries;
- j. Storage of plant and materials used in constructing the development;
- k. A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted;
- l. 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 Regulations Orders);
- m. The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;

Thereafter no works shall take place otherwise than in accordance with the approved Plan

Reason: To protect the amenity of local residents/users of the cemetery and in the interests of highways safety, in accordance with Policies QE SP1, QE DM1, QE DM2, QE DM3, T SP1 and T DM1 of the Arun Local Plan. This planning condition is required to be pre-commencement to ensure details of demolition and construction works and measures to mitigate impacts are secured prior to works commencing.

Condition 7 – Hours of demolition/construction

No construction or demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no activities on Sunday or Bank Holidays.

In addition to these hours permitted for working the Local Planning Authority may approve in writing a schedule of activities identifying additional hours of working when it is satisfied that it is reasonable to conduct works outside the hours identified above.

Reason: To protect the amenity of local residents in accordance with Policies QE SP1 and QE DM1 of the Arun Local Plan.

Condition 8 – Land Contamination

Prior to commencement of the development hereby approved (or such other date or phase 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 shall each be submitted to and approved in writing by the Local Planning Authority:

1. A 'Preliminary Risk Assessment' which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A 'Site Investigation Scheme', based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the 'Site Investigation Scheme' and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. Verification Report in a form submitted to and approved in writing by the LPA that demonstrates that the remediation measures and methodology approved under 3 above have been successfully undertaken. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan. This condition is required to be pre-commencement to ensure any contamination on site is appropriately remediated prior to works commencing].

Condition 9 – Construction Noise Impact Assessment

Construction work shall not commence before an impact assessment of the noise from the development on existing nearby residential properties at nos [xxx] Chalcraft Lane and any dwellings built and occupied pursuant to the planning permission dated 23 March 2021 (BE/81/20/OUT) has been undertaken and submitted to and approved in writing by the Local Planning Authority. The assessment shall be prepared having regard to the principles of BS

4142:2014 and shall seek to achieve a difference between the measured 'rating' level and the measured 'background' level of at least 5dB(A).

Where measures are identified as necessary, construction work shall not commence until a scheme for the protection of residential amenity in respect of the noise impact from construction noise has been submitted to and approved in writing by the local planning authority

All construction works shall be carried out in accordance with the approved mitigation scheme and testing regime.

Reason: To protect the amenity of local residents in accordance with Policies QE SP1 and QE DM1 of the Arun Local Plan. This planning condition is required to be pre-commencement to ensure an assessment of noise impacts from development and measures to mitigate impacts are secured prior to works commencing.

Condition 14 - Lighting Scheme

Details of the proposed lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority before installation. The scheme shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The scheme shall ensure that lighting installations will comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). The lighting scheme for the site should take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

The scheme should ensure that the predicted illuminance levels are tested by a competent person to ensure that the illuminance levels identified in the approved scheme are likely to be achieved and if these levels are unlikely to be met the scheme shall require a report to be submitted to the LPA to demonstrate what measures will be taken to reduce the levels to those identified within the approved scheme.

The approved installation shall be maintained and operated at all times in accordance with the approved scheme.

Reason: To protect the amenity of local residents and protected species in accordance with Policies QE SP1, QE DM2 and ENV DM5 of the Arun Local Plan.

Condition 15 – Site Access

Prior to the occupation of the first residential unit hereby permitted, the new vehicular site access onto Chalcraft Lane shall be provided in accordance with the phasing plan approved pursuant to condition 5 above in accordance with the details shown in the Site Access Arrangement drawing (ITB14224-GA-009 Rev B).

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policies T SP1 and T DM1 of the Arun Local Plan.

Condition 16 – Travel Plan

Prior to first occupation of the residential development hereby approved, a Travel Plan will be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall be based on the Framework Travel Plan [reference]. The implementation of measures contained within the approved Travel Plan shall commence upon first occupation of the development and be continued thereafter in accordance with its terms.

Reason: To encourage and promote sustainable transport, in accordance with Policy T DM1 of the Arun Local Plan, and the National Planning Policy Framework.

Condition 17 – Public Art

There shall be submitted with the reserved matters application a scheme for the approval in writing of the local planning authority which provides for the installation, retention and maintenance of public works of art on the site. The scheme will provide for installation to be completed on any phase prior to the first occupation of the last market housing unit to be constructed on that phase. Thereafter, the permitted public art shall be maintained and retained accordance with the agreed scheme.

Reason: In the interests of visual amenity and to secure a good quality of development, in accordance with Policies H SP2, D SP1 and D DM1 of the Arun Local Plan and the National Planning Policy Framework.

Condition 18 – Surface Water Drainage Scheme

Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design proposed should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or as updated by any amended or successor standard pertaining at the time of submission, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the details contained in the approved scheme and the same shall be maintained thereafter in accordance with the approved scheme. .

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

Condition 19 – Maintenance & Management of SUDs

Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall thereafter comply with the requirements of the approved details.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding

arrangements for the surface water disposal scheme are agreed before construction commences.

Condition 20 – Completion Report of SUDs

Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, there shall be provided to the local planning authority a set of as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

Condition 21 – Foul Water Drainage Scheme

Development shall not commence until details of the proposed means of foul and surface water sewerage disposal/drainage system (including details of its siting, design and subsequent management/maintenance) have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby approved shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily drained and foul water appropriately disposed of in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to secure the details of the foul water drainage system prior to commencing any building works.

Condition 22 – Arboricultural Reports

Prior to commencement of development or phase thereof as defined in the phasing plan approved pursuant to condition 5, an Arboricultural Impact Assessment (AIA) which shall include; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan' relating to the existing trees and hedges on site that are likely to be adversely affected by the development or the proposed phase of the development, as the case may be, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate protection of trees and hedgerows on or near the site, in the interests of amenity and local wildlife including protected species, and in accordance with policies ENV 4 and ENV DM5 of the Arun Local Plan. It is necessary for this to be a pre-commencement condition to ensure that trees and hedgerows and local wildlife are protected as necessary prior to construction works commencing.

Condition 23: Arboricultural Works:

Prior to commencement of development or phase thereof as defined in the phasing plan approved pursuant to condition 5, an Arboricultural Method Statement (AMS) which shall include a Tree Protection Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall comply with the recommendations of BS5837:2012. The development shall be implemented in accordance with the approved Method Statement.

Reason: To ensure adequate protection of trees and hedgerows on or near the site, in the interests of amenity and local wildlife including protected species, and in accordance with policies ENV 4 and ENV DM5 of the Arun Local Plan. It is necessary for this to be a pre-commencement condition to ensure that trees and hedgerows and local wildlife are protected as necessary prior to construction works commencing.

Condition 24: Arboricultural Protection

Prior to commencement of development or phase thereof as defined in the phasing plan approved pursuant to condition 5, a buffer strip (of 5m) with protective fencing around the existing hedging and trees to be retained in that phase must be installed and maintained in situ for the duration of the construction works in that phase.

Reason: To ensure adequate protection of trees and hedgerows on or near the site, in the interests of amenity and local wildlife including protected species, and in accordance with policies ENV 4 and ENV DM5 of the Arun Local Plan. It is necessary for this to be a pre-commencement condition to ensure that trees and hedgerows and local wildlife are protected as necessary prior to construction works commencing.

Condition 25 – Bat Survey/Mitigation

Prior to commencement of development or phase thereof as defined in the phasing plan approved pursuant to condition 5 that include the 2 trees identified as having bat roosting potential on plan ECO3 of the submitted Ecological Assessment (prepared by Ecology Solutions, dated July 2020) a scheme for the protection of roosting bats shall be submitted to the Local Planning Authority in writing for approval. Once approved all works shall be undertaken in accordance with the approved details.

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure adequate protection of wildlife and protected species is in place prior to commencing any construction works.

Condition 26 – Reptile Mitigation

Prior to commencement of development or phase thereof as defined in the phasing plan approved pursuant to condition 5, a scheme for the protection of reptiles shall be submitted to the Local Planning Authority in writing for approval. Once approved all works shall be undertaken in accordance with the approved details.

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure adequate protection of wildlife and protected species is in place prior to commencing any construction works.

Condition 27 – Wild Bird Nesting Protection

Any works to the trees or vegetation clearance on the site shall either be undertaken outside of the main bird breeding season which takes place between 1st March - 1st August. If works are required within this period, a suitably qualified ecologist shall survey the trees and hedgerows for the presence of active nests prior to any works taking place (within 24 hours of any work). Should an active nest be identified, an appropriate buffer should be provided in accordance with the advice of a suitably qualified ecologist until the young have fledged and the nest is no longer in use.

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

Condition 28 – Biodiversity Enhancement Measures

Prior to the commencement of development an annotated site plan (showing siting, scale and nature of proposed biodiversity enhancement measures) shall be submitted to and approved by the Local Planning Authority in writing.

The development shall thereafter be carried out in accordance these approved details

Reason: To ensure the proposals would result in a Net Biodiversity Gain, in accordance with the Environment Bill and policy ENV DM5 of the Arun Local Plan.

Condition 30 – Fire Hydrant details

Prior to the commencement of development a drawing showing the proposed location of fire hydrant(s) or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

Prior to the first occupation of any dwelling forming part of the proposed development the developer will, at their own expense, install the fire hydrant(s) in the approved location(s) 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(s) 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.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan and The Fire & Rescue Service Act 2004. This is required to be a pre-commencement condition because it is necessary to ensure details are secured of adequate fire safety for future occupants of the development prior to construction works commencing.

Condition 31 – Energy Statement

Prior to commencement of development or phase thereof as defined in the phasing plan approved pursuant to condition 5, a scheme providing for at least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. This shall include details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, and shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme and timetable and retained as operational thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

Condition 32 – Broadband provision

Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

Condition 33 – Employment & Skills Plan

Prior to commencement of development the applicant shall prepare and submit for approval an Employment and Skills Plan to identify opportunities to improve local employment and training in the construction phase of the development. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as it relates to the construction phase of development and to ensure measures are in place so that local crafts people and apprentices are employed on the development.

-- End --

DRAFT

APPENDIX 9
EMAIL CORRESPONDANCE DATED 26/ 03/ 2021

From: Amy Myer
To: Amy Myer
Subject: FW: Advice required on approach to highways matters on W Bersted Strategic allocation
Date: 21 April 2021 16:14:09
Attachments: [image001.jpg](#)
[image003.jpg](#)
[image005.jpg](#)
[image009.jpg](#)
[image013.png](#)
[image002.jpg](#)
[image004.jpg](#)
[image007.jpg](#)
[image011.jpg](#)

From: [REDACTED]@dougallbaillie.com>
Sent: 26 March 2021 15:14
To: Amy Myer <Amy.Myer@arun.gov.uk>
Cc: Claire Potts <Claire.Potts@arun.gov.uk>; James Cross <James.Cross@arun.gov.uk>; [REDACTED]
Subject: RE: Advice required on approach to highways matters on W Bersted Strategic allocation

Hi Amy,

I have been working away at this, and have developed a lot of thought, explored the key issues, etc. I do however still have some work to do, as there is of course a mountain of material to go through (as usual!).

I will email you my notes to date, however there remain some questions that I am endeavouring to answer (also included with notes I will email). The 'less good' news is that these notes are still hand-written at present.

In (very short) summary, I think there is a case that BE/148 does not meet the test of NPPF, paragraph 109 because the residual cumulative impact, while not necessarily being 'severe' is unknown until the TA for SD3 is completed. And without that cumulative TA, how can ADC (or WSCC) determine whether the impact is severe or not?

The difficulty, I think, is that BE/81, BE/103/19 and BE/142/15 were granted in the same context. Perhaps this doesn't apply to BE/142, due to its earlier date, but it does seem to apply to BE/103 and BE/81. I have yet to look and see if there is a TA or TS for BE/81, which would inform this argument.

Another issue, I think it is arguable that BE/148 does not meet the test of Manual for Streets, which refers to walkable neighbourhoods being characterised by facilities being available within a 10-minute (800m) walk. I-Transport TA is clear that bus stops; retail; healthcare; education; employment; etc. are all beyond (well beyond in some cases) this walking distance. PPG13 offers a 'get out' of sorts in referring to 'up to 2km', however it's clear for practical purposes, and therefore attractiveness of walking, that the development of SDE with its neighbourhood centre facilities and employment will bring all these facilities within much more attractive walking distances of BE/148. My concern remains that BE/81 and BE/103 were granted with the same distances, and therefore this argument may not survive cross-examination.

Notes to follow shortly, just scanning them now, however I will need to continue over the weekend

to finish going through Traffic Impact, and have not yet had time to look at any of the reps or objections, which I think it is important that I read, and also WSCC's correspondence.

Ideally, I would have had longer to do this, I'm afraid.

Kind regards, [REDACTED]

From: Amy Myer

Sent: 26 March 2021 13:31

To: [REDACTED]

Cc: Claire Potts <Claire.Potts@arun.gov.uk>; James Cross <James.Cross@arun.gov.uk>

Subject: RE: Advice required on approach to highways matters on W Bersted Strategic allocation

Hi [REDACTED]

Hope you're well.

I know you have been liaising with my Manager Claire on this, I am the case officer for the Nursery Fields application (ref. BE/148/20/OUT).

Myself and Claire are due to meet next Monday morning (11.30am) to discuss your findings, finalise the recommendation on the application and finish the report (which I'm writing), as its due next Thursday 1st April and it needs senior management sign off etc.

Just to double check you will be getting your advice note to us later today or first thing Monday morning? If you could send direct to me too please as I think Claire is off today.

Many thanks
Amy

Amy Myer
BA Hons, MSc, MRTPI
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Directorate of Place

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