

Nursery Fields – West of Bersted

Transport Addendum

Client: Landform Bersted Ltd

i-Transport Ref: ITB14224-020B TA

Date: 26 May 2021

Nursery Fields – West of Bersted

Transport Addendum

Client: Landform Bersted Ltd

i-Transport Ref: ITB14224-020B TA

Date: 26 May 2021

i-Transport LLP

Grove House
Lutyens Close
Chineham Court
Basingstoke
Hampshire
RG24 8AG



COPYRIGHT

The contents of this document must not be copied or reproduced in whole or in part without the written consent of i-Transport LLP

Quality Management

Report No.	Comments	Date	Author	Authorised
ITB14224-020	Draft	24/05/21	DS	DS
ITB14224-020A	Final Draft	25/05/21	DS	DS
ITB14224-020B	Planning Issue	26/05/21	DS	DS

File Ref: T:\Projects\14000 Series\14224ITB West of Bersted\Admin\Report and Tech Notes\020 - TA

Contents

SECTION 1	Introduction	1
SECTION 2	Context and Background	3
SECTION 3	Sustainable Accessibility	7
SECTION 4	Off-Site Capacity and Cumulative Assessment	17
SECTION 5	Infrastructure Requirements	24
SECTION 6	Summary and Conclusions	28

Drawings

GA-000 Rev B	Site Access Drawing
--------------	---------------------

Appendices

APPENDIX A.	WSCC Response – 13 th Jan 2021
APPENDIX B.	FOI Correspondence – 26 th March
APPENDIX C.	Local Facilities Plan Figure 2A
APPENDIX D.	WSCC Response – 23 rd Feb 2021
APPENDIX E.	Start to Finish Report Extract
APPENDIX F.	Appeal Decision 3166900 and SoC Call-In Decision

SECTION 1 Introduction

- 1.1.1 Landform Bersted Limited (the Applicant) has appointed i-Transport LLP to provide highways and transport advice in relation to the proposed development of land forming part of the SD3 'West of Bersted' strategic housing allocation, for up to 225 new residential units with associated infrastructure, open space and vehicular and pedestrian access.
- 1.1.2 The current planning application represents a resubmission of planning application BE/148/20/OUT, which was refused by Arun District Council (Arun DC) on 1st April 2021. An appeal of the refusal of planning consent BE/148/20 has been submitted to the Planning Inspectorate under reference APP/C3810/W/21/3275040.
- 1.1.3 This Transport Addendum has been prepared to accompany the resubmission application and should be read in conjunction with the following documents:
- Transport Assessment (ref: ITB14224-009 Transport Assessment)
 - Framework Travel Plan (ref ITB14224-013 Travel Plan)
 - Additional Information Technical Note (ref: ITB14224-015 LHA and PROW Response).
- 1.1.4 This Transport Addendum also draws upon a number of responses and correspondence associated with the previous planning application, which have been included as appendices to this document where appropriate. It provides a summary of the changes made following submission of the Transport Assessment to address comments made in response to the consultation by West Sussex County Council (WSCC), as local highway authority and statutory consultee on matters of highways and transport affecting the Primary and Local Road Networks. It also addresses the reasons for refusal cited in Arun DC's decision to refuse planning permission in relation to application BE/148/20.

1.1.5 The remainder of this Transport Addendum is structured as follows:

- Section 2 – provides an overview of the transport documentation submitted as part of planning application BE/148/20 and the changes made in response to the comments of WSCC. It also provides an overview of the transport elements of Arun DC's refusal of planning application BE/148/20;
- Section 3 – reviews the sustainability credentials of the site and addresses the conclusions drawn by Arun DC in relation to the accessibility of the proposed development by sustainable modes of transport;
- Section 4 – provides an overview of the cumulative impact assessment within the Transport Assessment and sets out the requirements of national and local policy and guidance in considering cumulative impact;
- Section 5 – sets out the infrastructure requirements of the proposed development and summarises the transport related provisions within the draft S106 Agreement; and
- Section 6 – summarises and concludes the Transport Addendum.

SECTION 2 Context and Background

2.1 Transport Documentation

2.1.1 Planning application BE/148/20/OUT was accompanied by the following transport documentation:

- Transport Assessment (ref: ITB14224-009 Transport Assessment)
- Framework Travel Plan (ref: ITB14224-013 Travel Plan)
- Proposed Access for Approval ITB14224-GA-009 Rev A (subsequently superseded by Revision B)

2.1.2 West Sussex County Council (WSCC), as local highway authority and statutory consultee for matters of highways and transportation, responded to the consultation on the previous application on 13th of January 2021 (enclosed at **Appendix A**) in which they advised Arun DC that the *“principle of development was acceptable”*.

2.1.3 As part of the WSCC response, further information was sought on three matters which were subsequently addressed as part of the submission of additional information (ref: *ITB14224-015 LHA and PROW Response Technical Note*). The areas where additional information was sought by WSCC are summarised in **Table 2.1** in addition to the action taken by the Applicant to address these matters.

Table 2.1: Summary of Matters Addressed with WSCC

WSCC Comment	Action Taken
Confirm that a Stage 1 Road Safety Audit has been undertaken that includes both the BE/81/20 and BE/148/20 developments	Confirmation provided by Auditor that the Stage 1 Road Safety Audit includes both developments
Reassess cycle connections and update Green Infrastructure Plan. Remove proposed Toucan crossing and cycle improvements at site access.	Updated Land Use and Access Parameter plan submitted (01304_PP_01 Rev P4) showing a direct connection between points A and B. Toucan crossing removed from site access proposal and new drawing submitted (ITB14224-GA-009 Rev B)
Reassess contributions required against Apportionment Study (June 2020)	Agreement to providing contributions in accordance with Apportionment Study, to be secured via S106 Agreement.

- 2.1.4 The submission of document ITB14224-015 addressed the outstanding matters raised in the WSCC response. Further responses were provided by WSCC to Arun DC during the life of the application to address queries raised by Arun DC. No objection was raised by WSCC to application BE/148/20/OUT and a Transport Statement of Common Ground (ref: ITB14224-019) has been agreed with WSCC as part of the current Appeal.
- 2.1.5 Similarly, Highways England (HE) as Strategic Road Network authority, raised no objection subject to a financial contribution being secured in the S106 obligation towards the delivery of A27 improvements as identified in the Arun Transport Study (2017) and the later Arun Apportionment Study (2020).
- 2.1.6 The transport documentation submitted as part of BE/148/20/OUT remains relevant. This is because there is no change in the transport and highway aspects of the proposals between the schemes and also because there has been no change to the national and local policy context between determination of the earlier application on the 1st April 2021 and the submission of the current application. Further, there has been no material change to local traffic conditions during this period, noting that the traffic data used to inform the Transport Assessment was collected prior to national measures to tackle Covid-19. The current application should be determined on these documents, resubmitted as part of the current application, in addition to the content of this Transport Addendum.
- 2.1.7 The transport documentation submitted as part of the earlier BE/148/20/OUT application demonstrated that the proposed development was in accordance with national and local policy and those findings apply equally to the current submission. In particular, both applications comply with the three key transport tests set out in paragraph 108 of the National Planning Policy Framework, in that:
- It is a sustainable development that takes up the opportunities for residents to access local services and facilities by a range of transport modes;
 - Safe and suitable access is provided for all users, and the proposed development does not cause unacceptable harm to highway safety; and
 - It does not have a severe residual cumulative impact upon the operation of the highway network.

2.2 Reasons for Refusal

2.2.1 In refusing planning application BE/148/20/OUT, Arun DC cited three Reasons for Refusal (RfR). Of the three reasons, RfR1 related directly to matters of highways and transportation and RfR3 related to infrastructure provision, in which highways and transportation is included. The RfR1 and RfR3 are set out below:

- 1. Due to insufficient information, in for 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 the failure to demonstrate that an effective Transport Assessment that he transport effects of the development on the local highway can be satisfactorily mitigated, the applicant has failed to demonstrate that he 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 HSP2(k) and T SP1e). In addition, the application fails to sufficient 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.*
- 3. In the absence of a completed Section 106 legal agreement, the application fails to secure affordable housing provision, self-build plot provision, infrastructure towards play, social, leisure and sport facilities, healthcare, education, fire and rescue services and police, and the transport mitigation package necessary to support development. The application therefore fails to comply with Arun Local Plan policies INF1 SP1, AH SP2, H SP2, H SP2a, DSP1, 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*

2.2.2 The highways and transport elements of RfR1 and 3, when assessed against the Officer Report on the first application, can be broadly summarised as:

- Whether the proposed development had appropriately considered the cumulative impact of development and, in particular, whether sufficient 'committed' development had been included within the Transport Assessment accompanying the application;
- Whether bus stops and local services and facilities are within walking distance of the proposed development in order to maximise the sustainability potential of the site;
- Whether an all modes 2-way vehicular link is required to make the site sustainable in transport terms; and
- Whether the proposal includes satisfactory S106 Obligations to deal with highways issues.

- 2.2.3 Arun DC's decision on BE/148/20 was contrary to the advice provided to them by the statutory highway consultee, WSCC, and was instead informed by an Independent Opinion (ref: *RCMD/21069/Let01a*) prepared by Dougal Baillie Associates (DBA). The remainder of this Section of this Transport Addendum addresses the reasons for which planning application BE/148/20 was refused.

SECTION 3 Sustainable Accessibility

3.1 Overview

- 3.1.1 The proposed development represents the logical and the most sustainable location for the next phase of development of the SD3 West of Bersted allocation, which is recognised as being a sustainable location for strategic development by the provisions of the Arun District Local Plan 2018.
- 3.1.2 The proposed development is located in close proximity to an established local centre and while it is noted that the wider SD3 allocation will bring forward a new local centre in due course, such provision takes time to establish and is unlikely to be provided at the outset of the wider development. The proposed development benefits from being able to access established day-to-day services on foot, by bicycle or by public transport from the very first occupation of the site. Even without further services and facilities being brought forward as part of the wider SD3 allocation, the proposal would represent sustainable development.
- 3.1.3 The proposed development will bring forward a number of 'hard' infrastructure measures to encourage the uptake of sustainable modes of transport, benefitting not only new residents but also those of the existing community. This includes the upgrade of Public Rights of Way through the site and the dedication of the route as a cycleway, the provision of new pedestrian infrastructure adjacent to the access road which, in-turn, connects to established infrastructure, and financial contributions towards the improvement of cycle infrastructure between the proposed development and Bognor Regis town centre.
- 3.1.4 A total of 3 planning permissions have been granted for a total of 160 homes on sites within, or located in close proximity to, the SD3 allocation within the last 3 years. During this time, the NPPF has been extant, and each of these sites has been consented on the basis of being sustainable development. These planning permissions are:
- New Barn Lane – 90 Units (Linden) – ref: BE/142/15
 - New Barn Lane – 50 Units (Bellway) – ref: BE/77/16
 - Chalcroft Nursery – 20 Units - ref: BE/81/20
- 3.1.5 There is no reason to differentiate the proposed development from the schemes the subject of the permissions referred to above.

- 3.1.6 WSCC were satisfied that the sustainability credentials of the site as previously submitted were acceptable and so advised ADC on a number of occasions. Similarly, this was recognised in correspondence between Arun DC and DBA dated 26th March 2021, obtained via Freedom of Information request (enclosed at **Appendix B**) that referred to the appropriateness of refusing the application on the grounds of sustainability. DBA advised Arun DC that:

“This argument is not robust and probably not sustainable”.

In response, the Arun DC Case Officer acknowledged this position and responded:

“...totally hear your point, if we didn’t apply that argument to Chalcroft Nursery why should we here and would not be defensible on appeal”.

- 3.1.7 Despite recognition by both Arun DC and DBA that the sustainability case was neither robust nor defensible at appeal, the Independent Opinion failed to acknowledge this expression of professional opinion either within the conclusions or elsewhere within the report used to inform the Officer’s decision. This was a significant omission by the officers of Arun DC and their adviser.

- 3.1.8 Instead, the Officers’ Report relating to planning application BE/148/20/20 dated 1 April 2021 set out the following reasoning behind this element of RfR1. In summary, the alleged non-compliance with the identified planning policies is because Arun DC considered that:

- The distance to existing services is outside of a comfortable walking distance;
- The site is remote to bus services; and
- A two-way vehicular link to the wider SD3 allocation site is required to make the proposed development sustainable.

3.2 Walking Distances

- 3.2.1 The availability of local services and facilities is identified within Section 5.3 of the Transport Assessment and presented on the Local Facilities Plan (Figure 2A – **Appendix C**). There is comprehensive availability of local services and facilities within 1,600m (1 mile) of the site including access to leisure, retail, healthcare and education. It should also be noted that the distances identified in Table 5.2 of the TA only make allowance for trips utilising existing infrastructure – i.e. all distances are measured via access to and from Chalcroft Lane. Proposed and committed infrastructure (e.g., pedestrian/cycle connections onto the advisory route adjacent to Bersted Parish Council and the fully funded cycle/pedestrian upgrade to FP134

between the site and New Barn Lane) will reduce the identified distances further, with 3 points of northbound permeability provided.

3.2.2 All pedestrian routes extending from the proposed development provide suitable conditions for accommodating pedestrian journeys. The routes are flat and commodious and pedestrian journeys can be accommodated either on established and well-maintained publicly accessible routes, or routes where WSCC are in receipt of financial contributions to undertake enhancements. In addition, pedestrian journeys via Footpath 134/New Barn Lane and Winston Crescent/New Barn Lane are provided for traffic free and/or lightly trafficked routes towards the B2259 where a number of local facilities and access to public transport services are located.

3.2.3 The Independent Opinion referenced in the Officer Report cited that **“800m is the upper limit of what is a comfortable walking distance, and therefore most attractive to pedestrians”**, referencing guidance set out in paragraph 4.4.1 of Manual for Streets identifying 800m as being a comfortable walking distance. It should be noted that the remainder of paragraph 4.4.1 continues:

“However, this is not an upper limit and PP13 states that walking offers the greatest potential to replace short car trips, particularly those under 2km.”

3.2.4 It is clear that 800m is not an upper limit, instead MfS recognises that 2km offers the greatest potential to replace car journeys on foot. Distances beyond 800m being walkable is corroborated in the findings of the National Transport Survey, which identifies that some 80% of journeys up to 1 mile (1.6km) are undertaken on foot, as shown in **Image 3.1**.

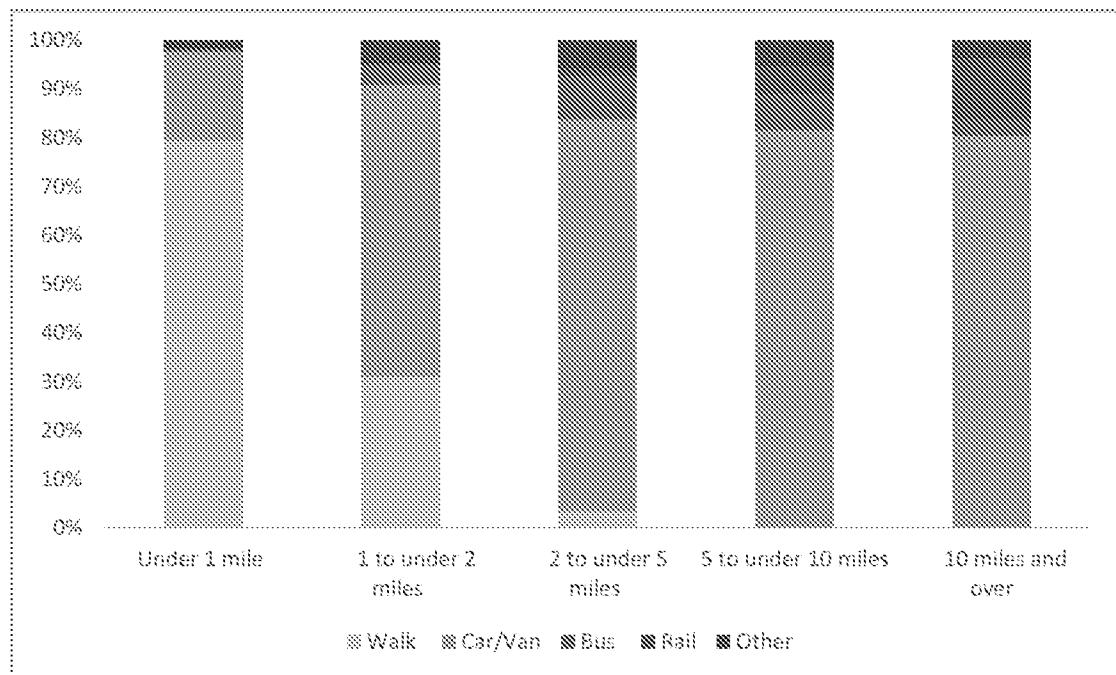
3.2.5 In addition, the Chartered Institute of Highways and Transportation (CIHT) guidance document ‘Planning for Walking’ advises that:

“Across Britain, approximately 80% of journeys shorter than 1 mile are made wholly on foot – something that has changed little in 30 years.”; and

“Most people will only walk if their destination is less than one-mile away.”

3.2.6 There is no guidance, standard or policy that sets 800m as an upper limit for journeys on foot, and 4 out of every 5 journeys up to 1,600m in England have been, and continue to be, undertaken on foot.

Image 3.1: National Travel Data – Trip Proportion



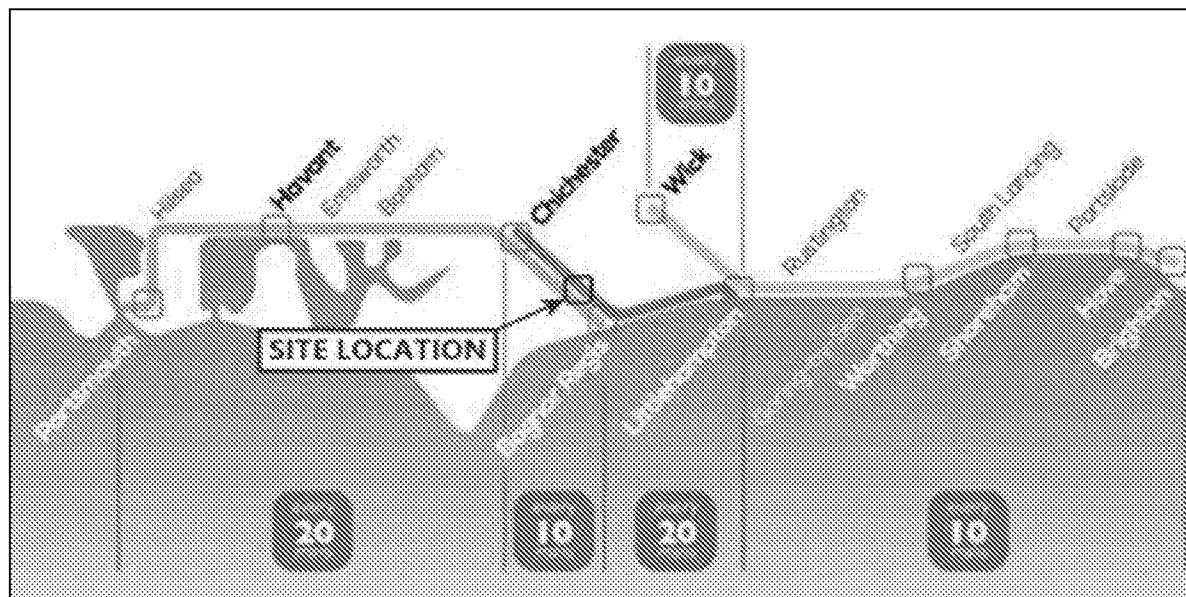
Source: National Travel Survey, England (2019)

- 3.2.7 The Officer's Report made reference to none of the identified main 'employment' opportunities identified in the Transport Assessment being within a 1,600m walking distance of the proposed development. It should be noted that the employment locations identified in the TA refer only to business parks where the main function of the location is to provide employment and commercial opportunity. However, not all employment opportunity is limited to business parks, with schools, retail, services, healthcare and leisure facilities all local employers of human resource.
- 3.2.8 It should also be noted that the Applicant has already secured permission for 'Chalcroft Nursery' (ref: BE/81/20), a scheme for mixed employment, retail and storage uses comprising 2,240sqm of floorspace (which is also part of the SD3 allocation), accessed via a new junction with Chalcroft Lane. The Chalcroft Nursery site shares two boundaries with the proposed development and both sites will share the same vehicular access road, footway and Chalcroft Lane access junction.
- 3.2.9 Given the distance of the proposed development to existing services, there is no need to rely upon the Community Hub identified in the endorsed masterplan of the wider SD3 allocation for the proposed development to be sustainable. Nevertheless, the proposals provide for cross boundary pedestrian and cyclist permeability towards the Community Hub to provide access in the longer term to these further facilities and land is reserved for the site access road to be extended across the boundary into SD3 in future, should this be necessary.

3.3 Bus Services

- 3.3.1 There are 2 sets of bus stops available to future residents of the proposed development. The stops are located adjacent to the B2259 and provide access to the Stagecoach 700 'Coastliner'. The 'Coastliner' route is recognised as being a high quality, high frequency bus service and provides both public transport connectivity on both a local and regional level.
- 3.3.2 The bus stops on this section of the 700 service provide residents with access to two different 700 routes. One service provides for direct services to Portsmouth and Bognor and a second service provides connections between Littlehampton, Bognor and Chichester. Since the preparation of the TA, a full-service schedule has now resumed following reduced operation during Covid-19 measures, and the route and frequency is shown on the route summary extract in **Image 3. 2**, taken from the Stagecoach 700 webpage. The proposed development is located between the Chichester and Bognor Regis section of the route, with direct connections to Portsmouth, Chichester, Havant, Emsworth, Bognor Regis and Littlehampton.

Image 3.2: Coastliner '700' Route Summary



Source: Stagecoach Webpage and Consultants' annotations

- 3.3.3 The Officer's Report on the previous application referenced the Independent Opinion that assesses some 25% of the properties on the proposed development are located in excess of 800m walking distance. It is unclear how this conclusion was drawn; however, it is assumed that the assessment utilised the longest route and did not take into the account the northbound

permeability provided by the proposed development, as identified in the Local Facilities Plan (Figure 2 Rev A).

- 3.3.4 Depending on location within the proposed development, there are multiple pedestrian routes available to future residents that shorten journey length, as shown in the Local Facilities Plan; nearly all of the site is situated within 800m walking distance of an existing bus stop. Of the routes identified on the Local Facilities Plan, the route via FP134 provides the shortest journey between the proposed development and bus stops at 420m. Connections via Winston Crescent and Chalcraft Lane are also possible at 520m and 450m respectively.
- 3.3.5 Notwithstanding the erroneous assessment of walking distance relied upon by Arun DC in their decision on planning application BE/148/20/OUT, the NPPF requires that access by sustainable transport be considered in accordance with the nature and location of the site. In assessing bus stop provision, it is also important to consider factors such as the frequency of the services. There have been numerous appeal decisions where it is clearly established that distances to bus stops should not be applied in a prescriptive manner:

“In this case the existing bus services provide a good level of access. This is likely to increase the attractive of walking further to a bus stop. In addition, the route to the bus stop is relatively pleasant. As such, it would offer a realistic facility for those without cars” (para. 55, decision 3173615 – bus stops located 830m from site)

“Whilst 400m may be a useful proxy for assessing the accessibility of a site, it should not be applied in an overly prescriptive manner. Regard should also be had to the character of the area and in addition to the bus stops, if public transport is to be seen as an attractive alternative to use of the car, account needs to be taken of the quality of the service in terms of its reliability and frequency, and whether it serves the places people want to go” (para 24, decision 2203710 – bus stops located 670m from site)

- 1.1.1 The referenced appeal decisions recognise that service quality is an important factor as to whether residents will be prepared to walk further to bus stops. In this instance. Given the quality of the service available from the bus stops adjacent to the B2259, it is reasonable to assume, consistent with the aforementioned appeal decisions, that residents would be willing to undertake a slightly longer walking journey to access this provision since it would provide a low-cost travel choice for both short and long-distance travel and present a viable alternative to both private car use and rail services. In addition, the Travel Plan seeks to promote and encourage the use of public transport in accordance with the WSCC Travel Plan Guidance. In paragraph 28 of their response dated 13th of January 2021, WSCC recognised that while bus stops might exceed a 400m walking distance, the frequency of the service would make their use a realistic alternative, as set out below.

“Bus stops are available on the A259 to the immediate north. The frequency of the existing bus service is such that this would offer a realistic alternative to the use of the private car. Walking distances are recognised as exceeding the suggested maximum 400 metres. The most direct walking distance would make use of Public Right of Way 134. As part of the current development, the applicant should seek to undertake surfacing improvements to this footway to make it suitable for use by all. A scheme of improvements should be secured via condition”

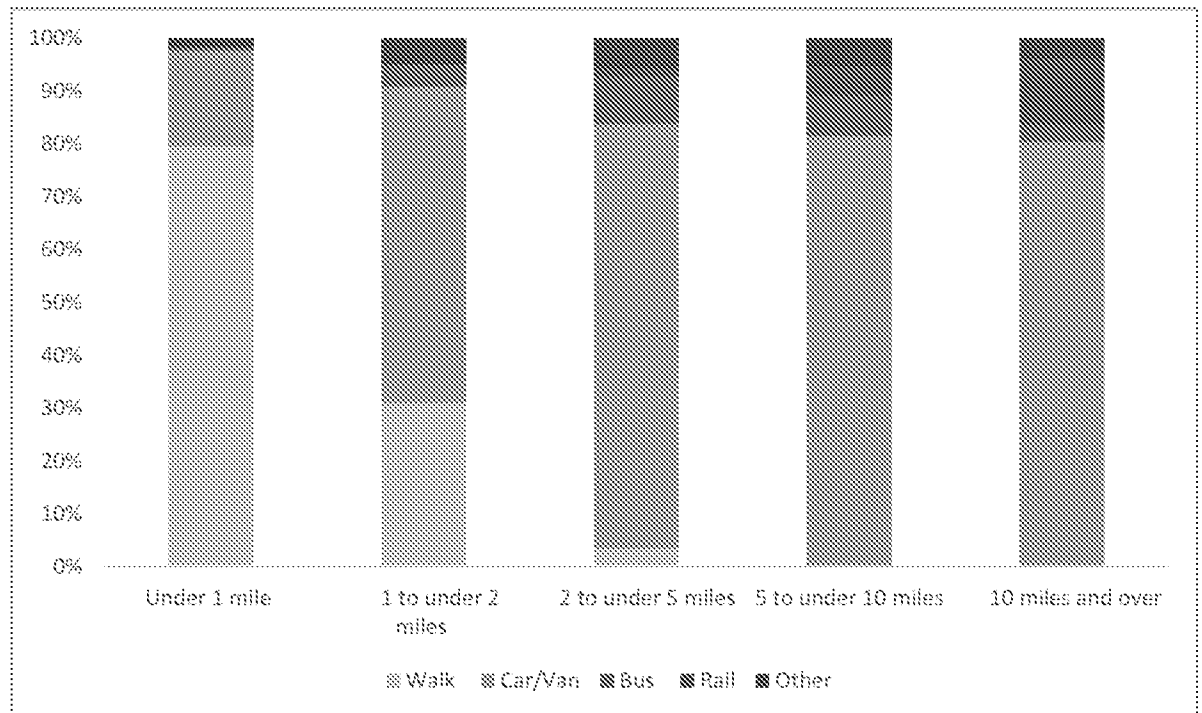
- 1.1.2 It should be noted that WSCC are in receipt of a financial contribution of £50,000 from the implementation of permission BE/142/15 at New Barn Lane, which will fully fund the necessary improvements to FP134 to enhance the route to Bridleway and cycleway standard. No further contribution and/or improvements are necessary for this route to be enhanced to the requisite standard to serve the proposed development.

3.4 Two-Way All Modes Vehicular Link

- 3.4.1 The Arun DC Officer Report cited that a 2-way vehicular link with bus connection to the wider, as yet unconsented, SD3 allocation, is required in order to maximise the attractiveness of the ‘Community Hub’ provided as part of the wider SD3 allocation, a position that was derived from the DBA Independent Opinion. It should be noted that the proposed development did, and continues to, make provision for such a route to be provided in the future should it be considered necessary. This is clearly identified on the Land Use and Access Parameter Plan (ref: 01304_PP_01 Rev P4) and is confirmed as available if required in the draft S106 Agreement. However, through assessment during preparation of the original planning application, it was determined that the proposed development is not dependent on such a link, nor would such a link provide sufficient benefit for it to merit inclusion in the development proposal.
- 3.4.2 At a policy level, paragraph 110a of the NPPF cites that priority should be given to pedestrian and cycle movements. The Independent Opinion and Officer Report both stated that the services and facilities provided as part of the Community Hub will be those that residents of the proposed development will find it most **“comfortable to walk and cycle to”**. While it is established earlier in this Section of the Transport Addendum that existing services and facilities are equally accessible on foot and by bicycle from the proposed development, it is recognised that the new Community Hub is located within a distance that can be comfortably walked and cycled and that such method of travel should be encouraged. The parameters that are submitted for approval provide for a number of walking and cycling connections to the wider SD3 allocation as and when it proceeds.

- 3.4.3 The provision of a 2-way all-modes vehicular link would have the opposite effect to encouraging walking and cycling journeys and would be in direct conflict with paragraph 110a of the NPPF and Arun DC's own H SP2 policies – an all-modes vehicular link would not be prioritising sustainable travel and it would encourage unnecessary use of private vehicles to achieve access to facilities that can be comfortably accessed on foot and by bicycle.
- 3.4.4 The strategy for the proposed development, in accordance with overarching policy requirements, is to prioritise accessibility for pedestrians and cyclists, a strategy which would be undermined with the inclusion of an all-modes 2-way vehicular link. The Framework Masterplan, endorsed by Arun's Development Control Committee on the 30th September 2020, advances the 'high level development principle' that *"Access and Movement [should] seek to reduce the need for private vehicles and promote sustainable forms of transport including walking and cycling and create permeable neighbourhoods"*. The proposed development achieves this objective.
- 3.4.5 The Officer Report sought to justify a 2-way vehicular link on the basis that a public transport connection to the Community Hub would maximise the attractiveness of the facilities to residents of the proposed development. However, this position is not corroborated by evidence in the National Travel Survey (2019), which identifies that the proportion of public transport journeys over such a distance is vanishingly small. As shown in **Image 3.3**, bus journeys equate to circa 1% of all journeys up to 1,600m, while car journeys equate to some 15%. The effect of an all-modes two-way vehicular link will be to encourage the number of journeys undertaken by private car that could otherwise be undertaken on foot or by bicycle.

Image 3.3: National Travel Data – Trip Proportion



Source: National Travel Survey, England (2019)

- 3.4.6 It is also important to note that the Committee Report of the 30th September 2020 recommending endorsement of the Framework Masterplan, states that Officers had been in discussions with Stagecoach who have confirmed that *'the desire is to provide stops along the spine road only'* and that *'there would be no functional rationale to providing services into subsidiary roads off the spine road'*.

3.5 Summary

- 3.5.1 It is evident that the proposed development represents sustainable development and that has been accepted by the local highway authority. It affords residents of the proposed development excellent opportunities to access existing and established local services on foot and provides access to high quality and high frequency destinations using public transport.
- 3.5.2 There is no basis to require an all modes 2-way vehicular link to be provided as part of these proposals. Such a link is not necessary to mitigate the impact of development, nor would it have any practical benefit in encouraging the uptake of sustainable modes of transport. On the contrary, such a link would undermine the objectives of the NPPF to provide development where the opportunity for journeys to be undertaken on foot or by bicycle are maximised, by providing a link that would unnecessarily encourage the use of the private car to undertake such journeys.

Notwithstanding, the proposed development makes provision to safeguard land for such a link to be provided should it become necessary.

- 3.5.3 WSCC, as local highway and statutory consultee for matters of highway and transportation, agreed with the conclusions of the TA submitted as part of planning application BE/148/20/OUT and raised no objection on grounds of transport sustainability, subject to identified improvements to the Public Right of Way network; financial contribution towards the improvement of cycle infrastructure between the proposed development and Bognor Regis town centre; and the implementation of a Travel Plan. These requirements are agreed by the Applicant and can be secured by Planning Conditions and S106 Obligations as demonstrated in the Planning Statement.

SECTION 4 Off-Site Capacity and Cumulative Assessment

4.1 Overview

4.1.1 In RfR1 of decision BE/148/20/OUT, Arun DC alleged that the planning application failed to provide sufficient information, in the form of a relevant Transport Assessment, to address off-site capacity requirements related to the strategic allocation and therefore failed to demonstrate the proposed development would not result in a residual capacity impact on the road network.

4.1.2 It should be noticed that WSCC, as local highway authority and statutory consultee on matters of highway and transportation, did not raise an objection on these grounds and provided a number of responses advising Arun DC of this position in response to queries raised by Arun DC, including the following advice in their response to the original application dated 23rd February 2021 (enclosed at **Appendix D**):

- The cumulative impact of the West of Bersted allocation on the primary road network is assessed through the Arun Transport Study and later Apportionment Study and the application proposals have been assessed on that basis;
- To support planning applications further Transport Assessments would be required to test the impact on the local road network and that the scope of the individual TA's would need to reflect the scale of the development proposal;
- There is no policy that requires a single comprehensive planning application or site-wide TA;
- The TA includes committed development consistent with NPPG requirements;
- Even if a [SD3] site-wide TA was undertaken, the proposed development would still need only to provide proportionate contributions towards the infrastructure required to enable development; and
- The TA adequately assesses the impact of the development as proposed on local junctions and that any further impacts on these junctions would stem from the remainder of the site.

4.1.3 The remainder of this Section of the Transport Addendum sets out why the Transport Assessment accompanying the planning application provides for a relevant assessment that has been developed in accordance with national and local policy guidance.

4.2 Scope of Assessment

- 4.2.1 The National Planning Practice Guidance (NPPG) is the relevant starting points for establishing the scope of a transport assessment required to accompany a planning application. The NPPG is clear that Transport Assessments and Travel Plans should:

“Be proportionate to the size and scope of the proposed development to which they relate and build on existing information wherever possible” (paragraph 007 ref ID: 42-007-20140306);

“Take into consideration the scale of the proposed development and its potential for additional trip generation” (paragraph 009 ref ID: 42-009-20140306)

- 4.2.2 In this instance, the TA relates to a development of 225 new homes which are forecast to generate 97 and 92 vehicular movements during the morning and evening peak hours respectively. The scope of the TA has been identified, and agreed by WSCC, on this basis.
- 4.2.3 As a starting point, the now withdrawn Department for Transport (DfT) ‘Guidance on Transport Assessments’ document identified an increase of 30 vehicular movements through a junction being the threshold where a ‘material’ (not severe) impact may occur. This threshold continues to be set in West Sussex by Section 10.1 of the WSCC ‘Transport Assessment Methodology’.
- 4.2.4 Traffic will naturally dissipate at each junction where there are multiple route options available. Where a development generates a relatively small amount of traffic it follows that the scope of the accompanying TA will be focussed on junctions within the immediate vicinity of the site, before traffic dissipates to an extent where junction entry increase reduces below the 30-vehicle threshold. This is recognised within paragraphs 15 and 16 the WSCC response to application BE/148/20/OUT dated 13th January 2021:

“Following on from the traffic distribution exercise, the TA Considers the impact of those junctions that are forecast to experience increased entry flows of 30 or more vehicles. All of the junctions assessed are demonstrated as continuing to work within theoretical capacity taking account of the development as proposed”.

4.3 Committed Development

- 4.3.1 In order to determine the ‘cumulative’ impact of development for the purpose of preparing a TA, it is critical to determine what is considered to be a ‘committed’ development. The NPPG (ref: paragraph 014 reference ID: 42-014-20140306) is clear in its definition:

“It is important to give appropriate consideration to the cumulative impacts arising from other committed development (i.e. development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years).”

4.3.2 As set out in Section 7.3 of the TA, a total of 1,214 dwellings and 1,542sqm of commercial floorspace, consented or allocated, has been identified that meets the PPG definition of committed development, and the traffic movements associated with this development have been taken into account as part of the cumulative assessment undertaken as part of the TA. This included two schemes at New Barn Lane (refs: BE/142/15/OUT and BE/77/16/OUT) the latter forming part of the SD3 West of Bersted allocation and promoted by the Church Commissioners, for which permission was granted on call-in by the Secretary of State. It also included permission recently granted at Chalcroft Nursery (ref: BE/81/20) which also forms part of the SD3 West of Bersted allocation.

4.3.3 The TA has been prepared in accordance with the requirements of the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the advice of WSCC Highways through pre-application engagement and other relevant highways and transportation guidance documentation where relevant. Section 7.3 of the TA takes into account the cumulative impacts of development either consented or allocated where there is a reasonable degree of certainty of development proceeding within the next 3 years, on an agreed basis with the highway authority. The following committed developments are included in the assessment:

- Landform site Southwest of New Barn Lane (Linden Homes) – 99 dwellings;
- Church Commissioners SD3 land Southeast of New Barn Lane (Bellway Homes) – 50 dwellings;
- Land North of Seftor Road, Pagham – 280 dwellings;
- Land South of Summer Lane & West of Pagham Road Pagham – 400 dwellings;
- Land North of Hook Lane, Pagham – 300 dwellings; and
- Church Barton House Horns Lane, Pagham – 65 dwellings.

4.3.4 In addition, the traffic associated with the adjacent planning permission (BE/81/20) at Chalcroft Nursery is also included in the cumulative assessment on the basis of the application being live at the time of the original application and on the assumption that a decision would be made on the application prior to determination of the development proposed in application BE/148/20. No further planning permissions of a scale that would necessitate inclusion within the cumulative impact assessment have been consented since determination of planning application BE/148/20.

- 4.3.5 The wider SD3 site is owned and being promoted jointly by the Church Commissioners and Landlink Estates Ltd, with Litchfields their appointed town planning consultant. In February 2020 Litchfields produced a report entitled 'Start to Finish' to investigate what factors affect the build-out rates of large-scale housing sites. The report concludes that "From the date at which an outline application is validated the average figures can be 5 to 8.4 years for the first homes to be delivered and such sites would make no contribution to completions in the first five years. For sites over 2,000 dwellings the average period is 8.4 years" (pages 3 and 4 of the report are enclosed at **Appendix E**). On the basis of this research, it is clear that there is *no reasonable degree of certainty* that the wider West of Bersted allocation will proceed within the next 3 years, and therefore its inclusion as 'committed development' would be contrary to the guidance set out in the NPPG.

4.4 **Assessment Year**

- 4.4.1 The other key factor in determining cumulative impact is the year of assessment. The assessment year requirements are best defined in Highway England's Circular 02/2013 and subsequently reiterated in Highway England's 2015 document 'Planning for the Future'.

The overall forecast demand on the SRN and surrounding local road network should be assessed and compared to the ability of the existing network to accommodate traffic (para 27, 02/2013)

Where the overall forecast demand at the time of opening of the development can be accommodated by the existing infrastructure, further capacity mitigation will not be sought (para 100, Planning for the Future)

- 4.4.2 The 'time of opening of the development' is also defined within Circular 02/2013 as being:

"The opening year shall be taken as the date at which the development first becomes available for occupation".

- 4.4.3 This assessment requirement is referenced by the Inspector in the decision on a site at Sandringham Road, Didcot (ref: 3255846) where a similar matter was considered. The Inspector determined that an Opening Year of 2026 was considered to be a 'worst-case scenario' and that:

"Whilst the 2031 impact is of interest for future HA transport planning, it is irrelevant in determining whether the development requires mitigation or whether it would have a severe impact on the highway network" (para 24).

- 4.4.4 Given the aforementioned 5-8 year timeline from validation of an outline application, as set out within the 'Start to Finish' research paper, and without adding any further delay as a result of

the delay in submitting a planning application on the wider site, it is evident that the wider West of Bersted allocation will not be online at the time of opening of the proposed Nursery Fields development and that future year assessments beyond the year of opening of the proposed development would be 'irrelevant' in determining whether the proposed development requires mitigation or results in a severe impact.

- 4.4.5 It should be noted that the TA uses a 2025 assessment year, providing a robust assessment of the development impacts given that the opening year of the development is programmed for 2024. It is the 2025 assessment scenario was used by WSCC to draw their conclusions on the findings of the TA in response to application BE/148/20/OUT and it remains to be a relevant assessment year.

4.5 **Precedent**

- 4.5.1 A total of 3 planning permissions have been granted for a total of 160 homes on sites within, or located in close proximity to, the SD3 allocation within the last 3 years. During this time, the NPPF has been extant. The methodology used in assessing the traffic impacts has been consistent across all 3 applications. These planning permissions are:

- New Barn Lane – 90 Units (Linden) – ref: BE/142/15
- New Barn Lane – 50 Units (Bellway) – ref: BE/77/16
- Chalcroft Nursery -20 Units + Commercial Uses – ref: BE/81/20

- 4.5.2 The transport and highway impacts of permission BE/77/16 were considered in detail as part Appeal 3166900 and the site also forms part of the SD3 West of Bersted allocation. The Decision Notice is enclosed at **Appendix F**. The Inspector concluded that the development would not have a detrimental impact on the free flow of traffic or highway safety, on the basis the evidence presented demonstrated that:

- The maximum additional traffic using the New Roundabout to the north would be no more than one vehicle every 3 minutes; this would have no discernible impact on existing traffic flows;
- Pinch points at locations further afield, such as at the Retail Park on the A259, Rowan Way and Shripney would be entirely unaffected by the very limited traffic generation by the Proposed Development;

- The traffic modelling undertaken in respect of the Proposed Development has had regard to consented and allocated development with a reasonable degree of certainty of proceeding within the next 3 years and the cumulative position has thus been considered;
- In short, there are no concerns as to the capacity of the highway network – either locally or further afield – to accommodate the very limited additional vehicular traffic which would be generated by the Proposed Development; and
- This site is in a location that has good accessibility to public transport and also other services and facilities required to meet the day-to-day needs of residents.

4.5.3 The Appeal was subsequently called in, and the Secretary of State was clear in his decision letter, also enclosed at **Appendix F**, that he agreed with the conclusions of the Inspector in that:

“the development would not have a detrimental impact on the free-flow of traffic” – para 16

“the proposed development would not result in material harm to highway safety and traffic conditions on the surrounding road network” – para 18

4.5.4 It is important to note that the cumulative impact assessment informing the Appeal and Call In decision did not include the assessment of potential future development of the wider SD3 West of Bersted allocation, at that time being enshrined in the Regulation 19 draft of the local plan, with committed development inclusions extending only to the neighbouring permission for 90 units off New Barn Lane, land at North Bersted being developed by Berkeley, and an allowance for TEMPRO traffic growth on the network.

4.5.5 The 90 units off New Barn Lane (ref: BE/142/15) were promoted by Landform and sold to Linden Homes in mid-2017 (who increased the unit numbers to 99 under a new consent) and was fully built out and fully sold by March 2020. This site is opposite and to the north of the Church Commissioners scheme referred to above, now being built-out by Bellway. There was no suggestion at this time that further cumulative assessment was required or necessary. Similarly, no further cumulative impact assessment was sought prior to the recent grant of the Chalcroft Nursery planning permission BE/81/20. At the time of all the permissions identified above there was no certainty that the West of Bersted SD3 allocation was likely to proceed within the next 3 years, as remains the case.

4.5.6 Thus, there has been a total of 160 units permitted across 3 planning permissions on sites located either within or near to the SD3 allocation and granted over the past 3 years. In no case

has it been considered appropriate to require cumulative assessment with the whole of the allocation before the application could be considered. In no case has any of the applications been refused on the grounds of paragraph 109 of the NPPF, which states that development should “... ***only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe***”.

- 4.5.7 These findings have been consistent across all decision makers involved in determining the respective planning applications, including decisions taken by Arun DC as planning authority, an Inspector upon appeal and the Secretary of State where decisions have been called in.

4.6 Summary

- 4.6.1 It is evident that the cumulative impact of the proposed development has been appropriately assessed in accordance with relevant national and local policy and guidance. Further, the assessment methodology used in the TA is consistent with assessments accompanying recently consented development included within, or situated adjacent to, the SD3 West of Bersted allocation site.
- 4.6.2 The cumulative effects of the development together with the wider SD3 West of Bersted allocation have been subject to a comprehensive transport study, which itself has been through multiple iterations. The most recent of these iterations is the Apportionment Study, which built upon the original Stage 3 ATS and was adopted in June 2020 (some 2-years after the adoption of the Arun Local Plan).
- 4.6.3 The Applicant recognises the need to pay proportional contributions in accordance with the schedule included in the Apportionment Study (2020) to address the cumulative traffic impacts of the proposed development on the Primary Road Network, and the TA assesses the cumulative impact of the proposed development on the local road network.

SECTION 5 Infrastructure Requirements

5.1 Proposed Development Requirements

5.1.1 In response to planning application BE/148/20, both Highways England and WSCC identified the need for the development to pay proportional contributions towards improvement schemes that were identified and costed as part of the Arun Transport Study (2017) and the later Apportionment Study (2020). The Applicant accepts the need for these contributions and provision is made for this within the draft S106 Agreement accompanying the application.

5.1.2 The Apportionment Study identifies a proportional contribution for the West of Bersted SD3 allocation on the basis of 2,500 new homes. The pro-rata contribution requirements for the proposed development of 225 homes are set out in **Table 5.1**:

Table 5.1: Proportional Contributions

Scheme	225 Units – Proportional Requirement (£)
A27 Whyke Roundabout and A27 Bognor Road Roundabout	£102,131 (combined contribution)
A29/A259 Rowan Way	£55,800
A259 Felpham Relief Road	£57,420
A259 Oystercatcher	£90,000
A29 Realignment	£144,000
A259 Corridor Improvements Bognor to Littlehampton	£18,000

Source: Apportionment Study and Consultants' calculations

5.1.3 In response to planning application BE/148/20, WSCC made a number of other references to improvements and/or contributions that were considered to be necessary and directly related to the proposed development, thus satisfying CIL Reg 122 tests. These requirements are summarised in **Table 5.2**.

Table 5.2: Other WSCC Requirements

Scheme	Comments
Site Access – ITB14224-GA-009 Rev B	To be secured by Condition
Public Right of Way Enhancements	To be secured via S106 Obligation
Travel Plan Measures	To be secured by Condition

Scheme	Comments
Cycle Infrastructure Improvements – SD3 to Bognor Regis Town Centre	Formula based S106 Contribution

5.1.4 With regard to the additional cycle infrastructure, through further engagement with WSCC as part of the earlier Chalcraft Nursery development (ref: BE/81/20) it was established that there would be a requirement for a financial contribution towards the implementation of a cycle route between the SD3 allocation and Bognor Regis town centre, in order to either enhance existing infrastructure or to create a new route. While there is no identified or costed scheme at the current time, a contribution mechanism was agreed based on the length of the route and a per km construction cost (identified by WSCC) for the construction of an off-road cycle route. The formula was secured as part of the Chalcraft Nursery S106 Agreement. The Applicant is satisfied for the formula included in the Chalcraft Nursery S106 to be used to derive the contribution sought as set out in Table 5.2 above.

5.1.5 No other financial contributions or highway works were identified by WSCC as being necessary to make the development acceptable in planning terms.

5.2 SD3 Policy

5.2.1 Policy SD3 – West of Bersted includes a number of sub-clauses that are associated with transport matters. The compliance of the proposed development with these policies is considered below.

SD3(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.

5.2.2 As identified in the endorsed Framework Masterplan, the road connecting the A259 and Chalcraft Lane is located outside of the proposed development site. It is not possible for this road to be provided by the proposed development and the provision of this route is associated with the development infrastructure to provide access to the wider SD3 allocation.

5.2.3 The proposed development does not rely in any way on the provision of a road link between Chalcraft Lane and the A259 to mitigate the impact of traffic generated by the development. This was confirmed by WSCC in paragraphs 15 and 16 their response to planning application BE/148/20, dated 13 January 2021:

“...All of the junctions as are demonstrated as continuing to work within theoretical capacity taking account of the development proposed.”

“...WSCC Highways are satisfied that the development as proposed would not result in a severe impact.”

- 5.2.4 The proposed development provides cycle and pedestrian connectivity from Chalcraft Lane with permeability through the site and cross-boundary provided to enable onward pedestrian and cycle links to be formed toward the A259 consistent with the requirements of Policy SD3e. The proposed development does not preclude nor prejudice the remaining SD3 Allocation adhering to Policy SD3e.

SD3(f)

- Improvements to the A259 between Bersted and Drayton

- 5.2.5 It should also be noted that this section of the primary road network has been subject to detailed assessment as part of the Arun Transport Study. This study did not identify planned Local Plan growth as having a ‘severe’ impact on either highway safety or capacity, or an impact that required mitigation of the link included as part of the associated Apportionment Study (2020). As set out in Officer’s Report on the previous application, these studies:

“...identify improvements required on the primary road network”

- 5.2.6 On that basis, given that the ATS and AP do not identify planned growth as having a severe impact on the operation of this link, any contribution or works to this section of the primary road network would fail the CIL Reg 122 tests of ‘necessity’ and ‘being directly related to the development’.
- 5.2.7 WSCC recognise in their response to application BE/148/20 dated 23 February 2021 that:

“The traffic impact of the scale of the development proposed within BE/148/20 is limited to local junctions within the immediate vicinity of the site and, as the Landform TA demonstrates, trips thereafter disperse quick across the highway network. The Landform TA already appropriately considers the impacts on these local junctions, and as such the potential traffic impacts are already known.”

- 5.2.8 WSCC did not raise an objection to the impact of the proposed development on the operation of the A259 Drayton – Bersted. On that basis, the proposed development is not required to undertake improvement of this link in order for the development to be considered acceptable when considered against the relevant tests in NPPF paragraph 56 and CIL Reg 122.

SD3(g)

- Contribute to the provision of an enhanced local cycle network by making on site provision and appropriate off-site financial contribution.

5.2.9 The proposed development provides for comprehensive on-site cycle provision and cross boundary permeability, including the upgrade of Public Rights of Way and connections to existing infrastructure.

5.2.10 In addition, a mechanism for financial contribution towards the WSCC enhancement of cycle routes between Chalcraft Lane and Bognor Regis town centre has been included in the draft S106 Agreement. These improvements are directly related to the proposed development and the contribution satisfies the relevant CIL Reg 122 tests.

SD3(h)

- Where possible, provide linkages and accessible pedestrian and cycle routes to Bognor Regis town centre.

5.2.11 The proposed development provides for a link to an established Advisory Cycle Route that links between the A259 cycle route and Bognor Regis town centre via the access road to Bersted Parish Council. A connection to this point is established at point A in the Land Use and Access Parameter Plan.

5.2.12 In addition, a financial contribution formula has been included within the S106, utilising a formula agreed with WSCC as part of BE/81/20 (and as per SD3(g)) to identify the appropriate contribution to be made to the proposals to enhance cycle provision between the proposed development and the Bognor Regis town centre.

SECTION 6 Summary and Conclusions

6.1 Overview

6.1.1 Landform Bersted Limited (the Applicant) has appointed i-Transport LLP to provide highways and transport advice in relation to the proposed development of land forming part of the SD3 'West of Bersted' strategic housing allocation for up to 225 new residential units with associated infrastructure, open space and vehicular and pedestrian access.

6.1.2 The current planning application represents a resubmission of the earlier planning application BE/148/20/OUT, which was refused by Arun District Council (Arun DC) on 1st April 2021. An appeal of the refusal of planning consent BE/148/20 has been submitted to the Planning Inspectorate under reference APP/C3810/W/21/3275040.

6.1.3 This Transport Addendum has been prepared to accompany the resubmission application and should be read in conjunction with documents listed below. It provides a summary of the changes made following submission of the Transport Assessment to address comments made by West Sussex County Council (WSCC), as local highway authority and statutory consultee on matters of highways and transport affecting the Primary and Local Road Networks, in response to the earlier application. It also addresses the reasons for refusal cited in Arun DC's decision to refuse planning permission in relation to application BE/148/20.

- Transport Assessment (ref: ITB14224-009 Transport Assessment)
- Framework Travel Plan (ref ITB14224-013 Travel Plan)
- Additional Information Technical Note (ref: ITB14224-015 LHA and PROW Response).

6.1.4 The transport documentation submitted as part of the earlier BE/148/20/OUT application demonstrates that the proposed development was in accordance with national and local policy and these findings remain true as part of the current submission. In particular, the transport documentation demonstrates that the proposed development complies with the three key transport tests set out in paragraph 108 of the National Planning Policy Framework, in that:

- It is a sustainable development that takes up the opportunities for residents to access local services and facilities by a range of transport modes;
- Safe and suitable access is provided for all users, and the proposed development does not cause unacceptable harm to highway safety; and

- It does not have a severe residual cumulative impact upon the operation of the highway network.

6.1.5 No objection was raised to the earlier application by Highways England and WSCC, as statutory consultees for the Strategic and Primary/Local Road networks respectively. Contrary to this advice, planning permission was refused by Arun DC and the highways and transport elements of RfR1 and 3, when assessed against the Officer Report on the first application, can be broadly summarised as:

- Whether the proposed development had appropriately considered the cumulative impact of development and, in particular, whether sufficient 'committed' development had been included within the Transport Assessment accompanying the application;
- Whether bus stops and local services and facilities are within walking distance of the proposed development in order to maximise the sustainability potential of the site;
- Whether an all modes 2-way vehicular link is required to make the site sustainable in transport terms; and
- Whether the proposal includes satisfactory S106 Obligations to deal with highways issues.

6.2 Sustainable Accessibility

6.2.1 It is evident that the proposed development represents sustainable development. It affords residents of the proposed development excellent opportunities to access existing and established local services on foot and provides access to high quality and high frequency destinations using public transport.

6.2.2 There is no basis for an all modes 2-way vehicular link to be provided as part of the proposals. Such a link is not necessary to mitigate the impact of development, nor would it have any practical benefit in encouraging the uptake of sustainable modes of transport. On the contrary, such a link would undermine the objectives of the NPPF to provide development where the opportunity for journeys to be undertaken on foot or by bicycle are maximised, by providing a link that would unnecessarily encourage the use of the private car to undertake such journeys. Notwithstanding, the proposed development makes provision to safeguard land for such a link to be provided should it become necessary.

- 6.2.3 WSCC, as local highway and statutory consultee for matters of highway and transportation, agreed with the conclusions of the TA submitted as part of planning application BE/148/20/OUT and raised no objection on grounds of transport sustainability, subject to identified improvements to the Public Right of Way network; financial contribution towards the improvement of cycle infrastructure between the proposed development and Bognor Regis town centre; and the implementation of a Travel Plan. These requirements are agreed by the Applicant and can be secured by Planning Conditions and S106 Obligations.

6.3 **Off-Site Capacity and Cumulative Assessment**

- 6.3.1 It is evident that the cumulative impact of the proposed development has been appropriately assessed in accordance with relevant national and local policy and guidance. Further, the assessment methodology used in the TA accompanying the application is consistent with assessments accompanying recently consented development included within, or situated adjacent to, the SDC West of Bersted allocation site.
- 6.3.2 The cumulative effects of the development together with the wider SD3 West of Bersted allocation have been subject to a comprehensive transport study, which itself has been through multiple iterations. The most recent of these iterations is the Apportionment Study, which built upon the original Stage 3 ATS and was adopted in June 2020 (some 2-years after the adoption of the Arun Local Plan).
- 6.3.3 The Applicant recognises the need to pay proportional contributions in accordance with the schedule included in the Apportionment Study (2020) to address the cumulative traffic impacts of the proposed development on the Primary Road Network, and the TA accompanying the planning application assesses the cumulative impact of the proposed development on the local road network.

6.4 **Infrastructure Requirements**

- 6.4.1 To mitigate the impact of the proposed development, the proportional financial contributions set out in Table 6.1 are required from the development towards the schedule of improvements detailed in the Arun Apportionment Study (2020).

Table 6.1: Proportional Contributions

Scheme	225 Units – Proportional Requirement (£)
A27 Whyke Roundabout and A27 Bognor Road Roundabout	£102,131 (combined contribution)
A29/A259 Rowan Way	£55,800
A259 Felpham Relief Road	£57,420
A259 Oystercatcher	£90,000
A29 Realignment	£144,000
A259 Corridor Improvements Bognor to Littlehampton	£18,000

Source: Apportionment Study and Consultants' calculations

- 6.4.2 In addition, the mitigation set out in Table 6.2 was identified by WSCC as part of the earlier application as being necessary to mitigate the impacts of the proposed development.

Table 6.2: Other WSCC Requirements

Scheme	Comments
Site Access – ITB14224-GA-009 Rev B	To be secured by Condition
Public Right of Way Enhancements	To be secured via S106 Obligation
Travel Plan Measures	To be secured by Condition
Cycle Infrastructure Improvements – SD3 to Bognor Regis Town Centre	Formula based S106 Contribution

- 6.4.3 No other mitigation was identified as being necessary to mitigate the impacts of the proposed development by WSCC; therefore, any further requirements would fail to satisfy the requirements of paragraph 56 of the National Planning Policy Framework and CIL Regulation 122.

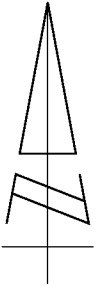
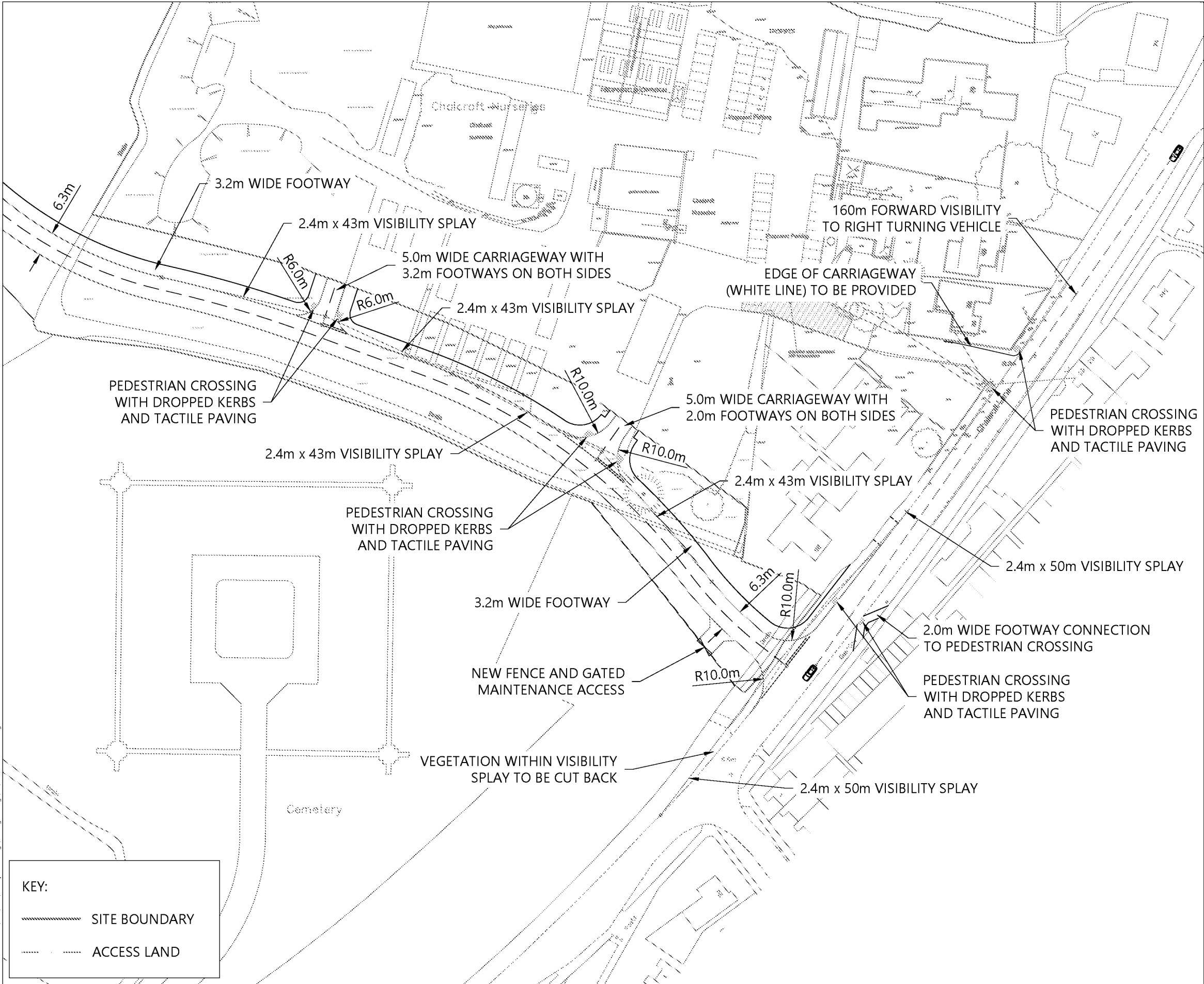
6.5 Conclusions

- 6.5.1 The proposed development is acceptable in highways and transport terms for the following reasons:
- The National Planning Policy Framework sets a purposefully high bar in transport terms for preventing development coming forward;

- The proposed development is accompanied by a Transport Assessment (TA) that has been prepared in accordance with guidance and standards provided by West Sussex County Council and subsequently approved by WSCC as the statutory consultee for matters of highways and transportation;
- The scope of the assessment is in keeping with Planning Practice Guidance and current good practice and represents an assessment that is proportionate and in keeping with the scale of the development. The TA appropriately considers cumulative transport impacts;
- The site is in a sustainable location and takes up the opportunities for residents to access local services and facilities by a range of transport modes. High quality and high frequency bus services can be accessed within walking distance of the proposed development, so that there is no justification for the reason for refusal that alleges the contrary;
- A 2-way all modes vehicular link is not required to make the proposed development sustainable, and the provision of such a link would be contrary to the objectives of national and local planning policy in encouraging walking and cycling;
- The proposed development has been developed with regard to the Framework Masterplan endorsed by Arun DC on the 30th of September 2020 and the highways policies of the adopted local plan;
- There is no evidence that the proposed development would result in unacceptable harm to highway safety;
- There is no evidence that the proposed development would be likely to be the cause of severe cumulative impact or that further assessment is required; and
- There was no objection from WSCC, as local highway authority and the statutory consultee for matters relating highways and transportation, to the previous application BE/148/20.

- 1.2 The proposed development is the next logical site for development being well connected to the existing community, local services, facilities and transport. It establishes a comprehensive and sequential framework for connectivity to the wider SD3 site. The proposed development has been appropriately assessed and there is no evidence that it will either give rise to an unacceptable impact on highway safety or result in a severe residual cumulative impact. Planning permission should be granted and there are no reasonable transport grounds upon which to refuse the proposed development.

DRAWINGS



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

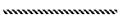
CLIENT: LANDFORM ESTATES

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 Access\14224-18 West of Bersted\TechAcad\i-Transport Drawings\Working Drawings\GA\ITB14224-GA-009.dwg

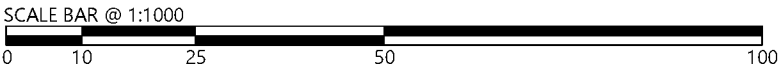
KEY:

 SITE BOUNDARY

 ACCESS LAND

REPRODUCED FROM THE ORDNANCE SURVEY
MAP WITH THE PERMISSION OF THE
CONTROLLER OF HER MAJESTY'S STATIONERY
OFFICE. LICENCE No. 100044286.
© CROWN COPYRIGHT RESERVED.

DRAWING ISSUED FOR FEASIBILITY CONSIDERATION AND PLANNING PURPOSES ONLY.
DRAWING NOT TO BE USED FOR CONSTRUCTION. I-TRANSPORT LLP ACCEPT NO RESPONSIBILITY
FOR ERRORS MADE BY OTHERS IN SCALING FROM THIS DRAWING. MEASUREMENTS SHOULD BE
TAKEN FROM FIGURED DIMENSIONS ONLY. CDM REQUIREMENTS CONSIDERED AT FEASIBILITY
STAGE ONLY. FURTHER CONSIDERATION REQUIRED BY DETAILED DESIGN TEAM.



APPENDIX A. WSCC Response – 13th Jan 2021

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Arun District Council FAO: Amy Myer
FROM:	WSCC - Highways Authority
DATE:	13 January 2021
LOCATION:	Nursery Fields Land to the North of Chalcraft Lane West Bersted PO21 5TS
SUBJECT:	BE/148/20/OUT Outline application with some matters reserved to provide up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access. This application affects a Public Right of Way.
DATE OF SITE VISIT:	n/a
RECOMMENDATION:	More Information
S106 CONTRIBUTION TOTAL:	n/a

Introduction

1. The site is recognised as forming part of the West of Bersted allocation (policy SD3) within the Arun Local Plan. The application is therefore understood to be subject to the requirements of the policy as well as the adopted West of Bersted Framework Masterplan.
2. The current live planning application (BE/81/20) to the immediate east of the current site is also acknowledged.
3. The application is supported by way of a Transport Assessment, the scope of which has been discussed with WSCC Highways.
4. In making these comments, WSCC Highways have reviewed
 - a. Nursery Fields Transport Assessment, dated 11th November 2020
 - b. Site Access Arrangement, drawing number ITB14224-GA-009
 - c. Green Infrastructure Parameter Plan, drawing number 01304_PP_02 Rev P1

Access

5. Vehicular access is indicated to be via a new priority junction onto Chalcraft Lane. This is shown on drawing number ITB14224-GA-009. This priority junction has already been accepted to serve the development proposed as part of BE/81/20. The current development will understandably add an additional number of vehicle movements through this junction.

6. However given the increase in traffic through the proposed junction, the TA provides further consideration of the suitability of the priority junction to serve the development proposed as part of BE/81/20 and the current application. Whilst the TA refers to highway design standards (namely TA 42/95) that were replaced last year, the capacity assessments provided within the TA indicate that the junction would operate well within theoretical capacity. As such, there are no capacity reasons to seek an alternate form of access.
7. It's understood that the priority junction would have been the subject of a Stage One Road Safety Audit for BE/81/20. The provision of a Stage One RSA is a WSCC policy requirement for all major applications. However it's unclear if the Road Safety Auditor has reviewed the proposed access arrangement on the basis that this would serve both the current application and the development proposed within BE/81/20. Whilst a further new Road Safety Audit is not necessarily required, confirmation is still sought from the applicant that the Safety Auditor has considered the vehicular access on the basis of all development that will now use it.
8. Related to the above point, although the vehicular access remains effectively unchanged, the access drawing now includes a Toucan controlled crossing to the immediate north. Further comments are made on the Toucan crossing and related infrastructure within the 'Access by Sustainable Modes' section.

Trip Generation and Highway Capacity

9. The highway capacity impact of the whole West of Bersted allocation has already been tested as part of transport modelling undertaken to support the adopted Arun Local Plan. Through this, mitigation has been identified as being necessary to ensure the transport network would continue to operate without severe impacts when the development is complete. Further comments are made on the requirements for this development to contribute towards the transport mitigation identified for the West of Bersted allocation within the 'Other Matters' section below.
10. The TA forming part of the current application assesses purely the capacity impact of the development as proposed. The purpose of the modelling is to identify what mitigation may be required to ensure this phase of the allocation does not result in any severe capacity impacts.
11. Three assessment scenarios have been presented; for 2023, 2025, and 2031. Limited weight is given to the 2023 scenario as the development is not expected to be completed by this time. 2031 represents the end of Local Plan. The impact of the development as a whole (i.e. the whole allocation)

has been considered for 2031 through the Local Plan transport modelling. 2025 is considered to be the most realistic assessment year at which point this phase of development is expected to be completed. The following comments are consequently made in connection with the 2025 assessment year. All future year scenarios include a number of committed/permitted developments. The assessment also includes the currently pending BE/21/20.

12. Based on the agreed trip rates (which are based on the assumption that the development would comprise entirely houses with no flats), the current development is anticipated to result in the following vehicle trips.

	AM			PM		
	Arrival	Departures	Total	Arrivals	Departures	Total
225 Houses	26	71	97	67	25	92

13. The impact has been assessed in the network peak periods only. This is standard practice and acknowledges that the network is most sensitive to change at these times when traffic flows are generally at their greatest.
14. Vehicle trips have been distributed across the highway network using Census location of place of work data for existing residents within the proximity of the development (this is considered to be a reasonable proxy to determine likely commuting locations for employment trips). Trips for other purposes (leisure and education) have been considered using a gravity model with trips proportionately distributed towards those centres nearest to the site. The consequence of this distribution is that the majority of trips would remain within Bognor Regis/Bersted or travel towards Chichester. Trips have been assigned to potential destinations based on the most direct route available.
15. Following on from the traffic distribution exercise, the TA considers the impact on those junctions that are forecast to experience increased entry flows of 30 or more vehicles. All of the junctions assessed are demonstrated as continuing to work within theoretical capacity taking account of the development as proposed.
16. Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highway grounds where the residual cumulative impacts on the road network are severe. WSCC Highways are satisfied that the development as proposed would not result in a severe impact.

17. Given this site forms part of a wider allocation, the Local Planning Authority may wish to give further consideration to the wider implications of the proposals in connection with the site allocation policy and master plan. This will then ensure that permitting the current scheme would not in anyway prejudice the delivery of the wider development by cumulatively resulting in severe impacts on the highways network contrary to para 109 of the NPPF, the Local Plan allocation policy and the WB Masterplan.
18. The only observation that would be made is in respects of the modelling is for the double mini-roundabout at North Bersted Street/Chichester Road/Chalcraft Lane junctions. The modelling is indicating the potential for queuing in the short link between the two roundabouts. The queuing indicated is though greater than the link length. In practice, drivers are considered unlikely to proceed onto the roundabout if the way ahead is blocked. As such, whilst this oddity is noted, operationally the roundabouts are expected to operate without any notable issues resulting from the proposed development.

Access by Sustainable Modes

19. The TA demonstrates that the site is within reasonable walking distance of various day to day services. The existing highway network includes appropriate infrastructure to accommodate the potential increase in walking trips.
20. Reference is made within the TA to the upgrading both in terms of surfacing and status of public right of way 136 to accommodate pedestrians and cyclists. The change in status will presumably be achieved either through the offering for adoption of the route as public highway or through a permissive use agreement to enable cyclists to use this alongside pedestrians. It's recognised that the applicant will be able to achieve this upgrade where the right of way crosses their site. However, there is a section at the eastern end that connects onto Chalcraft Lane that lies outside of the current applications red edge. The TA indicates that a contribution is to be made to WSCC to enable surfacing improvements.
21. Notwithstanding the fact that the applicant can undertake surfacing improvements to the public footpath via a s278 agreement under the Highways Act 1980, there is the concern that through upgrading the on-site route to enable pedestrian and cyclists access, effectively cyclists are being led to a point where they cannot then legally continue their journey without dismounting. This is far from ideal. It is recognised that the applicant cannot undertake works beyond their application boundary without first obtaining the permission of a 3rd party. It is still recommended that an obligation is placed

upon the applicant to use all reasonable endeavours to seek the permission of the 3rd party to enable a continuous foot/cycle way to Chalcraft Lane following the line of footpath 136.

22. With regards to cycling, it's accepted that a range of services are within reasonable cycling of the site. Existing cycling infrastructure is somewhat limited, although there is a signed route that runs between New Barn Lane and the existing community centre access road with there being an associated Toucan crossing on Chalcraft Lane with a short continuation of cycle route onto Central Drive. The West of Bersted allocation also includes policy requirements regarding the provision of cycle routes, so improvements to the wider network will be achieved as a consequence of the allocation. Further comments are made on the wider transport requirements of the proposed allocation and the current development within the 'Other Matters' section below.
23. In respects of the current application, a shared foot/cycle way is indicated on the north side of the access road serving the development (it's acknowledged that details of the access road are not to be approved at this stage although such matters are shown on the Green Infrastructure Parameter Plan that is to be approved) linking into a Toucan crossing on Chalcraft Lane. The existing footway on the eastern side of Chalcraft Lane is indicated to be widened to 3.2 metres from the Toucan crossing to Central Drive, from where cyclists will join the carriageway. There is very limited consideration within the TA in terms of how this proposed arrangement complies with current guidance. LTN 1/20 in particular advises against shared use foot/cycle ways and instead promotes the physical segregation of cyclists and pedestrians.
24. Given that the site is indicating pedestrian/cyclist accesses at two other points (namely via footpath 136 (notwithstanding the potential issues identified with this) and onto the community centre access road (which connects to an existing Toucan crossing linking to Central Drive), the provision for cyclists alongside the main access road and the associated works on Chalcraft Lane are potentially superfluous and as shown conflict with LTN 1/20.
25. It's recommended that this aspect (namely the provision of shared use facility within the development, the Toucan crossing, and the proposed widening works along Chalcraft Lane) of the application is either removed or reassessed and amended to ensure compliance with LTN 1/20. In the event this southern route is removed, the Green Infrastructure Parameter Plan would need to be updated.

26. Through the design of the on-site layout, the use of the other two pedestrian/cyclist access points should be further promoted. This would necessitate changes to the Green Infrastructure Parameter Plan. The Parameter Plan currently shows a very indirect connection through the site onto the existing cycle route on the community centre access road. A far more direct and convenient route could be achieved.
27. The layout of the site should otherwise in all respects provide cycle friendly street design (i.e. to restrict vehicle speeds) to encourage on-carriageway cycling as per the guidance within LTN 1/20. This would be reviewed as part of any reserved matters application.
28. Bus stops are available on the A259 to the immediate north. The frequency of the existing bus service is such that this would offer a realistic alternative to the use of the private car. Walking distances are recognised as exceeding the suggested maximum 400 metres. The most direct walking distance would make use of public right of way 134. As part of the current development, the applicant should seek to undertake surfacing improvements to this footpath to make it suitable for use by all. A scheme of improvements should be secured via condition.
29. The framework travel plan is noted. A full travel plan based on the framework would be required to be implemented upon first occupation. This should be secured via condition.

Layout

30. Given the current application seeks outline approval with only matters of access to be approved, other than the comments made above regarding certain aspects, the illustrative on-site layouts have not been reviewed in detail at this stage. However the parameter plans, which are to be approved, have.
31. As a more an observation at this stage with such matters more to be determined as part of any future reserved matters, the illustrative layout does show a number of connections into existing and proposed areas of developments. Such linkages are welcomed as these increase the permeability of the site.
32. Related to the above point, as the site forms part of the wider West of Bersted allocation, the layout and parameter plans should not at this stage be precluding vehicular access to adjacent phases of development. Such matters are outlined within Section 7.2 of the adopted masterplan. In determining this application, the Local Planning Authority should be satisfied that the requirements of the adopted master plan are met.

Other Matters

33.As noted within this response already, the land forming part of the current application is included within the West of Bersted allocation. To enable the allocation as well as other housing and employment growth proposed as part of the Arun Local Plan, various transport mitigation has been identified. It's acknowledged that the West of Bersted allocation is required only to provide proportionate contributions towards this infrastructure. In turn, the current development would also be expected to proportionately contribute towards that infrastructure identified to support the West of Bersted allocation.

34.The TA does indicate a willingness to contribute towards Local Plan infrastructure. Contributions should though be determined against the WSCC/ADC Local Plan Transport Mitigation Apportionment Study (June 2020). This is considered to be the most up to date document in terms of proportionating contributions from Arun Local Plan allocations. It must also be recognised that the policy allocation for West of Bersted includes other specific cycling infrastructure. Again, as the current application forms part of the overall allocation, the site should also demonstrate how it satisfies this element of the policy requirement.

Summary

35.In highway terms, the principle of this development is acceptable. Further information would be required to address the above points.

36.Prior to WSCC Highways making a formal recommendation, the applicant should,

- Confirm that a Stage 1 Road Safety Audit has been completed for the proposed priority junction onto Chalcraft Lane that includes the development proposed through BE/81/20 and BE/148/20.
- Reassess potential cycle connections from the site towards Bognor Regis and update the Green Infrastructure Plan accordingly. Specific reference is made to the need to reconsider or remove the shared use along the access road and associated works on Chalcraft Lane.
- Reassess contribution requirements against the WSCC/ADC Local Plan Transport Mitigation Apportionment Study towards strategic infrastructure identified for the West of Bersted allocation.

Ian Gledhill
West Sussex County Council – Planning Services

APPENDIX B. FOI Correspondence – 26th March

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]
[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] [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
Senior Planning Officer
Directorate of Place

T: 01903 737775

E: Amy.Myer@arun.gov.uk

Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk

Sign up to our newsletter [here](#)

From: [REDACTED]
To: Amy Myer
Cc: Claire Potts; James Cross; [REDACTED]
Subject: RE: Advice required on approach to highways matters on W Bersted Strategic allocation
Date: 01 April 2021 09:27:33
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg
image005.jpg
image007.jpg
image008.jpg
image009.jpg
image010.png
image011.jpg
image012.jpg
image013.jpg
image014.jpg
21062%t(1)a (ArunDC).pdf

Good morning, Amy,

Please find attached my finalised opinion letter on Transport matters relating to the application. The wording is slightly updated in a few locations for clarity of the message and grammar, etc., but for all important purposes is the same as the draft.

Kind regards, [REDACTED]

From: Amy Myer
Sent: 31 March 2021 12:50
To: [REDACTED]
Cc: Claire Potts <Claire.Potts@arun.gov.uk>; James Cross <James.Cross@arun.gov.uk>; [REDACTED]
[REDACTED]
Subject: RE: Advice required on approach to highways matters on W Bersted Strategic allocation

Great, thanks [REDACTED]

Ah yes, if you can get the final version to me tomorrow by 1pm please (as I am not working from 4pm onwards) so I can check it against report and get it added to the file that will be great thanks, so it can all be signed off tomorrow hopefully and we can get the refusal out!

Thanks
Amy

From: [REDACTED]
Sent: 31 March 2021 12:48
To: Amy Myer <Amy.Myer@arun.gov.uk>
Cc: Claire Potts <Claire.Potts@arun.gov.uk>; James Cross <James.Cross@arun.gov.uk>; [REDACTED]
[REDACTED]
Subject: RE: Advice required on approach to highways matters on W Bersted Strategic allocation

Hi Amy,

Yes, I am happy with that, however I will of course finalise the note, with a read through to double check, and to remove the draft stamp.

Can I get the finalised version to you tomorrow?

Kind regards, [REDACTED]

From: Amy Myer

Sent: 31 March 2021 11:59

To: [REDACTED]

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

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

Hi Rob

Many thanks for your advice note which is most helpful and backs up our approach. I'll be finalising the highways section of the report later today/tomorrow morning and let you know if I've any queries arising.

We have agreed with our Head of Planning Neil to add your advice note to the case file and make public, and we will then make reference to it in our refusal report, since it forms a key piece of evidence that supports our approach esp if this goes to appeal which is likely.

I just wanted to check with you are you OK for us to add your advice note to the case file as public?

Many thanks
Amy

From: [REDACTED]

Sent: 29 March 2021 13:59

To: Amy Myer <Amy.Myer@arun.gov.uk>

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

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

Hi Amy,

Please find attached my draft response. I have not had a chance to re-read it, so beware of typos. I shall read through it again before finalisation, but would welcome any comments that you may have.

I'm going into my 2pm now, but would be pleased to catch up afterwards to discuss my conclusions.

Kind regards, [REDACTED]

From: Amy Myer

Sent: 26 March 2021 16:39

To: [REDACTED]

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

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

Hi [REDACTED]

Many thanks for both your emails, and yes sorry to put you under time pressure (I am under it too with producing my case report) and it is not ideal at all! The issue we have is the current Extension of Time expires on Thursday 1st April – if we refuse it then I need to have finished my report by COB Monday and needs sign off with senior management by Weds COB, if we approve it then due to a Parish Council objection it needs to go to Planning Committee April and the deadline for reports next Thursday, so only if we decide to negotiate i.e. for the joint TA are we looking at an Extension of Time agreement with the agent.

Re potential NPPF 'severe cumulative residual impact' – that is our thinking – that there is a lack of info/failure to demonstrate that the application would not result in severe cumulative impact and could be adequately mitigated against without need for proportional financial contributions to highways infrastructure etc. so the reason for refusal would be based on 'lack of info/failure to demonstrate there would not be unacceptable impact' rather than 'unacceptable impact and severe harm' and also 'lack of completed S106 to secure necessary infrastructure' etc. i.e. (j) and (k) of your notes on questions

Re BE/81/20/OUT Chalcroft Nurseries (CN) – your question c) I can confirm there was a TS not TA for that case and it was not joint with SD3 WofB - and myself and Claire included a paragraph as follows to 'protect' the LPA if we decided to refuse NF and it went to appeal, along the lines of CN was much smaller scheme/NF is larger:

ALP policy H SP2 seeks to k) address the off-site capacity requirements, that relate to that particular allocation, identified in the Arun Transport Assessment (2016 and update 2017 and taking into account subsequent relevant assessments) and the local highway network. The application does not meet part (k) of policy H SP2 since the relevant transport assessment/s to address the off-site capacity requirements that relate to this particular strategic allocation and the local highway network have not yet been completed. However, the Transport Statement and supporting information submitted with this application have demonstrated that the impact of this development proposal on the local highway network can be adequately mitigated. The LPA accepts this approach in this instance on the basis that the application site forms only a small part of the wider strategic allocation.

Re MfS walkable neighbourhoods – totally hear your point if we didn't apply that argument to CN why should we here and would it be defensible at appeal.

Re some of your other questions in the hand written notes;

- (d) and (i) no planned employment/commercial floor space on NF site, just at CN BE/81 site, which is for 2,240sqm around 698sqm of that is existing and the rest new
- (l) At pre app BE/148 asked for 250 units on NF site, under outline is for 'up to 225 units' – as its an 'up to' outline they could ask for less but not more at RM stage I believe and if they asked for more they would have to re-apply for outline or S73 and then I guess we could consider on its merits then, I think that's right (but Claire could confirm this point)
- (p) indicated route north of NF site into adjacent site stops short as the developer for NF does not want to pay costs towards the spine road through the main allocation although we have indicated at RM stage we would need them to show a vehicle link for place making reasons as that's what's shown in the endorsed Masterplan so that is why they have shown a *potential land for future link, but we see this as a potential

'ransom strip' so would not approve the Parameter Plan as it is, and would just confirm at RM stage we need a continuous link shown into the wider site. NB WSCC Highways did confirm if a link was shown here, a joint TA would be required to assess potential re-distribution of traffic etc.

I hope the above helps a little, I've answered what I can, but this is not my area of expertise (!), and Claire and James may be able to help out with some of your questions too.

We'll review it all Monday and call you to discuss if required then.

Many thanks for all your hard work, its really appreciated!

Thanks
Amy

From: [REDACTED]
Sent: 26 March 2021 16:02
To: Amy Myer <Amy.Myer@arun.gov.uk>
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 Amy,

Further to my last email, attached are two files, one with my hand-written notes today, and a second with my questions, some of which I have answered with continued review of the papers.

As noted, I will continue with the review of the TA, the WSCC responses and the reps/objections over the weekend. I cannot guarantee I will be through everything that I would want to by first thing Monday morning, and I have two meetings on Monday, (10am and 2pm), which I will need to manoeuvre around, but I aim to have a draft formal response to you (digital! Not hand-written) before the 10am meeting.

I suspect I will continue to review material after I have sent that to you, but with the expectation that there will be nothing further on the main points, just useful background to key points, which may be useful in finalising my opinion.

Again, to summarise, I think there is a basis for, if not refusing the application, certainly continuing it until the SD3 TA is available, although I appreciate that this may present other issues in terms of processing agreements, etc. I am not sure.

I would be available for a chat late morning or early afternoon on Monday, and then again after 3pm, I expect.

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
Senior Planning Officer
Directorate of Place

T: 01903 737776

E: Amy.Myer@arun.gov.uk

Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk

Sign up to our newsletter [here](#)

From: [REDACTED]

Sent: 23 March 2021 12:57

To: Claire Potts <Claire.Potts@arun.gov.uk>

Cc: Amy Myer <Amy.Myer@arun.gov.uk>; James Cross <James.Cross@arun.gov.uk>; [REDACTED]
[REDACTED]

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

Hi Claire,

Thanks for this, no apology necessary. I was printing off some plans yesterday, so this is timely.

I would suggest I call tomorrow morning to discuss timescale, if that is okay with you. In the interim, I will look over the brief again, and check how best to deliver the note within my current commitments.

Kind regards, [REDACTED]

From: Claire Potts

Sent: 22 March 2021 15:29

To: [REDACTED]

Cc: Amy Myer <Amy.Myer@arun.gov.uk>; James Cross <James.Cross@arun.gov.uk>; [REDACTED]
[REDACTED]

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

Dear [REDACTED]

Sorry for the delay – please see attached Purchase Order for the work as set out below and in the Brief sent previously. I'm happy to talk through the scope with you so we're all clear and revised timescales. My current working pattern means that I [REDACTED] every day.

Kind regards

Claire

Claire Potts MRTPI, BSc, MSc, MSc
Strategic Development Team Leader

T: 01903 737698

E: claire.potts@arun.gov.uk

Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk

Sign up to our newsletter [here](#)

To register to receive notification of planning applications in your area please go to www.arun.gov.uk/planning

Essential maintenance is being carried out to the planning, building control and local land charges database during the week commencing 12 April 2021.

During this time there will be no public or staff access to any records held within this database, and it will not be possible to carry out any of the following tasks via the Arun website:

- Research planning and building control history
- View any planning applications, plans, agreements, tree preservation orders or competent persons data
- Submit building control applications
- Submit planning application comments
- Report any planning compliance issues

The publicity and consultation period for all planning applications that fall over this week will be extended by a further week to ensure no one is disadvantaged.

All other aspects of planning, building control and local land charges will be limited during this week and you are strongly advised to contact the individual departments before 12 April 2021 for specific restrictions during this time.

From: [REDACTED]@dougallbaillie.com>

Sent: 02 March 2021 14:04

To: Claire Potts <Claire.Potts@arun.gov.uk>

Cc: Amy Myer <Amy.Myer@arun.gov.uk>; James Cross <James.Cross@arun.gov.uk>; [REDACTED]
[REDACTED]

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

Hello Claire,

Many thanks for your email.

I can confirm that DBA would be very interested, and pleased, to provide the Council with an independent expert opinion on the Transportation aspects of the relevant application, as detailed in your message.

DBA would provide the opinion (by myself, with some 34 years of experience in the field, and prior experience of several application within ADC's area), before close of business on Monday, 8th March (based on appointment being confirmed during Thursday, 4th March), a period of three working days. If appointment can be confirmed either later today or tomorrow morning (Wednesday, 3rd March), the opinion would be provided by close of business on Friday, 5th March 2021.

With respect to fees, DBA propose a fixed cost of £1,650 (+Vat) for preparation of the expert independent opinion, on the basis of the brief, covering DBA's input up to and including, Wednesday, 10th March. An additional fee for online meetings of £250 (+Vat) per meeting is proposed, on the basis that no meetings, or several may be required. In event that further services or input are required following 10th March, we would be happy to discuss those, if and when required.

I can confirm that neither DBA nor me have any conflict in undertaking this work.

I trust that this proposal meets your requirements, and look forward to receiving your response. Please feel free to contact me (mobile number below) if you require any confirmation, or wish to discuss the scope.

Kind regards, [REDACTED]

[REDACTED])

From: Claire Potts

Sent: 02 March 2021 10:08

To: [REDACTED]

Cc: Amy Myer <Amy.Myer@arun.gov.uk>; James Cross <James.Cross@arun.gov.uk>

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

Dear [REDACTED]

Invitation to provide highways advice to Arun District Council in relation to the West of Bersted Strategic allocation.

We are seeking an independent opinion of the approach the Council are proposing to take in relation to the determination of an application for a small part of the West of Bersted Strategic allocation.

I've attached an outline of the position and including the relevant planning application reference numbers which are available to view online via the search page. I have attached the latest version of the parameter plan for the Landform site which is not available on the file yet.

Can you please confirm:

- If you wish to undertake the work to provide an opinion
- When you would be able to provide your views – the currently agreed determination date for the application is the 10th March, so we will need a view as soon as possible before that date.
- A fee quote for the work
- Whether you have any conflicts of interest that would prevent you undertaking the work

Should you have any questions please do not hesitate to contact me. I look forward to hearing from you.

Kind regards

Claire

Claire Potts MRTPI, BSc, MSc, MSc
Strategic Development Team Leader

T: 01903 737698

E: claire.potts@arun.gov.uk

Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk

Sign up to our newsletter [here](#)

To register to receive notification of planning applications in your area please go to www.arun.gov.uk/planning

Essential maintenance is being carried out to the planning, building control and local land charges database during the week commencing 12 April 2021.

During this time there will be no public or staff access to any records held within this database, and it will not be possible to carry out any of the following tasks via the Arun website:

- Research planning and building control history
- View any planning applications, plans, agreements, tree preservation orders or competent persons data
- Submit building control applications
- Submit planning application comments
- Report any planning compliance issues

The publicity and consultation period for all planning applications that fall over this week will be extended by a further week to ensure no one is disadvantaged.

All other aspects of planning, building control and local land charges will be limited during this week and you are strongly advised to contact the individual departments before 12 April 2021 for specific restrictions during this time.

<http://www.arun.gov.uk>

DX 57406 Littlehampton

You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.

<http://www.arun.gov.uk>

DX 57406 Littlehampton

You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.

<http://www.arun.gov.uk>

DX 57406 Littlehampton

You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.

<http://www.arun.gov.uk>

DX 57406 Littlehampton

You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.

<http://www.arun.gov.uk>

DX 57406 Littlehampton

You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.

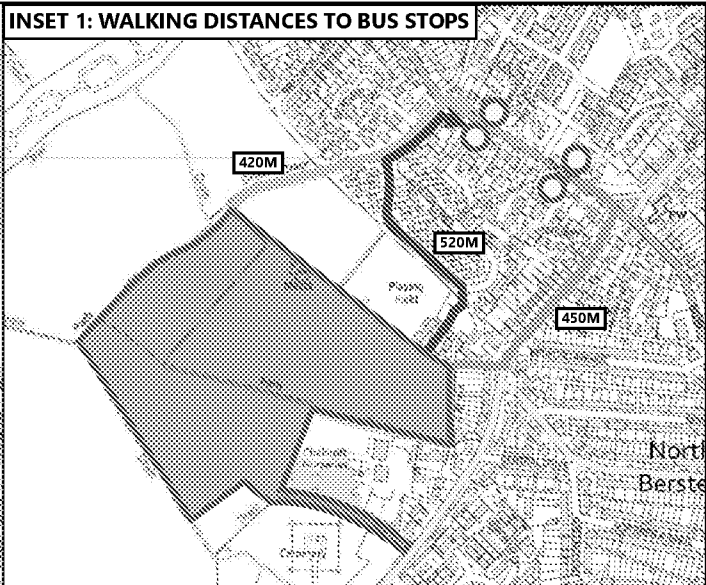
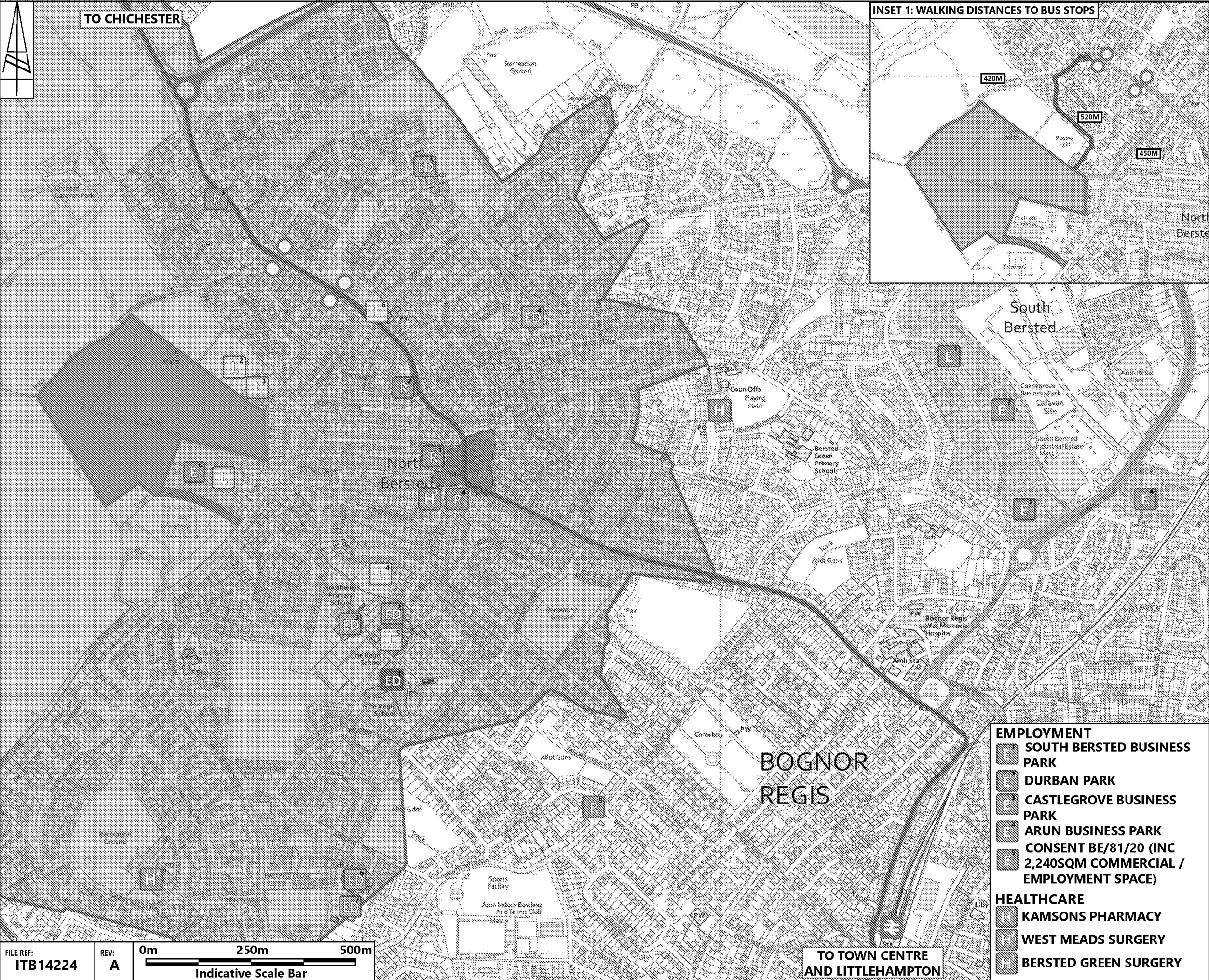
<http://www.arun.gov.uk>

DX 57406 Littlehampton

You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.

APPENDIX C. Local Facilities Plan Figure 2A



- KEY**
- SITE BOUNDARY
 - BOGNOR REGIS RAIL STATION
 - LOCAL CENTRE
 - EMPLOYMENT AREA
 - BUS STOP
 - BUS ROUTE 700
 - BOGNOR REGIS TO CHICHESTER CYCLE ROUTE
 - 1,600M WALKING DISTANCE
- LEISURE**
- CHALCROFT NURSERY
 - JUBILEE RECREATION GROUND
 - BERSTED VILLAGE HALL
 - NEWTOWN SPORTS AND SOCIAL CLUB
 - THE ARENA SPORTS CENTRE
 - THE ROYAL OAK PUB
- RETAIL**
- NISA LOCAL & POST OFFICE
 - TESCO EXPRESS
 - SPAR
 - CHICHESTER ROAD SHOPS
 - CO-OP FOOD
- EDUCATION**
- THE REGIS SCHOOL
 - STEPPING STONE PRESCHOOL
 - SOUTHWAY PRIMARY SCHOOL
 - BOGNOR SCHOOL
 - BARTON'S PRIMARY SCHOOL
 - NYEWOOD CofE INFANT AND JUNIOR SCHOOLS

- EMPLOYMENT**
- SOUTH BERSTED BUSINESS PARK
 - DURBAN PARK
 - CASTLEGROVE BUSINESS PARK
 - ARUN BUSINESS PARK
 - CONSENT BE/81/20 (INC 2,240SQM COMMERCIAL / EMPLOYMENT SPACE)
- HEALTHCARE**
- KAMSONS PHARMACY
 - WEST MEADS SURGERY
 - BERSTED GREEN SURGERY

i-Transport

Grove House, Lutyens Close, Chineham Court,
Basingstoke, RG24 8AG
Tel: 01256 338 640
Fax: 01256 338 644
www.i-transport.co.uk

TITLE:
**WEST OF BERSTED
LOCAL FACILITIES PLAN**

FIGURE No:
FIGURE 2

APPENDIX D.WSCC Response – 23rd Feb 2021

Sign up to our newsletter [here](#)



From: Amy Myer <Amy.Myer@arun.gov.uk>
Sent: 24 February 2021 14:23
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: BE-148-20 Chalcraft Nursery Fields Transport Assessment

Please can you add below email to the case file and label as 'WSCC Highways comments – Transport Assessment comments'

Thanks
Amy

From: Ian Gledhill [REDACTED]
Sent: 23 February 2021 10:17
To: Amy Myer <Amy.Myer@arun.gov.uk>
Subject: BE-148-20 Chalcraft Nursery Fields Transport Assessment

Amy, further to discussions between WSCC and ADC Officers, I write to confirm the WSCC Highways view in respects of the Transport Assessment (referred to as the Landform TA) submitted with BE/148/20.

At the outset, I consider it important to identify the overarching test regarding the highway acceptability of developments as set out within paragraph 109 of the National Planning Policy Framework. Paragraph 109 refers to development being prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Any TA would need to satisfy this test and demonstrate that a development proposal would not result in severe or unacceptable impacts.

In terms of assessing the transport implications of the West of Bersted allocation, these are assessed within the Arun Stage 3 Transport Study supporting the adopted Arun District

Council Local Plan. The Stage 3 TS assess the impact of all planned growth within the plan period and identifies appropriate mitigation to resolve any severe impacts to enable the planned growth to take place. The more recent Proportionment Study identifies the Local Plan mitigation and contributions required from each Local Plan allocation.

Taking account of the Arun Stage 3 TS and the Proportionment Study, assessments already exist of the transport impacts of the West of Bersted allocation. It is accepted that these studies are at a strategic level, and as such primarily identify improvements required on the primary road network. To support planning applications on the West of Bersted site, further Transport Assessments are therefore required. The extents and scope of the individual TA's will need to reflect the scale of the development proposed but will need to account for the over-arching policy requirements covering the allocation within the Local Plan.

In these respects, the Landform TA assesses the impact of the development proposed within BE/148/20, namely 225 dwellings, to determine if a severe or unacceptable highway impact would result. As also required by the National Planning Policy Guidance, the Landform TA also includes a number of committed developments in the future year scenarios that are expected to proceed within the next 3 years. Commitments are made within the Landform TA to ensure proportionate contributions are made towards that infrastructure identified within the Arun Stage 3 TS and the Proportionment Study.

Ideally, a single outline planning application would have been submitted covering the whole West of Bersted allocation. Through this, a single TA would have been provided that covers and considers the impact of the West of Bersted allocation. The need for a comprehensive TA could otherwise have been included as a policy requirement within the Local Plan. A TA of this nature would identify all transport mitigation required for the development as a whole and effectively be complimentary to the assessment undertaken within the Arun Stage 3 TS. Mechanisms would then need to be agreed between the respective land owners to ensure the necessary mitigation is delivered in a timely manner based on the phased build out of the development.

Unfortunately, separate planning applications have been submitted for small parcels within the West of Bersted site. TA's have been submitted considering the respective impacts of these parcels that demonstrate that these can come forward without resulting severe impacts.

I would stress that even with a site wide TA, BE/148/20 would still need only to provide proportionate contributions (whether these are through s106 agreements to enable WSCC to undertake improvements as identified within the Arun Stage 3 TS or in private agreement with other landowners) towards that infrastructure required to enable the development. The traffic impact of the scale of development proposed within BE/148/20 is limited to local junctions within the immediate vicinity of the site, and as the Landform TA demonstrates, trips thereafter disperse quickly across the highway network. The Landform TA already appropriately considers the impacts on these local junctions, and as such the potential traffic impacts are already known. Any further impacts on these junctions would stem from the remainder of the site.

Ultimately, it is the view of the WSCC highways that the implications of BE/148/20 should be considered on its merits with the submitted TA adequately assessing the potential traffic increases from the dwellings proposed. However as the determining authority, Arun District Council would need to be satisfied based on the evidence available that an unacceptable safety or otherwise severe impact as specified by the NPPF would not result.

As ever, happy to discuss further as needed.

Kind regards

Ian Gledhill

Ian Gledhill BSc MCIHT| Principal Planner – County Highways (Development Management) -



LEGAL DISCLAIMER

This email and any attachments are confidential and intended solely for the persons addressed. If it has come to you in error please reply to advise us but you should not read it, copy it, show it to anyone else nor make any other use of its content. West Sussex County Council takes steps to ensure emails and attachments are virus-free but you should carry out your own checks before opening any attachment.

APPENDIX E. Start to Finish Report Extract

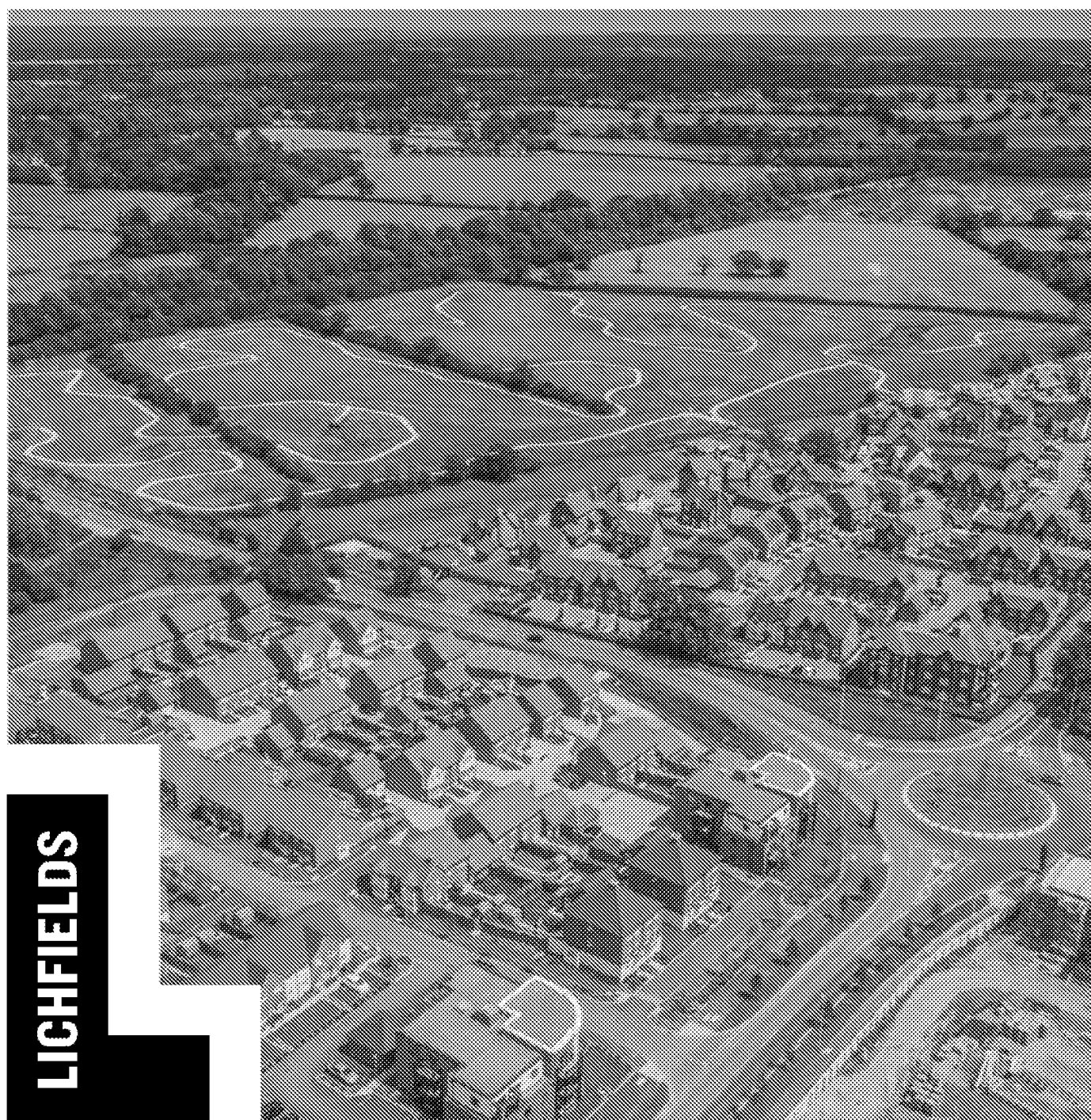
APPENDIX T
'START TO FINISH' REPORT EXTRACT

INSIGHT
FEBRUARY 2020

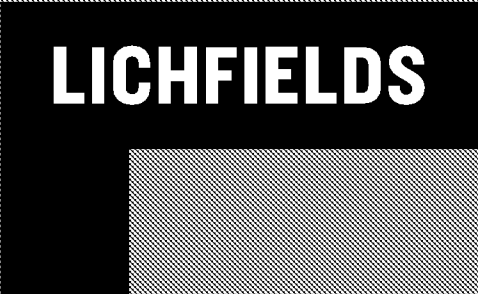
Start to Finish

What factors affect the build-out rates of large scale housing sites?

SECOND EDITION



LICHFIELDS



LICHFIELDS

Lichfields is the
pre-eminent planning
and development
consultancy in the UK

We've been helping create great places
for over 50 years.

lichfields.uk



Executive summary

Lichfields published the first edition of Start to Finish in November 2016. In undertaking the research, our purpose was to help inform the production of realistic housing trajectories for plan making and decision taking. The empirical evidence we produced has informed numerous local plan examinations, S.78 inquiries and five-year land supply position statements.

Meanwhile, planning for housing has continued to evolve: with a revised NPPF and PPG; the Housing Delivery Test and Homes England upscaling resources to support implementation of large sites. Net housing completions are also at 240,000 dwellings per annum. With this in mind, it is timely to refresh and revisit the evidence on the speed and rate of delivery of large scale housing sites, now looking at 97 sites over 500 dwellings. We consider a wide range of factors which might affect lead-in times and build-out rates and have drawn four key conclusions.

In too many local plans and five-year land supply cases, there is insufficient evidence for how large sites are treated in housing trajectories. Our research seeks to fill the gap by providing some benchmark figures - which can be of some assistance where there is limited or no local evidence - but the averages derived from our analysis are not intended to be definitive and are no alternative to having a robust, bottom-up justification for the delivery trajectory of any given site.

We have drawn four key conclusions:

1 Large schemes can take 5+ years to start

Our research shows that if a scheme of more than 500 dwellings has an outline permission, then on average it delivers its first home in c.3 years. However, from the date at which an outline application is validated, the average figures can be 5.0-8.4 years for the first home to be delivered; such sites would make no contribution to completions in the first five years.

2 Lead-in times jumped post recession

Our research shows that the planning to delivery period for large sites completed since 2007/08 has jumped compared to those where the first completion came before 2007/08. This is a key area where improvements could be sought on timeliness and in streamlining pre-commencement conditions, but is also likely impacted by a number of macro factors.

3 Large greenfield sites deliver quicker

Large sites seem to ramp up delivery beyond year five of the development on sites of 2,000+ units. Furthermore, large scale brownfield sites deliver at a slower rate than their greenfield equivalents: the average rate of build out for greenfield sites in our sample is 34% greater than the equivalent brownfield.

4 Outlets and tenure matter

Our analysis suggests that having additional outlets on site has a positive impact on build-out rates. Interestingly, we also found that schemes with more affordable housing (more than 30%) built out at close to twice the rate as those with lower levels of affordable housing as a percentage of all units on site. Local plans should reflect that - where viable - higher rates of affordable housing supports greater rates of delivery. This principle is also likely to apply to other sectors that complement market housing for sale.

Key figures

180

sites assessed, with combined yield of 213k+ dwellings; 97 sites had 500+ homes

c.3yrs

average time taken from outline decision notice to first dwelling completions on sites of 500+ homes

8.4yrs

the average time from validation of the first planning application to the first dwelling being completed on schemes of 2,000+ dwellings

160dpa

the average annual build-out rate for a scheme of 2,000+ dwellings (median: 137)

68dpa

the average annual build rate of a scheme of 500-999 dwellings (median: 73)

+34%

higher average annual build-out rate on greenfield sites compared with brownfield sites

61dpa

average completions per outlet on sites with one outlet, dropping to 51 for sites of two outlets, and 45 for sites with three outlets

@LichfieldsTT

Contacts

Speak to your local office or visit our website.

Birmingham

Jon Kirby

Bristol

Andrew Cockett

Cardiff

Gareth Williams

Edinburgh

Nicola Woodward

Leeds

Justin Gartland

London

Matthew Spry

Manchester

Simon Rotherham

Newcastle

Jonathan Wallace

Thames Valley

Daniel Lamond

Disclaimer

This publication has been written in general terms and cannot be relied on to cover specific situations. We recommend that you obtain professional advice before acting or refraining from acting on any of the contents of this publication. Lichfields accepts no duty of care or liability for any loss occasioned to any person acting or refraining from acting as a result of any material in this publication. Lichfields is the trading name of Nathaniel Lichfield & Partners Limited. Registered in England, no.2778116. © Nathaniel Lichfield & Partners Ltd 2020. All rights reserved.

APPENDIX F. Appeal Decision 3166900 and SoC Call-In Decision



Ministry of Housing,
Communities &
Local Government

Our ref: APP/C3810/V/17/3166900

P Roberts / J Larner
Lichfields
14 Regents Wharf
All Saints Street
London
N1 9RL

12 February 2018

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY CHURCH COMMISSIONERS FOR ENGLAND
LAND WEST OF NEW BARN LANE, BERTSTED, WEST SUSSEX PO21 5DN
APPLICATION REF: BE/77/16/OUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Kenneth Stone BSc Hons DipTP MRTPI who held a public local inquiry on 26 and 27 September 2017 into your client's application for planning permission for up to 50 residential units, landscaping, amenity space, car and cycle parking, roads, service and drainage infrastructure and other associated works, in accordance with application ref: BE/77/16/OUT, dated 11 May 2016.
2. On 9 January 2017, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted, subject to conditions.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation. He has decided to grant outline planning permission subject to conditions. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Policy and statutory considerations

5. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be

Ministry of Housing, Communities and Local Government
Merita Lumley, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF



determined in accordance with the development plan unless material considerations indicate otherwise.

6. In this case the development plan consists of the Arun District Local Plan (LP) 2003 and the made Bersted Neighbourhood Development Plan 2014-2029. The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR4.4 and IR4.8.
7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Written Ministerial Statement (WMS) of 12 December 2016 on Neighbourhood Planning.

Emerging plan

8. The emerging plan comprises the Arun Local Plan (ELP) 2011-2031. The Secretary of State notes that the examination of the ELP was suspended in February 2016 and resumed on 19 September 2017. The Main Modifications are subject to consultation until 23 February 2018. The Secretary of State considers that the emerging policies of most relevance to this case include policy SD SP1a, policy SD SP2, policy C SP1 and policy H SP2a as set out by the Inspector at IR4.14-4.15.
9. Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The Secretary of State notes that the ELP is currently undergoing further consultation; that there are a number of significant unresolved objections; and that, at this stage, the relevant policies do not appear to contain obvious inconsistencies with the Framework. He considers that, while there has been much progress, the ELP is still at an early stage and therefore carries limited weight.

Main issues

Housing land supply

10. The Secretary of State has carefully considered the Inspector's analysis at IR9.3-9.6. He notes the main parties' agreement that there is a persistent undersupply of housing locally, that the 20% buffer should be applied, and that the assessed housing land supply is 2.07 years. Like the Inspector at IR9.4, the Secretary of State concludes that the supply of housing is 2.07 years.
11. He agrees with the Inspector that the current Development Plan, including the BNDP, is constraining development and not meeting local housing need or the Framework's advice to significantly boost the supply of housing. Like the Inspector at IR9.48, he considers that development will need to be built outside these boundaries and in the open countryside if the housing supply situation is to be improved. Such policies are therefore out of date and can only be given limited weight.

Neighbourhood Plan

12. The Secretary of State agrees with the Inspector at IR9.42 that the WMS on Neighbourhood Planning is not engaged, given that the Council is unable to demonstrate a 3 year supply of housing land.

13. Like the Inspector at IR9.47, the Secretary of State considers that that the proposal conflicts with paragraph 198 of the Framework, which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. However, he notes at IR9.48 that the BNDP was produced and made at a time when the housing requirement for the district was in the region of 580dpa. It has now more than doubled and is in excess of 1200dpa. Given the severe housing shortage and the substantially increased housing need, the Secretary of State considers that this conflict carries limited weight.

Character and appearance of the surrounding area

14. The Secretary of State has given careful consideration to the Inspector's analysis at IR9.7-9.12. The Secretary of State agrees with the Inspector at IR9.7 that there would be some harm to the character and appearance of the area by the introduction of built environment. However, given the proximity to the settlement edge, the adjoining development site, surrounding landscape, and flat topography, the Secretary of State agrees with the Inspector that this harm would be limited, and that with planting that harm would be reduced over time.
15. The Secretary of State notes at IR9.8 that the application site is located beyond the built up area boundary and within the strategic gap defined in the LP and BNDP, amounting to less than 0.3% of the total land of the gap. For the reasons given at IR9.9-9.12, the Secretary of State agrees with the Inspector that the proposed development would result in limited harm to the character and appearance of the area through development in the countryside, beyond the built up area boundary and that there would be limited harm to the strategic gap. The proposal would therefore conflict with LP policies GEN2, GEN3, AREA 10 and BNDP policies ES3 and ES7.

Highway safety and traffic conditions

16. The Secretary of State has given careful consideration to the Inspector's analysis at IR9.13-9.24. For the reasons given at IR9.14-9.17, the Secretary of State agrees with the Inspector at IR9.18 that the proposal would not have a detrimental effect on the free flow of traffic or highway safety on the surrounding road network as a result of the additional traffic generated.
17. For the reasons given at IR9.19-9.22 the Secretary of State agrees with the Inspector that there are access arrangements available to the developer through a number of alternatives and that the scheme is deliverable.
18. Overall, the Secretary of State agrees with the Inspector at IR9.24 that the proposed development would not result in material harm to highway safety and traffic conditions on the surrounding road network and that the proposal would not conflict with LP policies GEN7, GEN14 and GEN15 or BNDP policy HDQ8.

Flood risk

19. The Secretary of State has given careful consideration to the Inspector's analysis at IR9.25-9.31. He notes at IR9.27 that the site is located in Flood Zone 1 on Environment Agency mapping which is rated as very low risk of flooding from rivers and sea and very low risk with regards to surface water flooding. He notes at IR9.29 that the Environment Agency, the Council's drainage engineer, nor West Sussex County Council, as Lead Local Flood Authority, have raised any objections to the scheme.

20. For the reasons given at IR9.27-9.31, the Secretary of State agrees with the Inspector that overall there would be a net benefit in terms of reducing flood risk in the area, the proposal would not result in flood risk for the occupiers of the new development and the development would not increase the risk of flooding elsewhere. The Secretary of State further agrees that the proposal is in accordance with the advice in the Framework, policy GEN9 in the LP and policy ES2 in the BNDP.

Community and social infrastructure

21. The Secretary of State has given careful consideration to the Inspector's analysis at IR9.32-9.41. For the reasons given at IR9.33, the Secretary of State agrees with the Inspector that the provision of affordable housing should be given significant weight in the planning balance.
22. For the reasons given at IR9.32-9.41, the Secretary of State agrees with the Inspector that the proposed development makes reasonable provision for any additional community and social infrastructure needs arising from the development. He further agrees that the proposal would therefore not conflict with LP policy GEN8.

Planning conditions

23. The Secretary of State has given consideration to the Inspector's analysis at IR9.53-9.61, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework and that the conditions set out at Annex A should form part of his decision. As part of the reserved matters process, the Secretary of State considers it important that the applicant informs the Council how the proposed dwellings will be connected to the utilities to be provided on site to facilitate super-fast broadband connectivity.

Planning obligations

24. Having had regard to the Inspector's analysis at IR9.62, the planning obligation dated 28 September 2017, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework.

Planning balance and overall conclusion

25. For the reasons given above, the Secretary of State considers that the application is not in accordance with LP Policies GEN2, GEN3, AREA 10 and BNDP ES3 and ES7 of the development plan, and is not in accordance with the development plan overall. The Secretary of State has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
26. In the absence of a 5-year supply of housing land, paragraph 14 of the Framework indicates that planning permission should be granted unless (a) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.

27. The Secretary of State considers that the harm to the character and appearance of the surrounding area and harm to the strategic gap both carry limited weight.
28. The Secretary of State considers that the proposal would make a significant contribution to housing and affordable housing in the district, where housing shortage is severe. He gives this significant weight. He considers that the proposal would bring economic benefits by creating jobs during construction, and he gives this moderate weight. He considers that the proposal would also bring environmental benefits, including reducing flood risk. He gives these benefits moderate weight.
29. The Secretary of State considers that there are no specific policies in the Framework which indicate that this development should be restricted. He further considers that the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits. Overall he concludes that there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
30. The Secretary of State therefore concludes that planning permission should be granted, subject to conditions.

Formal decision

31. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants outline planning permission subject to the conditions set out in Annex A of this decision letter for up to 50 residential units, landscaping, amenity space, car and cycle parking, roads, service and drainage infrastructure and other associated works, in accordance with application ref: BE/77/16/OUT, dated 11 May 2016.
32. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

33. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
34. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
35. A copy of this letter has been sent to Arun District Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Merita Lumley

Authorised by the Secretary of State to sign in that behalf

Annex A – List of conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before expiration of 1 year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) The development hereby approved shall be carried out in accordance with the following approved plans:
 - Framework Plan ref. 7096-L-NBL-01_G (dated 28 August 2016)
 - Site Plan ref. 7096-NBL-L-05_G (dated 25 August 2016)
- 5) Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the local planning authority, and which shall include:
 - A design that follows the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage.
 - Full details of the maintenance and management of any SUDs system to be set out in a site-specific maintenance manual. 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 SUDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
 - Arrangements for future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the approved details and the details so approved shall be maintained in good working order thereafter.
- 6) Development shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
 - the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors, the loading and unloading of plant, materials and waste, the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,

- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.
 - No operational or construction vehicles shall be operated on the site except between the hours of:
0700 and 1900 on Mondays to Fridays inclusive
0700 and 1300 on Saturday
Not at any time on Sundays or Public Holidays
- 7) Prior to the commencement of construction works, details of a proposed foul drainage system shall be submitted to and approved in writing by the local planning authority (including details of its siting, design and subsequent management/maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.
 - 8) Prior to the commencement of construction works of the development a detailed ecological enhancement scheme (which shall include the installation of bat boxes and bird boxes as required throughout the site and a timetable for implementation of the ecological enhancement scheme) shall be submitted to the local planning authority for approval in writing, based on the recommendations within the supporting ecological statement. All approved details shall then be implemented in full and in accordance with the approved timetable and details.
 - 9) The landscape details referred to in Condition 1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details.
 - 10) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority [as a part of the reserved matters submissions required by condition 1]. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter.
 - 11) Development shall not commence until a street lighting scheme has been submitted and approved in writing by the local planning authority. This shall comply with the Institute of Lighting Engineers Guidance Notes for the reduction of obtrusive light.



Report to the Secretary of State for Communities and Local Government

by Kenneth Stone BSc Hons DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 7 November 2017

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION BY

CHURCH COMMISSIONERS FOR ENGLAND

ARUN DISTRICT COUNCIL

Inquiry Held on 26 and 27 September 2017

Land west of New Barn Lane, Bersted, West Sussex PO21 5DN

File Ref(s): APP/C3810/V/17/3166900



CONTENTS

1. Preliminary Matters
2. The Proposal
3. The site and surroundings
4. Planning Policy and Other Relevant Guidance
5. The Case for the Church Commissioners for England
6. The Case for Arun District Council
7. The Cases for Interested persons and written representations
8. Conditions and section 106 Agreement
9. Inspector's Conclusions and Recommendation

Annexes

Annex A – Plans submitted with the application

Annex B –Plans submitted during consideration of application

Annex C – Appearances

Annex D – Documents

Annex E – Suggested Conditions

TABLE OF ABBREVIATIONS

ADC	Arun District Council
AH	Affordable Housing
BNDP	Bersted Neighbourhood Development Plan 2014-29
BPC	Bertsed Parish Council
BUAB	Built Up Area Boundary
CCFE	Church Commissioners for England
CD	Core Document
CIL	Community Infrastructure Levy
dpa	dwellings per annum
EA	Environment Agency
ELP	Emerging Local Plan
Framework	National Planning Policy Framework
HLS	Housing Land Supply
LP	Arun District Local Plan 2003
LPA	Local Planning Authority
OAHN	Objectively Assessed Housing Need
OHN	Objective Housing Needs
PPG	Planning Practice Guidance
SC	Suggested Conditions
SoCG	Statement of Common Ground
SoS	Secretary of State for Communities and Local Government
SPA	Special Protection Area
WMS	Written Ministerial Statement
WSCC	West Sussex County Council

File Ref: APP/ C3810/ V/ 17/ 3166900

Land west of New Barn Lane, Bersted, West Sussex PO21 5DN

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 9 January 2017.
- The application is made by Church Commissioners for England to Arun District Council.
- The application Ref BE/77/16/OUT is dated 11 May 2016.
- The development proposed is up to 50 residential units, landscaping, amenity space, car and cycle parking, roads, service and drainage infrastructure and other associated works.
- The reason given for making the direction was in consideration of the Secretary of State's policy on calling in planning applications.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application: the conflict with the made Bersted Neighbourhood Development Plan and any other matters the Inspector considers relevant.

Summary of Recommendation: The application be approved

1. Procedural Matters

- 1.1 This is an outline application with all matters reserved. Plans submitted with the application, listed at Annex A, were superseded by those listed at Annex B by email dated 26 August 2017 (ADC 7) prior to the Council's consideration of the application and the Secretary of State's Call in letter. There is an illustrative layout plan provided in the Design and Access Statement (CD1.4) which is provided for illustrative purposes only, indicating one way in which the scheme could come forward, I have treated it in that regard. The recommendation is based on the principles contained in the amended plans in Annex B.
- 1.2 The Inquiry sat for two days, on the 26 and 27 September 2017. A Planning Obligation was discussed in its final form before the Inquiry closed, but this was required to be signed and the parties were given a short period to submit the executed agreement after the close of the Inquiry. A certified copy of the executed agreement, dated 28 September 2017, was received on 2 October 2017. An informal site visit was made on the 25 September, prior to opening the Inquiry, and a formal unaccompanied visit made on the 27 September 2017, after the Inquiry closed.
- 1.3 The proposal falls below the thresholds for Environmental Impact Assessment. Arun District Council's (ADC's) Statement of Case confirms that an Environmental Statement is not required for this development¹.
- 1.4 ADC considered the application on 7 September 2016 and resolved to grant planning permission subject to conditions and a section 106 Agreement (CD3.1).
- 1.5 The application was called in by the Secretary of State (SoS) for his own decision by direction made on the 9 January 2017. The stated reason for the direction was in the light of his policy on calling in planning applications. The direction stated the matters on which the SoS particularly wished to be informed are:

¹ Paragraph 2 ADC's Statement of Case (CD2.3)

- i) Conflict with the made Bersted Neighbourhood Development Plan (BNDP); and
 - ii) Any other matters the Inspector considers relevant.
- 1.6 By email dated 3 July 2017 and confirmed by a Pre Inquiry Note² issued on 21 September 2017, I confirmed that the other matters I considered relevant related to the latest position of the Council's 5 year Housing Land Supply (HLS) and issues related to highway safety, flooding and the impact of the development on local social and community infrastructure. The Pre-Inquiry Note formulated the matters into main considerations and set out a number of matters I wished to be addressed.
- 1.7 It was evident that one of the principal issues in the context of whether the proposal accords with the neighbourhood plan was related to the location of the application proposal beyond the built up area boundary, in the countryside and in a strategic gap. In effect this relates to the effect of the proposal on the character and appearance of the surrounding area. Taking these matters together I therefore consider the main considerations to be:
 - i) The latest position in terms of the Council's HLS, having regard to a 5 year and 3 year supply;
 - ii) The effect of the proposed development on the character and appearance of the surrounding area;
 - iii) The effect of the traffic generated by the proposed development on highway safety and traffic conditions on the surrounding road network;
 - iv) Whether the proposed development would be at risk of flooding or increase the risk of flooding elsewhere; and
 - v) Whether the proposed development makes adequate provision for any additional need for community and social infrastructure arising from the development.
- 1.8 The consideration and conclusion in respect of these matters together lead to an overall conclusion in relation to whether the proposal accords with the Neighbourhood Plan and the Development Plan as a whole, and whether there are material considerations that indicate a determination otherwise than in accordance with the Development Plan would be appropriate.
- 1.9 Other than ADC and Church Commissioners For England (CCFE) there were no other main parties including any under rule 6(6) of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 parties. Bersted Parish Council (BPC) participated in the Inquiry along with five other interested parties. One written representation was received in response to the notification of the Inquiry, that being from BPC. The Council received twelve letters of representation objecting to the proposal before the call in direction was made and these were considered in the Council Officer's report to committee (CD3.1). ADC's letter of notification advising of the date time and place of the Inquiry referred to it as an appeal. However, the press notice correctly refers to the matter as an Inquiry into an application. The Inquiry was attended by local residents and the BPC, in my view there was no prejudice produced by that error.

² INSP 1 See Annex D Documents submitted by Inspector

- 1.10 The various application and Inquiry documents include reference to Chichester Road as the A259. Whilst Chichester Road South from the existing roundabout was part of the A259 at the time of the pre-application discussions and at the submission of the application the present roundabout is part of the newly constructed Bersted bypass which has only recently opened. The bypass eastward from the roundabout has now been designated as part of the A259 route. The road from the new roundabout junction south towards Bognor Regis (Chichester Road) has been re-designated and is now the B2259. In my report I refer to Chichester Road and the junctions onto it, having regard to its current designation, as the B2259 and have amended the parties cases where relevant to be consistent. Other references that are retained to the A259 relate to the wider strategic network route.

2. The Proposal

2.1 The description of development for the application is as follows:

“outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle parking, roads, service & drainage infrastructure & other associated works”.

2.2 The application is in outline and is supported by a:

- Framework Plan ref. 7096-L-NBL-01_G (dated 28 August 2016), which includes an indicative access; and a
- Site Plan ref. 7096-NBL-L-05_G (dated 25 August 2016)

2.3 There is an Illustrative Masterplan included in the Design and Access Statement which is for illustrative purposes only. It demonstrates one way how 50 units might be accommodated within the site and reflects the following:

- Uses: Residential, including public open space, proposed attenuation, indicative internal roads, footpaths, green corridor and trees, hedgerows and ditches.
- Access: The adjacent scheme to the north has planning permission for an access via either the track to the north of the application site or an access route onto New Barn Lane further north of this. Whilst access remains a reserved matter, the Applicant has held discussions with the highway authority, which has confirmed that either proposed access arrangement is acceptable. The section 106 agreement anticipates a connection to one of these approved access points.
- Scale: The Framework Plan fixes the number of residential units at a maximum of 50 residential units which equates to an average density of approximately 37 dwellings per hectare. An upper height limit of 2.5 storeys is suggested as part of the Design and Access Statement but height would be confirmed at reserved matters stage.
- Affordable Housing (AH): To be provided on-site, in line with adopted policy, at 30% comprising 15 units. Initially the proposal identified 8 of these would be affordable homes for rent and 7 would comprise intermediate housing. However, the section 106 agreement secures 5 as affordable rent and 10 as intermediate.
- Housing Mix: The Illustrative Masterplan shows an indicative housing mix as follows (albeit this will be agreed at reserved matters stage):

House Type	Total
2 bedroom	13
3 bedroom	20
4 bedroom	17

3. The Site and Surroundings

- 3.1 The application site is located to the north-west of Bognor Regis, to the west of New Barn Lane, which connects the site to North Bersted, to the A2259 and on to the A259. It comprises 1.94 hectares. The site and surrounding farmland to the north and west is flat with fields separated by hedgerows, some boundary trees and drainage ditches.
- 3.2 The site is generally rectangular in shape and has been used for agricultural purposes. There are no buildings or structures currently on site, except for a small, timber-clad shed. The site lacks topographical variation.
- 3.3 The site is surrounded by open fields to the north, west and south. Jubilee Recreation Ground is to the south-east and single storey dwelling houses lie to the north-east, along the boundary of the site. Adjacent to the northern boundary is a footpath (Public Footpath 134), providing access to the wider countryside and footpaths to the west.
- 3.4 There are trees and hedgerows along the four boundaries of the site.
- 3.5 The nearby housing in Bersted is suburban in character, comprising predominantly 1950s and 1960s single and two-storey houses and maisonettes.
- 3.6 There are a number of key services and facilities that are located within 2km of the site. These include community buildings, education and library services, leisure and sports facilities, health and social care services, shops, communication services such as public internet access and post office, bank and/or cash machines, public houses, places of worship and access to public transport, pedestrian walkways and cycle networks.
- 3.7 There are also a number of local amenities which are located within 800m from the site and less than 10 minutes on foot, which include a convenience store, public house, takeaway and a community centre. Barton's Primary School is located approximately 800m to the north-east of the site, while Southway's Primary School and the Regis School, which are adjacent to each other, are located approximately 1.6km from the site to the south.
- 3.8 There are no designated or non-designated heritage assets, including Listed Buildings or Conservation Areas, within the application site or adjacent to it.
- 3.9 Two trees are the subject of a Tree Preservation Order TPO/BE/1/16 (Year 2016), comprising a Silver Birch T1 and an English Oak T2 on New Barn Lane, which lie outside of the application site.

4. Planning Policy and Other Relevant Guidance

Development Plan

- 4.1 The relevant parts of the Development Plan are the saved policies of the Arun District Local Plan 2003 (LP) and the made BNDP.

Arun District Local Plan 2003 (CD 3.3)

- 4.2 The LP comprises a Written Statement and Proposals Map. The Proposals Map shows that the application site is located within Policy AREA 10 'Strategic Gap' (Bognor Regis and Chichester), but is not subject to any site specific or area wide allocations or designations.
- 4.3 The site is not in a Conservation Area or in an Area of Outstanding Natural Beauty.
- 4.4 The policies relevant to the consideration of the proposed development in the LP are DEV17; GEN2; GEN3; AREA 10; GEN5; GEN7; GEN8; GEN9; GEN11; GEN12; GEN14; GEN15; GEN18; GEN20; GEN25; GEN26; GEN28; GEN29; GEN32; and GEN33.
- 4.5 GEN2 identifies the Built up Area Boundaries (BUABs) as being defined on the proposals map and indicates that development within the boundaries will be permitted subject to other policies in the plan, whilst outside the BUAB development will not be permitted unless it is consistent with other LP policies. GEN3 indicates that outside the BUAB the countryside will be safeguarded for its own sake and development will not be permitted unless it meets a number of criteria, none of which are relevant to this application proposal. Policy AREA 10 identifies that strategic gaps, identified on the proposals map, will be maintained and protected and that proposals for development within a strategic gap will be subject to the most rigorous examination. Development only being permitted if it is necessary to meet the requirements of other policies, would not compromise the objectives and fundamental integrity of the strategic gap, and attention is given to the long term enhancement of the landscape amenity and conservation value within the gap.
- 4.6 GEN5 makes provision for 8,700 dwellings to be built in the period covered by the plan (1996 -2011). GEN7 requires a high quality of design and layout, while GEN18 requiring this includes crime prevention measures. GEN8 requires the provision of necessary infrastructure and GEN 9 requires either adequate foul and surface water drainage exists or is provided for as part of the development. GEN11 in effect seeks to ensure development would be at a low risk of flooding and would not increase the risk of flooding. GEN12 requires provision in line with or below the parking standards set out in the plan. GEN14 seeks to encourage public transport services and encourage improvements, including seeking contributions to improvements where appropriate. GEN15 seeks to encourage safe cycle and footpath networks and requires new developments to provide safe and attractive facilities for cyclists and pedestrians.
- 4.7 GEN20 requires the provision of public open space. GEN25 and GEN26 seek to ensure there are adequate water resources available to serve the development and that the development would not lead to a deterioration in the quality or yield of water resources. GEN28 and GEN29 seek to protect trees and woodlands and ensure that semi-natural habitats and features of nature

conservation are retained and sympathetically integrated into schemes. GEN32 and GEN33 seek to protect users from adverse effects of noise or from proposed noise generating uses and ensure light pollution is minimised with no adverse effect on neighbouring uses or the wider landscape.

Bersted Neighbourhood Development Plan 2014-29 (CD 3.4)

- 4.8 The policies relevant to the consideration of the proposed development in the BNDP are: ES1; ES2; ES3; ES7; CLW4; HDQ1; HDQ2; HDQ4; HDQ5; HDQ6; HDQ7; and HDQ8.
- 4.9 Policy ES1 seeks high quality design contributing to local character. ES2 seeks new development to aim to reduce the overall level of flood risk in the area. The BNDP has a defined settlement boundary for Bersted and designates the area to the west of New Barn Lane as "Gap Between Settlements". Policy ES3, protecting the strategic gap, indicates development within the strategic gap will not be supported except for essential infrastructure where there are no reasonable alternative sites and ES7 indicates development outside of the built up area will not be supported.
- 4.10 Policy CLW4 requires developments of over 20 houses to make a financial contribution to fund allotment space elsewhere in the parish.
- 4.11 Policy HDQ1 'Housing Site Allocations' identifies permission will be granted for a minimum of 25 new homes in Bersted and identifies two sites³. HDQ2 requires proposals for new homes to be well connected and visually integrated and HDQ4 requires a range of house types and tenures, with a Bersted-specific dwelling mix and AH strategy. HDQ5, HDQ6 and HDQ7 relate to specific design matters requiring high quality design to reflect local character, private outdoor garden amenity space or shared space for all dwellings and paying attention to detail. Policy HDQ8 requires new development to have adequate on-site parking to meet current and future needs at a minimum rate of two spaces per dwelling unless alternative accessible parking arrangements can be made.
- 4.12 The application site is not allocated for housing in the BNDP and is located in the strategic gap, shown at Appendix D to the plan, and is outside the BUAB, as defined in Appendix F of the BNDP.

Emerging Development Plans

Arun Local Plan 2011-2031 (Publication version showing modifications – March 2017 (CD3.5))

- 4.13 The Examination in Public (EiP) of the Emerging Local Plan (ELP) was formally suspended by letter dated 2 February 2016⁴ following the Inspector's conclusions regarding the Objectively Assessed Housing Need (OAHN) and to allow ADC to undertake main modifications to the Plan and put these to public consultation. ADC consulted on its main modifications to the ELP between 10 April 2017 and 30 May 2017. The plan has been submitted to the Inspectorate

³ Sites include land at the former Rising Sun Public House for a minimum of 5 homes and Bartons School site for a minimum of 20 homes.

⁴ Appendix 1 to Statement of Common Ground.

for the examination to resume and the hearings opened, the week before this Inquiry, on 19 September 2017.

- 4.14 The ELP sets out its strategic approach at policy SD SP1a which, amongst the matters included are those to promote and enable development that supports the main coastal towns of Bognor Regis and Littlehampton as the main service centres, to provide for the housing needs of the community by delivering 20,000 homes, and to provide for development in the countryside area which reflects its character and role, with green wedges separating urban areas. Policy SD SP2 retains the BUAB policy indicating development will be permitted within the boundaries but outside them development will not be permitted unless it is consistent with other policies, apart from the strategic, site specific and broad allocations. As a counterpart policy C SP1 indicates that outside the BUAB, as well as outside both the strategic and site specific allocations, the countryside will be safeguarded for its own sake, and development will not be permitted unless it meets various criteria, none of which apply to this application proposal.
- 4.15 Policy H SP2a indicates that to support the sustainable growth of Bognor Regis, growth will take place at three strategic locations adjacent to the urban area; those being Pagham South (SD1), Pagham North (SD2) and West of Bersted (SD3). The application site is part of the West of Bersted SD3 allocation. SD3 provides for at least 2,500 dwellings and requires provision is made for a new three form entry primary school and nursery places, a new 3G pitch facility, two new sports pitches and facilities, a community hub, pedestrian and cycle links and improvements to the A259 and account is taken of the Pagham Harbour Special Protection Area (SPA).
- 4.16 Policies in the ELP can only be given limited weight at this time. More weight will be afforded to policies once the plan has been the subject of an Examination (which recommenced on 19 September 2017) and as the plan moves closer to adoption.

National Planning Policy and Guidance

- 4.17 National planning policy is set out in the National Planning Policy Framework (the Framework), which is a material planning consideration in decision making, and planning guidance is contained in the Planning Practice Guidance (PPG). I have had regard to relevant sections of the Framework including paragraphs 11 to 17; 47 to 50, sections 10 and 11, paragraphs 150-162, 182 to 185; 196 to 198 and paragraphs 204, 215 and 216 and relevant sections of the PPG.
- 4.18 I have had regard to the Written Ministerial Statement (WMS) on Neighbourhood Planning published on the 12 December 2016, but conclude it is not engaged for the reasons given. (see paragraph 9.43 below)

5. The Case for The Church Commissioners For England

- 5.1 The case for the CCFE ('the Applicants') is set out and drawn primarily from the opening and closing statements. (CCFE2 and CCFE7)

Preliminary

- 5.2 The Applicants seek outline planning permission for some 50 residential units and associated works ('the Proposed Development') on land west of New Barn Lane, North Bersted ('the Application Site').
- 5.3 The planning application for the Proposed Development ('the Application') was called in by the SoS on 9 January 2017, on account of his concern regarding potential conflict with the BNDP.
- 5.4 During the course of the Inquiry the Applicants' witnesses have sought to address both this issue, and also those matters identified by the Inspector in the Pre-Inquiry Note.
- 5.5 The Applicants seek to address each of the various concerns raised by the SoS/Inspector, before turning to consider the merits of the Proposed Development in the round.

Issues for Consideration

Issue 1: Drainage

- 5.6 This matter can be taken relatively swiftly.
- 5.7 The Application Site is in the optimum location as regards flooding concerns, in that it is wholly located within Flood Zone 1. Further, neither the Environment Agency (EA) nor the Lead Local Flood Authority (West Sussex County Council – 'WSCC') have offered any objection to the Proposed Development.
- 5.8 Various third parties raised anecdotal concerns as to flooding on the Application Site. However, these concerns are not underpinned by any technical evidence, and in any event they have been comprehensively addressed by The Applicants' Drainage Engineer, Mr Rob Lowe. In particular he advised that the on-site flooding witnessed by one interested party was most likely ponding on the flat site following heavy rainfall and while the ground was saturated with nowhere for the water to percolate⁵.
- 5.9 Mr Lowe is wholly familiar with the Application Site, and had oversight of the Flood Risk Assessment submitted in connection with the Proposed Development. As regards the concerns voiced by local people, he demonstrated that far from aggravating flood risk, development of the site would in fact result in an improvement over the existing position, by providing greater facility for the Application Site to store surface water at times of high rainfall, and thus restrict surface water discharge. Indeed the restriction in flow rate would better the existing position by some 32%⁶.

⁵ Mr Lowe Evidence in Chief

⁶ See para 4.7 of the Flood Risk Assessment (CD1.8), and also paras 5.2 and 5.5 of Mr Lowe's proof.

- 5.10 There was no substantive challenge to the specialist evidence of Mr Lowe in this regard, in terms of surface water issues. Nor was there any challenge to his evidence as to ground water issues, which he explained⁷ can be dealt with by means of suitable condition.
- 5.11 In these circumstances there is no reason for the Inspector/SoS not to accept the cogent testimony which Mr Lowe provided. The Proposed Development would not result in any adverse impact – either on the Application Site or elsewhere – and its planned use of sustainable urban drainage techniques is entirely in accordance with best practice.
- 5.12 The Proposed Development complies with all relevant policy and guidance⁸; both in terms of National Policy (the Framework and PPG), and in terms of adopted policy at the district level (in particular GEN9, but also policies GEN11 and GEN25 of the LP⁹). Further, and in light of the SoS's concerns as regards the BNDP, it is important to note that the Proposed Development is entirely in accord with Policy ES2 of the BNDP, and requirements set out in the supporting text to that policy¹⁰.

Issue 2: Highways and Transport

- 5.13 This matter is also one that can be dealt with relatively swiftly. The points raised by the Inspector in advance of the Inquiry as being of concern, essentially comprise the capacity of the local highway network to accommodate the Proposed Development, and the adequacy of the proposed access arrangements. At the Inquiry itself, various third party witnesses also raised a number of concerns, which themselves were largely-capacity related.
- 5.14 Once again, the Applicants note firstly that no relevant authority has voiced any opposition to the Proposed Development; either in terms of capacity, access or anything else¹¹. On the contrary, insofar as either Highways England or WSCC have commented upon the proposal, they have indicated their approval.
- 5.15 As regards the detail of its case, the Applicants rely upon the evidence of Mr Paul Smith. Mr Smith is a transport planner of long experience, who has been involved with the wider site (of which the Application Site forms a part) for almost ten years. He had oversight of the Transport Statement prepared in respect of the Proposed Development.

Capacity

- 5.16 In terms of capacity considerations, Mr Smith explained that there was ample capacity in the local network to accommodate the minimal additional traffic movements which would be generated by the 50 additional dwellings delivered by the Proposed Development. Indeed it should be noted that the AM and PM

⁷ Mr Lowe in cross examination

⁸ There is agreement with ADC as to this policy compliance; see para 13.6 of the SoCG.

⁹ Notwithstanding that only limited weight can be accorded to it at this early stage of its progress towards adoption, the Proposed Development is also compliant with Policies WDM2 and WDM3 of the the ELP.

¹⁰ Mr Lowe commented in evidence in chief specifically regarding paragraphs 5.1.2 and 5.1.4 of the BNP in this respect.

¹¹ Confirmed by Mr Smith in evidence in chief

peaks for the Proposed Development would be only 27 and 28 vehicles respectively¹². As regards the specific queries voiced by local residents and BPC, his evidence can be summarised as follows:

- There would be no adverse consequences in terms of noise/fumes for local residents of existing properties proximate to the Application Site; at peak times the proposed dwellings would generate a maximum of no more than one additional vehicle movement every 2.2 minutes.
- The maximum additional traffic using the 'New Roundabout' to the north would be no more than one vehicle every 3 minutes (21 movements in the AM peak hour); this would have no discernible impact on existing traffic flows.
- 'Pinch points' at locations further afield, such as at the Retail Park on the A259, Rowan Way and Shripney would be entirely unaffected by the very limited traffic generated by the Proposed Development.
- The Traffic Modelling undertaken in respect of the Proposed Development has had regard to the consented scheme of 90 dwellings on the Landform Site; the cumulative position had been considered¹³.
- Contrary to what local people may believe, a package of measures to improve the operation of the A27 is actively being considered; the 'improvements programme' has not been cancelled.

5.17 In short, there are no concerns as to the capacity of the highway network – either locally or further afield – to accommodate the very limited additional vehicular traffic which would be generated by the Proposed Development.

Access – Safety & Deliverability

5.18 As regards questions of access, firstly it is of course important that the Inspector/SoS bear in mind that access is a reserved matter in respect of this outline planning application. Nevertheless, Mr Smith demonstrated to the Inquiry that there are multiple means by which access could be provided to the Proposed Development. Indeed, three such potential accesses were considered in his evidence, all of which have been subject to a Highways Safety Audit, and all of which can operate safely alongside access to the consented development on the adjacent 'Landform Site', located on the other side of New Barn Lane.

5.19 It is right to note as regards access to the public highway, that Access B would require that the developers of the Landform Site carry out 'complimentary' development on that site, in order for that access to be viable. However, the following matters should also be noted in this context:

- There is no reason to believe that the developer of the Landform Site will be obstructive in respect of efforts to deliver Access B. Indeed a Reserved Matters Application has been submitted by that developer

¹² See para 4.11 of Mr Smith's proof.

¹³ See in particular the Transport Statement (CD1.6) at para 5.9.

(Linden Homes) which provides expressly for an access road to link into the Application Site¹⁴.

- Access A could be delivered simply on the basis of a Reserved Matters Application on the Application Site
- Whilst Access C would require a separate planning application, there is no reason why that access could not be delivered. WSCC have indicated their approval¹⁵, and the Applicants own all relevant land interests necessary to deliver that development.

5.20 On this basis, it is clear that access to the Application Site from the public highway can be provided. Further, the condition proposed by the Applicants requiring that approval be obtained in respect of access prior to the commencement of development, would ensure that the Proposed Development only come forward on the basis of a suitable access proposal.

5.21 Thus as with 'capacity', there is no reason to reject the Proposed Development on grounds of 'access'.

Highway Safety

5.22 The last issue to address (briefly) in this context is that of 'highway safety'; this being a matter raised both by the Inspector and by one of the third parties (Ms Sanders) in her oral evidence.

5.23 Mr Smith demonstrated to the Inquiry, with reference to the recorded accident data¹⁶, not only that there have been no accidents whatsoever in the immediate vicinity of the Application Site (New Barn Lane/Winston Crescent), but that the accidents further afield were limited (both in number and in severity), and gave no legitimate cause for concern.

5.24 Accordingly, there is no safety issue to concern the SoS.

Summary

5.25 In summary, there is no transport or highways related reason why planning permission should be refused in respect of the Proposed Development. In this regard, not only is the proposal wholly acceptable in terms of the matters raised by the Inspector and Third Parties (as discussed above), they are also wholly acceptable in terms of other, related matters such as Accessibility¹⁷. As such, and as noted in paragraph 9.4 of the Statement of Common Ground (SOCG), the proposal accords with relevant policies, (GEN14, GEN15 of the LP, BNDP Policy HDQ8, and ELP Policy T SP1).

¹⁴ See application documents at CD5.3 – CD5.5.

¹⁵ CD5.2

¹⁶ Transport Statement at CD1.6, para 3.32 and following and Appendix C.

¹⁷ The Application Site has good access to public transport (both bus and train), and also other local services & facilities. It is thoroughly sustainable in this regard, as Mr Smith's evidence demonstrated (see para 4.2 and following).

Issue 3: Principle of Development as per Development Plan

- 5.26 Several of the remaining issues raised by the Inspector (and indeed the sole issue raised by the SoS) essentially go to the 'Principle of Development' on the Application Site.

Development Plan Policy Conflict

- 5.27 First, the Applicants accept that the Proposed Development is in conflict with adopted policy in the Development Plan. In particular, the Applicants recognise conflict with the following LP Policies:

- GEN2: 'Built up Area Boundary'
- GEN3: 'Protection of the Countryside'¹⁸

And also Policies of the BNDP, being:

- HDQ1: Housing Site Allocations
- ES3: Protecting the Strategic Gap'
- ES7: 'Development of the built up area'.

- 5.28 The Proposed Development is necessarily in conflict with these policies given that the Application Site is not one of the two allocated housing sites, lies outside of the designated BUABs, within the countryside, and within a 'strategic gap'. It is on this basis that the Applicants accept that the Proposed Development is in conflict with the Development Plan.

- 5.29 However the Applicants maintain that planning permission for the Proposed Development should be granted irrespective of that conflict on the basis of material considerations¹⁹. In this regard, the Applicants rely on considerations which include the following.

Housing Need & Supply

- 5.30 ADC's housing need position was explained in detail by Mr Inness²⁰. Essentially, the position is that whilst the Council had formerly understood its housing need to be some 580 dwellings per annum (dpa), as of 2017 it has recognised that the correct figure is in fact 919dpa.

- 5.31 Further, having regard to the shortfall in housing delivery within the district in recent years, and also the need to apply a 20% buffer as a consequence of its record as a 'persistent under-deliverer' of housing²¹, Mr Inness explained that for the purposes of calculating ADC's 5 Year HLS, the actual need figure is now upwards of 1200dpa.

¹⁸ The Applicants do not accept conflict with Policy AREA10, for the reasons given by Ms Roberts in her proof (at paras 4.16-4.17). Her analysis in this regard is robust. In particular, the Applicants note the fact that the Application Site comprises only 0.3% of the land currently designated as comprising the strategic gap, and its development would not extend built form further west than the consented development on the neighbouring Landform Site.

¹⁹ Evidence of Ms Roberts in cross examination

²⁰ Mr Innes in evidence in chief

²¹ See paragraph 47 of the Framework, second bullet.

- 5.32 This very substantial increase in need has dramatic consequences for the HLS position.
- 5.33 In this regard, there is no dispute as to the position before the SoS. ADC can demonstrate no more than 2.07 years' HLS. The figure was until recently only 1.92 years, but was revised very slightly upwards last week, in the context of ADC's evidence before the EiP in respect of the ELP.
- 5.34 Mr Inness demonstrated the genesis of 2.07 years' HLS figure²², by reference to the Council's relevant housing supply documentation²³. The figure is agreed by Ms Roberts for the Applicants²⁴. Further, it is consistent with the SoS's recent conclusions in the Fontwell Decision²⁵. In that decision, dated July 2017, the SoS accepted ADC's then position that the HLS figure was 1.92 years²⁶.
- 5.35 The only other point to note in this context is that there is no one who has appeared before – or indeed who has written to – the Inquiry, contending for another figure.
- 5.36 Thus, the only reasonable basis on which to evaluate the Proposed Development, is in a context where the HLS is 2.07 years.

Consequences of the Housing Need & Supply Position

- 5.37 As Mr Inness aptly noted in his evidence, the housing position of the district is 'dire'²⁷. In policy terms, some of the consequences of this 'dire' position may be summarised as follows:
- First, policies for the Supply of Housing in the Development Plan (both LP GEN5 and BNDP HDQ1) must be regarded as being out of date, since the Council cannot demonstrate a 5 year HLS²⁸.
 - Second, policies which are not 'housing supply policies' but are instead 'counterpart policies' which engage to restrict the supply of housing, must also be considered 'out of date' since they are predicated on housing need figures that have been rendered wholly obsolete.
 - As regards the LP Policies GEN2 and GEN3 were predicated on a housing need figure identified in 2003. The need has risen far beyond what may have been conceived almost 15 years ago, when those Policies were adopted. If the Council is to deliver the substantial volume of homes which are needed in the district, there will necessarily need to be development outside of the built up area, within the countryside.
 - As regards the BNDP, ES3 and ES7 were predicated on a housing need figure of 580dpa. Need has since more than doubled to more

²² Mr Innes in evidence in chief

²³ CD3.15 and CD5.13

²⁴ Ms Roberts evidence in chief

²⁵ CD4.1

²⁶ CD4.1 para 15

²⁷ Mr Innes in evidence in chief

²⁸ Given there is less than a 3 year HLS, the WMS (CD3.7) does not apply. Such approach has already been accepted by the SoS- see Fontwell (CD4.1) at para 45.

than 1200dpa. As noted above, if housing is to come forward in the required quantities, there will necessarily need to be development outside of the built up area, within the countryside.

- Further in this context, given the SoS's focus as to the BNDP, the Applicants ask that the Inquiry note the marked absence of any flexibility as regards the relevant policies in the BNDP. These policies are absolute in their prohibition as to development outside of the BUAB and in the 'Strategic Gap'. Further, no other policy provides any flexibility as to delivery of development other than on the two sites identified in HDQ1²⁹.
- Thirdly, because relevant policies are out of date³⁰, then the 'tilted balance' in paragraph 14 is engaged. This was the approach adopted by the SoS in Fontwell³¹.
- Fourthly, the weight attaching to all these policies – both policies for the supply of housing, and also counterpart policies which engage to restrict HLS – must be very considerably reduced. Where the weight attaching to those policies is reduced, it follows that the weight attaching to conflict with those policies must be reduced also. Again, this is consistent with the approach adopted by the SoS in Fontwell³².

Policy non-compliance with the Framework

5.38 The next consideration on which the Applicants rely is, as ADC also recognises by way of the SoCG and the evidence of Mr Inness³³, that certain policies in the Development Plan are inconsistent with the Framework. In particular in this regard both GEN3 of the LP and ES7 of the BNDP are inconsistent with national guidance in that they seek to protect the countryside in general terms, and for its own sake.

5.39 Whilst Planning Policy Guidance Note 7 (PPG7) did indeed apply such 'blanket' protection to the countryside, the Framework consciously steps away from that approach. In particular, whilst it continues to direct that 'protection' be given to the Green Belt (para 17) and to 'valued landscapes' (para 109), it states only that development should 'recognise' the intrinsic character and beauty of the countryside. Whilst such 'recognition' must of course mean that land's status as countryside is taken into account when determining whether to permit development, the Framework is not directing that all countryside should be 'protected'. If it had wanted to say so, it would have done so. It does not.

5.40 In these circumstances, the fact that Policies GEN3 and ES7 offer such blanket protection to the countryside necessarily means that they are not consistent

²⁹ The Inquiry will also note that when ADC sought to query with BPC whether there was scope for review of the BNDP to allow further housing in the Parish (CD5.11), the answer from BPC was a resounding 'No' (CD5.12). That this remained the position was confirmed by Ms Yeates in cross examination.

³⁰ All of the Policies cited above, being GEN5, HDQ1, GEN2, GEN3, ES3 and ES7 are relevant policies in this context.

³¹ CD4.1 at para 45

³² CD4.1 at para 4.7

³³ Mr Innes evidence in chief

with the Framework, and instead reflect the approach of the former PPG7 (which guidance has long since been cancelled). Thus the weight attaching to these policies must for this reason also be reduced by virtue of paragraph 215 of the Framework.

Issue 4: The ELP

5.41 The question as to the relevance and weight to be afforded to the ELP, can be taken shortly. Both the Applicants, ADC³⁴ and indeed the SoS³⁵ are of the same mind, namely that the ELP should attract only limited weight. This must necessarily be the case when the plan is still undergoing EiP, and there are outstanding objections in respect of it.

5.42 However, to the extent that weight does attach to that plan, it is important to note two things:

- First, the ELP endorses the principle of development on the Application Site, since it is included within a larger draft allocation to the West of Bersted.
- Secondly, whilst the ELP retains a 'strategic gap' between Bognor and Chichester, that gap is materially reduced so as to accommodate the West of Bersted Allocation. This is significant in terms of the BNDP; paragraph 5.1.6 of that plan comments on a resolution previously passed by ADC that it would retain the Gap in the same form it was included in the 2003 LP. However, that resolution has been overtaken; ADC has more recently resolved to reduce the scale of the Gap; hence the 'reduced gap' found in the ELP³⁶.

Issue 5: The Framework

5.43 As Ms Roberts confirmed when giving evidence³⁷ and in her proof, the Proposed Development is in accordance with the Framework.

5.44 First, it offers the opportunity to deliver housing in a district in which there has been persistent and significant under-delivery of housing, and where the shortage of land for future housing is acute, when measured against the housing needs within that district.

5.45 Second, it provides the opportunity to do so in a way which will not result in adverse impact to any statutory designation; there will be no impacts on heritage assets, no ecological harm and no substantive visual or landscape disbenefit.

5.46 Third, it provides the opportunity to deliver this housing on a site which is well-related to existing built form, which is well-connected to public transport, from which local services and facilities are readily accessible, and which is within Flood Zone 1.

³⁴ See paragraph 8.17 of the SoCG.

³⁵ See paragraph 38 of the Fontwell Decision (CD4.1).

³⁶ Ms Roberts in examination in chief

³⁷ Ms Roberts in examination in chief

5.47 When the policies of the Framework are considered in the round, the Proposed Development is compliant with that guidance.

Issue 6: Benefits of the Proposed Development

5.48 Ms Roberts confirmed³⁸ the benefits of the scheme, these include the following:

- Housing:

The delivery of housing is itself a benefit.

- Affordable Housing:

Provision of AH as a component of such residential development is separate and considerable benefit³⁹.

- Delivery as part of 5 year HLS

In circumstances where HLS shortage is so particularly acute, the fact that the Proposed Development can be delivered in the short term is also a very significant benefit⁴⁰.

- Economic Benefits

The Proposed Development would deliver economic benefits in the form of jobs during its construction, and generate expenditure in local shops and services thereafter⁴¹.

- Ecology

The Proposed Development would result in a net gain in terms of the Application Site's biodiversity⁴², having regard to its low ecological value as species poor grassland.

- Flooding/Drainage

Third parties have complained of flooding in Bersted. The Proposed Development would result in a significant (32%) reduction in flow rates of surface water discharged from the Application Site, at times of high rainfall.

³⁸ Ms Roberts in evidence in chief

³⁹ Noted by Mr Inness in evidence in chief

⁴⁰ In this regard, the Inspector suggested that given the scale of the need, the fact that the Proposed Development would deliver only 50 dwellings meant that it would not amount to much of a 'benefit'. The Applicants reject that suggestion for the reasons given by Ms Roberts. Large sites are cumbersome and problematic; they take time to deliver by reason of the infrastructure provision required. Smaller sites such as the Application Site offer ADC the best prospect of boosting its housing supply in the short term. It is for that reason the Council has been actively encouraging developments such as the Proposed Development (see also the neighbouring development of 90 dwellings on the Landform Site).

⁴¹ Para 15.2 of SoCG, and document CCFE5

⁴² Para 12.7 of SoCG

Planning Balance

- 5.49 The circumstances which currently prevail in Arun District are somewhat unusual, and mean that the planning balance to be undertaken in the case of the Proposed Development is not entirely orthodox. However, it is respectfully submitted that the decision for the SoS is nevertheless a straightforward matter.
- 5.50 It is accepted that the Proposed Development is in conflict with the Development Plan, but the matters recounted in these submissions amount to material considerations which wholly justify a grant of planning permission.
- 5.51 The tilted balance in the Framework is engaged; as such planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. There is no question but that in this case, no such adverse impacts exist⁴³.
- 5.52 It is on this basis that the Applicants contend that the SoS should grant planning permission for the Proposed Development.

⁴³ Ms Roberts confirmed in evidence in chief

6. The Case for Arun District Council

- 6.1 ADC's case is set out in the Council's Statement of Case and the SoCG. The Council's witness, Mr Innes, did not provide a formal proof of evidence but relied upon these documents on which to give his evidence in chief. The Council's case is summarised in its opening and closing submissions. (ADC4 and ADC10).
- 6.2 The Council contend that the starting point for considering this application, as with any application, is the material policies of the Development Plan and the extent to which the proposal is in accordance with those policies.
- 6.3 However, in considering that matter it is respectfully submitted that uppermost in the SoS's mind must be the acute shortage of HLS within the District. As Mr Innes considered in his evidence, the position in the District is one of the worst in the south of England and despite the slight improvement from 1.9 years' supply at the time the application was initially considered to 2.07 years now, the supply is still well below the 5 year requirement and still significantly below 3 years. The 50 residential units to be provided by this scheme make an extremely valuable contribution to that significant shortfall not only in terms of numbers but also because unlike larger strategic allocations, it can be developed more quickly bringing a more immediate contribution to the shortage, not only of general housing but also AH which is provided by the scheme. In addition, as was considered by Mr Innes in his evidence, the 50 units provided by the scheme are part of a wider strategic allocation with the ELP and have been included as part of the calculations for the ELP in delivering a 5 year supply – the contribution made by development of the site is vital in ensuring that the Local Planning Authority (LPA) has a demonstrable 5 year supply.
- 6.4 Returning to the Development Plan, this consists of the saved policies of the LP and the BNDP. Insofar as the policies of both those plans are concerned, given that the application is outline with all matters reserved, and subject to the section 106 agreement and appropriate conditions, the evidence demonstrates that there is no conflict with most of the relevant policies of those plans. In addition, the proposal is in accordance with all the relevant policies of the ELP. Those policies are considered in the SoCG as follows:
- 6.5 Transport and Access – it is agreed that the proposal accords with LP GEN 14 and 15, BNDP HDQ8 and ELP T SP1 and is acceptable in transport terms. There is no objection from either WSCC or Highways England. In addition, Mr Smith's evidence at the Inquiry has readily dealt with other highways related concerns which have been expressed by third parties and also explained how in terms of access arrangements the site will be deliverable.
- 6.6 Density – at 37dph is appropriate for the site and is in accordance with LP GEN 7
- 6.7 Amenity space- this is in accordance with LP GEN 20 and BNDP HDQ6.
- 6.8 Ecology and Trees – it is agreed that the proposed development provides ecological enhancement over the existing situation and that it is acceptable in arboricultural terms. The proposal accords with LP GEN29 and ELP ENV DM4
- 6.9 Flood Risk and drainage – the District Council's drainage engineer, the EA and WSCC do not object to the application. The development is located wholly in

Flood Zone 1 and not at risk of surface water flooding. It is not only the case that the proposal would not make flooding on site or off site worse, but by reason of the drainage proposals as part of the scheme, allowing the development would reduce the surface water flows and run off, reducing the risk of flooding elsewhere, and this is an important benefit of the scheme to weigh in any planning balance in due course. The proposal is in accordance with LP GEN 9, BNDP ES2 and ELP Policy W DM3.

- 6.10 AH – Appropriate levels of AH (30%) are secured by the section 106 agreement and both the quantum and tenure split is supported by the Housing Strategy and Enabling Manager at the District Council. The AH contribution is a significant benefit of the scheme in an area where there is a significant shortage of AH. In addition it is noted that the terms of the section 106 agreement in this case provide for 5 of the affordable housing units to be provided as affordable rent dwellings and the AH to be provided here therefore provides advantages to schemes which only provide for shared ownership as AH and which would nevertheless be policy compliant. The proposal is in accordance with LP DEV 17 and ELP HSP 2.
- 6.11 It is agreed that the location is sustainable with good access to services and facilities and public transport.
- 6.12 The proposal would make the appropriate level of Community Infrastructure Levy (CIL) contributions.
- 6.13 There are no archaeological, ground condition, biodiversity, arboricultural or landscape constraints that would prevent the proposed development of the site.
- 6.14 Returning to Development Plan policies and the saved policies of the LP, whilst the proposal is in accordance with many of the Development Plan policies there is some conflict with the wording of some policies of the LP.
- 6.15 LP Policy GEN5 sets out the district wide housing provision figures for the plan period to 2011, it is therefore either not relevant to the current application or, if it is of any relevance then it is plainly out of date and accordingly no weight whatsoever can be placed upon it in considering the planning balance in due course.
- 6.16 LP Policy GEN 2 sets a presumption against development outside of built up areas and GEN 3 seeks to protect the countryside in general terms. The built up areas defined within the Plan, and accordingly the countryside beyond those built up areas, were set against the housing needs and supply at the time. Whilst the application does not accord with these policies they are out of date for two reasons:
- a) because they were drawn up against the substantially lower housing needs at the time and/or
 - b) because of the significantly increased housing needs and the housing supply situation which exists now. Accordingly, the policies are considered out of date under the Framework and the policies are not compliant with it.
- 6.17 For both reasons, individually or cumulatively only very limited weight whatsoever can be placed upon the policies in the planning balance.

- 6.18 LP Policy AREA 10 seeks to protect the strategic gaps within the District including Area 10(v) which relates to the gap between Bognor Regis and Chichester. However, it is also out of date for the reasons considered in respect of GEN 2 and GEN 3. Only very limited weight can be applied to the policy. In addition, the site is a small site when compared with the size of the gap and represents just 0.3% of it.
- 6.19 Whilst the proposal accords with many of the policies of the BNDP, there may also be some perceived conflict with the strict wording of some of the policies of it.
- 6.20 BNDP policies ES3 and ES7 are policies which restrict the supply of housing but the objectives of those policies were set at the time when the Objective Housing Needs (OHN) were at 580dpa contrasted with the position of 919dpa at the time of application and now in excess of 1200dpa (allowing for a 20% buffer and to meet the shortfall). The wording of the policies themselves is inflexible and incapable of supporting the proposal and BPC has confirmed that despite the substantially increased OHN it will not be reviewing the policies. Accordingly, they should be considered as fundamentally out of date and no weight whatsoever can be placed upon them. In addition, given that the housing supply is less than 3 years, the policies should also be viewed as out of date under the Framework and again no weight can sensibly or properly be attached to them. For either reason, whilst there is conflict with the wording of the policy itself, because no weight can be attached to it, it cannot be considered that in applying it there is conflict with it. In practise, the policies add nothing to the planning balance weighing against the development.
- 6.21 With regard to policy HDQ1 of the BNDP, Mr Innes agreed that it does not apply to this site and is therefore not relevant. To the extent that the SoS may consider that it is relevant, then for the reasons considered above in respect of ES3 and ES7, it should be viewed as out of date and no weight can be placed upon it. Accordingly, as with ES3 and ES7, it adds nothing to the planning balance against development.
- 6.22 Turning then to the planning balance – that is the material considerations required to be considered both in respect of section 38(6) and under the separate test applicable to paragraph 14 of the Framework. There is substantial conformity with the application and a considerable number of Development Plan policies. Those policies in respect of which there is conflict or perceived conflict are either not relevant and/or are out of date and either of extremely limited weight or of no weight whatsoever.
- 6.23 The proposal is entirely in accordance with the ELP and some limited weight can be placed on those policies.
- 6.24 There is no conflict between the proposal and the overall objectives of the Framework.
- 6.25 Granting permission here would be entirely consistent and appropriate with the SoS's recent decision in the Fontwell Case.
- 6.26 It is acknowledged that there would be some very limited harm to the strategic gap, but the site represents just 0.3% of the gap. In the context of the application and the site being adjacent to the built development and the permission for 90 houses on adjacent land which is within the gap, the

objectives of the gap would not be fundamentally compromised by the development. It is also acknowledged that there would also be some very limited harm to the countryside by reason of the fact only that it occupies land designated as countryside. However, the land has no special designation, there are no unacceptable ecological or environmental impacts and the Council accepts that for the purposes of this application, in order to deal with the housing supply shortfall, it will be necessary to build on land beyond its settlement boundaries. Having said that, the site is well related to services and facilities and public transport, it is adjacent to existing development and also to development of the "Landform" site for which there is permission for 90 dwellings and the development here will be read in the context of. Moreover, it is common ground that the development would be acceptable in terms of landscape and visual impacts.

- 6.27 In addition the economic, social and environmental benefits of the development are substantial⁴⁴.
- 6.28 The development is sustainable development within the meaning of the Framework and in respect of which the presumption of development under paragraph 14 applies. There are no adverse impacts of allowing the development which would significantly and demonstrably outweigh the considerable benefits which the development would bring. Accordingly the LPA agrees with the Applicants and respectfully submits that planning permission should be granted for the application.

⁴⁴ Summarised at section 15 (pages 22-23) of the SoCG and also been referred to by Ms Roberts in her evidence in chief

7. The Case for Interested Parties and written representations

Interested Parties at Inquiry

Bersted Parish Council (BPC)

- 7.1 Gill Yates spoke on behalf of BPC and appeared at the Inquiry as an interested party; BPC had not sought rule 6(6) status. BPC had also submitted a written representation following notification of the call in.
- 7.2 Bersted was two villages North and South Bersted. The Council had recently refused an application notwithstanding the lack of a five year housing supply on the basis of prematurity and prejudice to the ELP that may also be a relevant consideration in this application. After the forthcoming EiP and the adoption of the ELP, the Council will be able to demonstrate a five year HLS and therefore the BNDP would not be out of date by virtue of the lack of an adequate HLS.
- 7.3 The adjoining land has permission for 90 dwellings but BPC were advised it could not be called in as it was under a 100 dwelling threshold. This advice was not given by a member of the Council.
- 7.4 The access proposals are confusing and two accesses onto New Barn Lane, which is a narrow road, would create problems. The local situation has significantly deteriorated as a result of the new relief road.
- 7.5 The projected population for the area identifies the highest increases in the older age groups this would add support to the suggestion bungalows would be appropriate.
- 7.6 Whilst the Council has requested BPC to consider whether it would be appropriate to review its Neighbourhood Plans, in the light of the existing HLS position and the ELP, BPC is not confident that it could get the necessary agreement to increase housing provision and would not get support in a referendum which could result in the loss of the protection of the BNDP. It is not proposed to review the BNDP.

Pamela Roberts

- 7.7 Represented the residents of an adjoining property (11 New Barn Lane) who are disabled residents and could not attend.
- 7.8 The residents are worried about pollution as the windows of their bedroom and kitchen are only 2 yards from the road. As the residents are disabled they cannot go out and are confined to the property which they would then have to keep windows shut because of the increased traffic movement leading to additional noise and air pollution.
- 7.9 The development is not in-keeping with the area as there are no bungalows proposed. The adjoining site is for 90 dwellings, and includes some bungalows along the road frontage with New Barn Lane.
- 7.10 There is an Oak Tree which should be protected by a Tree Preservation Order. It was planted by the residents, transplanted as a sapling and everybody in the area enjoys it.

Doreen Sanders

- 7.11 Was involved with the BNDP and witnessed the site flooding. She asks who is responsible for the ditches surrounding the site, particularly between the site and Jubilee Playing Fields? Furthermore she notes that there are branches and other material blocking the ditch.
- 7.12 The local roads are congested, particularly in the morning traffic backs back from the roundabout. It is a coastal road and there are a lot of improvements going on particularly on the stretch of Chichester Road between the Garage and Winston Crescent. There have been a number of accidents in the area: a tractor has overturned which caused road to be closed and very recently there was an accident on Chichester Road which damaged the wall of the adjacent house.
- 7.13 This is not the only planned development, there are 2,500 dwellings proposed at Chalcroft Lane and the site at Bersted Park (just across Chichester Road) has not yet been completed. Bersted Park has issues with its street lighting, with many not working. There is sewage backing up in the Bersted Park estate in the AH. There are also large developments further afield including the retail park on the A259, Roman Way and Shripney which add to the overall increase in traffic in the locality
- 7.14 After 4:30 in the afternoon you have to go to Portsmouth, Worthing or Brighton for Accident and Emergency access, and that would be during the rush hour.
- 7.15 General Practitioners (GPs) and Dentists in the area are closing their lists because they cannot recruit practitioners and there is not the funding for them.
- 7.16 With the amount of development going on, the area is now referred to as 'Greater Bognor' coming back for more land and it is not fair that it is all in Bersted.
- 7.17 If the BNDP is out of date now it is only a matter of time before the HLS is also out of date.

Janet Bradfield

- 7.18 Was on the advisory panel for the Neighbourhood Plan and involved with advising on what was required for BNDP. Residents have lost trust and faith and although they were led to believe that they would have a voice ,they have not.
- 7.19 This is agricultural land.
- 7.20 There are concerns regarding infrastructure. Chichester Road is a bottle neck in the morning and evening rush hours and at school time. The Council gets a payment for every house it gets and this does not come back to Bersted as a payment yet all the housing is being located in Bersted.
- 7.21 Development on land in Bersted should only be allowed for that community, and not for the regeneration of the whole of Bognor to aid people moving in and creating additional need to travel to work out of the area.

- 7.22 There is a huge development at Chalcroft Lane which is of concern to Bersted. When Bersted Park was originally approved it was for 350 houses, there are now over 700 and still counting.
- 7.23 Bungalows in Winston Crescent have a semi-rural location which would be lost if the proposed development is allowed and the outlook to rural countryside would be removed.
- 7.24 The Council has failed to introduce the Localism Act and therefore the local residents do not have a voice.

Wendy Kapp

- 7.25 Is a local Councillor on BPC and vice chair of the Steering group of the BNDP, but does not have formal authority to speak on BPC's behalf. She is speaking as an interested person.
- 7.26 The BNDP was agreed but it would be difficult to get agreement to review and increase housing delivery. That is disappointing but we will not be reviewing the BNDP.
- 7.27 The application site is one of the more sensitive fields in the area and appears to be one of the first to go.
- 7.28 Policies ES3 and ES7, protecting the strategic gap and building outside the built up area are two of the most important policies in the BNDP. The proposal would lead to the loss of a greenfield, as with the adjoining site for 90 dwellings. This has led to a feeling of a lack of democracy.
- 7.29 The traffic on Chichester Road is substantially slower than previously, over the last 2 years or so. The relief road has slowed things down on Chichester Road so traffic is not moving as freely. The traffic in the area is almost stationary during the morning rush hour. Bersted Park, across the road, 90 dwellings on the field adjacent and the proposed 50 dwellings on the site all would add to that traffic. The additional traffic increases traffic fumes in the area.
- 7.30 The application is premature pending the outcome of the ELP. Indeed that has an allocation for a significant development in Bersted and the approval of the proposed development could make that more likely.

Written Representations

- 7.31 There was one letter received following the notification of the Call in, this being from BPC. The letter raised three issues. Firstly, that the site was not deliverable because there is no joint access to this site from the adjoining field which has already obtained outline planning permission for a separate development of 90 houses.
- 7.32 Secondly, the Government response to a petition 'Give communities back the right to decide where houses are built' stated "our proposals are focussed on development in built up areas...that Green Belt must be protected and that there are other areas that local authorities must pursue first, such as brownfield land and taking steps to increase density on urban sites". The site in question is outside the built up area in the made BNDP.

7.33 Finally, the Secretary of State for Transport has recently announced the cancellation of proposed improvements to the A27 around Chichester. The local road network is already operating at maximum capacity during peak hours with considerable delays being experienced by commuters. Adding yet more dwellings and commuters to the situation would simply exacerbate matters.

8. Conditions and Section 106 Agreement

- 8.1 A list of suggested conditions should the SoS be minded to approve the planning application is included in the SoCG (CD2.1) at section 16.0. The list has been the subject of discussion and agreement between the parties and formed the basis of the discussion at the Inquiry. The SOCG has been available for public view as part of the documentation and therefore other parties would have been aware of it.
- 8.2 An additional condition was suggested by the Applicants in the situation that concerns still prevailed regarding the access arrangements and one that they would be happy to accept (CCFE6). The Council also supported the condition if it was considered necessary.
- 8.3 A draft planning obligation in the form of an agreement under section 106 of the Town and Country Planning Act 1990 as amended was submitted before the Inquiry opened. On the opening day of the Inquiry the Council introduced an amendment to the section 106 agreement related to the financial contribution towards health. During the Inquiry minor typographical issues were highlighted and the omission of a financial contribution towards the SPA was noted. These were resolved and a final draft agreement was provided (CCFE3). The agreement was not executed and the parties were given until the 4 October 2017 to provide an executed agreement. A certified copy of the executed agreement was received on 2 October 2017 (PID1).

- 8.4 The matters covered in the agreement provide for financial contributions which are as follows:

- Primary education: £134,325
- Secondary education: £144,567
- Further Secondary education: £33,867
- Libraries: £12,052
- Fire service: £1,145
- Health: £56,436
- Access management contribution (SPA): £43,550

As well as

- 15 units to be allocated as AH units (5 of the units shall be provided as affordable rent dwellings and 10 as intermediate housing units, unless otherwise agreed with the District Council)
- Open Space Scheme: to be submitted to and approved by the District Council in respect of the Open Space.
- Co-operation with the landowners of the adjacent site on access

- 8.5 The education contributions are calculated in respect of the existing capacity for schools in the locality, the places required from the development and a building cost multiplier. There is a written CIL justification statement [ADC2] which sets out the calculation and demonstrates that schools in the locality are expected to be short of places given committed developments. The contributions would be used towards expansion of the education establishments in the locality and the WSCC have confirmed that the schemes identified would involve a maximum of five pooled contributions and therefore be in line with the pooling restrictions.

- 8.6 The library contribution level is calculated on the basis of a cost multiplier and an increased space provision based on the increased population. The

contribution would be put towards the library facilities in a community building in Bersted to provide for a limited range of library activities including self-service kiosk, click and collect, drop off facilities etc. Again it is confirmed that the contribution would not be pooled with more than four other contributions.

- 8.7 The Fire service contribution is calculated by the projected population multiplied by a cost multiplier. The cost multiplier is derived from the cost of building fire stations and infrastructure improvements necessary to serve the area within which the development would be located. Given the small scale level of the contribution it is suggested by the Fire service that this would be directed towards small scale local solutions that would free up capacity in the fire service to deal with larger incidents and would be used towards the provision of fire safety equipment and smoke alarms to vulnerable persons in the locality within which the fire service operate, and in particular Bersted.
- 8.8 At the Inquiry I was provided with a letter from the NHS Coastal West Sussex Clinical commissioning Group (ADC3). The document sets out the justification for the calculation of the required Health contribution based on the population increase and identifies the contribution would be spent at the local GP surgery⁴⁵.
- 8.9 The financial contributions are all calculated on the basis of contribution equations and are calculated on the basis of the proposed housing mix. The agreement provides for these figures to be recalculated should the mix change and provides for the equations to undertake those calculations.
- 8.10 WSCC and the Coastal West Sussex Commissioning Group have confirmed that the financial contributions sought in relation to Health, Education, Libraries and Fire & Rescue do not fall foul of the pooling restrictions as set out in the Community and Infrastructure Levy Regulations 2010 (as amended) and provided justification for the contributions sought (ADC 2 and ADC3).

⁴⁵ ADC3

9. Inspector's Conclusions and Recommendation

- 9.1 In this section of my report the numbers in square parentheses thus [] refer to earlier paragraphs in preceding sections of the report or relevant documents from which these conclusions are drawn.
- 9.2 The main considerations in this Inquiry were those identified by the SoS and as supplemented by matters I identified as relevant. These were initially formulated in my Pre-Inquiry Note (INSP1) and adjusted as set out above [1.7]. My conclusions are structured on that basis.

The latest position in terms of the Council's housing supply, having regard to a 5 year and 3 year supply

- 9.3 The current position in respect of the District's HLS is such that its most recent Objectively Assessed Housing Need (OAHN) is 919 dwellings per annum, based on an update to the Strategic Housing Market Assessment.⁴⁶ On this basis when the shortfall is added to the OAHN the overall requirement rises to 6,440 over the period 2017-2022 (1,288 dwellings per annum). The shortfall being addressed in the following five years. The Council further accept that the Council is persistently underperforming and therefore a 20% buffer is appropriate⁴⁷.
- 9.4 Based on the Council's total projected completions the Council can only demonstrate a 2.07 years of HLS⁴⁸. [5.33 and 6.3].
- 9.5 The Council's assessment of its performance at the Inquiry on the five year HLS is only slightly better than when it considered the application and recommended approval, when it stood at 1.9 years. The Council note that this is one of the worst performances in the south east of England, and its position is 'dire'. There is no dispute between the parties as to the HLS position and the Applicants accept the figures of the Council [5.30 to 5.33 and 6.3].
- 9.6 On this basis it is clear that the Council cannot demonstrate a 5 year supply of housing land and, given that the land supply figure is 2.07, cannot demonstrate a 3 year supply. There is no other evidence before the Inquiry to suggest an alternative figure. [5.35].

The effect of the proposed development on the character and appearance of the surrounding area

- 9.7 The application site is adjacent to the settlement boundary of Bersted, it is located between an existing recreation ground and the site of a recently approved development of 90 dwellings to the north, which the parties refer to as the 'Landform site'. Whilst the Council accept that there would be some limited harm to the countryside by virtue of the introduction of built development, which would change its character and appearance, the Council accept that the development is acceptable in visual impact and landscape terms. The Applicants' Landscape and Visual Appraisal⁴⁹ also accepts that there would

⁴⁶ SoCG section 6, and appendix 2

⁴⁷ CD5.13 Table 7

⁴⁸ CD5.13 Table 7

⁴⁹ CD1.10

be moderate-major adverse visual effects on nearby residents although noting this would fall to negligible to minor-moderate for residents slightly further away. It is also suggested that the existing boundary landscaping would reduce the visual intrusion and that ten years after completion the effects on visual amenity would further reduce as a result of the proposed planting. I accept that there would be some harm to the character and appearance of the area by the introduction of built development, as there would be a housing estate where there is presently an open field. However, given the proximity to the settlement edge, the adjoining development site, surrounding landscape, and flat topography I agree that this harm would be limited, and that with planting that harm would be reduced over time⁵⁰. [6.26,]

- 9.8 The application site is located beyond the BUAB as defined on the proposals map and LP policy GEN2 it is therefore within the Countryside and protected by LP policy GEN3. The wider area forms part of a strategic gap between Bognor Regis and Chichester, Area 10(v). The BNDP has similar policies identifying the BUAB, Policy ES7, protecting the strategic gap, Policy ES3, and also includes a policy to provide for housing allocations, Policy HDQ1.
- 9.9 The proposal would result in development of an agricultural field in the open countryside and in this regard would conflict with policies GEN2 and GEN3 in the LP and policies ES3 and ES7 of the BNDP. This is accepted by the Applicants. [5.27]
- 9.10 In the context of the strategic gap, the site amounts to less than 0.3% of the total land area of the gap and it would not project any further west towards Chichester than the settlement edge taking account of the approval of the recent development on the adjacent site. As the development is not for essential infrastructure it is evident the development would conflict with policy ES3 in the BNDP. The particular circumstances of the site and its relationship with the built up area are more balanced as to whether there is conflict with policy AREA 10 in the LP, but this includes concern regarding piecemeal development of land at the edge of boundaries within the gap that could have a cumulative effect and it is this the policy seeks to guard against. The development by itself may have limited or negligible effect on the strategic gap, given its location and size, however, there is a potential for cumulative effects from small scale developments and on the basis of the wording of the policy I find that there is conflict with Policy AREA 10. [4.5, 4.9, 5.28, 6.26]
- 9.11 Policy HDQ1 in the BNDP is a positively worded allocation policy but the application site is not one of those allocated sites. The application site is not supported by the policy but the development would not directly conflict with the wording of the policy. [4.11]
- 9.12 On the basis of the above I conclude that the proposed development would result in limited harm to the character and appearance of the countryside through development in the countryside, beyond the BUAB and that there would be limited harm to the strategic gap. The proposal would therefore conflict with LP policies GEN2, GEN3, AREA 10 and BNDP policies ES3 and ES7.

⁵⁰ section 11.0 SoCG

The effect of the traffic generated by the proposal on highway safety and traffic conditions in the surrounding road network

- 9.13 The Framework at paragraph 32 advises, amongst other matters, that for developments that generate significant amounts of traffic movement developments should only be prevented on transport grounds where the residual cumulative impacts of development are severe.
- 9.14 The proposed development, for some 50 new dwellings, would result in 27 additional vehicles in the AM peak (08:00 to 09:00) and 28 vehicles in the PM peak (17:00 to 18:00). The junction analysis for the New Barn Lane B2259 junction demonstrates that the junction would operate within capacity with and without the expected development traffic in the assessed years of 2018 and 2028⁵¹. [5.16]
- 9.15 The Applicants' Transport witness, Mr Smith, provided uncontested evidence which further confirmed that traffic in New Barn Lane would equate to one additional vehicle every 2.2 minutes; that the new development would add no more than one additional vehicle every 3 minutes to the roundabout junction to the north at the A259 / B2259 junction, which would have no discernible impact on existing traffic flows; and that the development would have no effect on further afield locations, including the retail park on the A259, Roman Way and Shripney. These being concerns expressed during oral evidence from third parties. [5.16 and 7.13]
- 9.16 The Applicants, by reference to accident statistics, also confirmed that there have been no accidents in the immediate vicinity of the site and that accidents further afield have been limited both in terms of numbers and severity. Whilst individual incidents were drawn to my attention, including a recent accident on the B2259 close to the Petrol Filling Station this did not conflict with or contradict the analysis of Mr Smith in his proof and oral evidence⁵². [5.23 and 7.12]
- 9.17 BPC in its written representations raised the issue about the cancellation of planned improvement works to the A27 by Highways England. The Applicants explained that there is work being undertaken by WSCC, Chichester District Council and ADC to consider a package of improvement measures along the A27 to address the impacts of proposed developments in the context of the Chichester Development Plan and ELP proposals. There are therefore measures for the improved operation of the A27 being actively considered and the 'improvements programme' has therefore not been cancelled. [5.16 and 7.33]
- 9.18 Given the conclusions above I conclude that the proposal would not have a detrimental effect on the free flow of traffic or highway safety on the surrounding road network as a result of the additional traffic generated. I am given further confidence in this conclusion given that there is no objection to the scheme from WSCC as Highway Authority or from Highways England in relation to wider transport matters on the strategic road network. [5.14 and 6.5]
- 9.19 The application is an outline application with all matters reserved, including access. There is concern expressed by BPC and other third parties concerning

⁵¹ CD2.6 4.11-4.13

⁵² CD2.6

the deliverability of the site and the potential effect of the proposed access. [7.4, 7.29 and 7.31]

- 9.20 Mr Smith's evidence⁵³ presents a number of options to demonstrate that there are viable options available to the developer such that could be provided for under the terms of the outline application and that these would be a matter for the reserved matters application. In effect three potential scenarios are explored referred to as access A B or C above. Access A would be accommodated within the limits of the application site and is an achievable option within the application. The concern is that under a separate application the adjoining land owner has sought permission for an alternative access to the one originally approved by the Council and which would mean that option A may not be realised. If the developer of the adjoining Landform site proceeds on that basis there is a proposal to introduce access B. With co-operation between the developers this could be achieved, such co-operation is included in the section 106 agreement and I am informed there are reciprocal agreements in the context of the adjoining development. Finally option C would require a further planning permission for land between the application site and the public highway. That land is in the control of the Applicants and therefore there is no bar to it coming forward⁵⁴. [5.18 – 5.20]
- 9.21 All of the proposed access arrangements have been assessed by WSCC who have either approved or indicated that they would have no objection to the arrangements. The Applicants have entered into agreements with the adjoining land owner to co-operate in terms of the access arrangements and in terms of option C the Applicants own the land necessary to progress the proposal. The Applicants have offered an additional Grampian style condition to ensure development is not commenced until access arrangements are agreed. This however would appear unnecessary at this stage as access is a reserved matter and development could not be commenced until that reserved matter was approved. Depending on the scenario fixed on by the developer and the submission for approval of those details under the reserved matters further safeguarding conditions could be attached to that approval as it would relate directly to the matter being considered. [5.18 – 5.20]
- 9.22 The available options for access have been considered by the Highway Authority and been the subject of safety audits and no significant issues have been identified. On the basis of the above I conclude that there are access arrangements available to the developer through a number of alternatives and that the scheme is deliverable. [5.19, 5.20 and 6.5]
- 9.23 The car parking detail would be a matter for the reserved matters application. However Mr Smith's proof confirms that parking would be provided at 2 spaces per dwelling in line with the requirement in the BNDP, policy HDQ8. Parking is also addressed in policy GEN12 of the LP and there is no identified conflict with this policy⁵⁵. [5.25 and 6.5]
- 9.24 Overall for the reasons given above I conclude that the proposed development would not result in material harm to highway safety and traffic conditions on the

⁵³ CD2.6

⁵⁴ CD2.6

⁵⁵ CD2.6

surrounding road network and that the proposal would not conflict with LP policies GEN7, GEN14 and GEN15, or BNDP policy HDQ8.

Whether the proposed development would be at risk of flooding or increase the risk of flooding elsewhere

- 9.25 The Framework, paragraph 100, advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at the highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Further advice is provided in the following paragraphs and in the technical guidance on flood risk published alongside the Framework.
- 9.26 Policy GEN9 in the LP and Policy ES2 in the BNDP are consistent with the general aims of the Framework. [4.6 and 4.9]
- 9.27 The site is located in Flood Zone 1 on EA mapping which is rated as very low risk of flooding from rivers and sea and very low risk with regards to surface water flooding. It is the lowest flood risk and appropriate location for development in the context of flood risk⁵⁶. [5.7 and 6.9]
- 9.28 The proposed development would provide for a drainage strategy based on sustainable urban drainage principles and would result in a 32% reduction in the surface water entering the existing drainage system from the site. The drainage strategy would provide a positive drainage system that would allow surface water to be collected and attenuated in specified areas. There would be a restricted run off rate⁵⁷. [5.9 and 6.9]
- 9.29 The EA, the Council's drainage engineer, nor WSCC, as Lead Local Flood Authority, have raised any objections to the scheme [5.7 and 6.9]. Whilst local residents were concerned that they had seen the site flooded, Mr Lowe, advised this was most likely ponding on the flat site following heavy rainfall. I accept this as a reasonable explanation of those observations. This situation would be improved by the on-site drainage strategy. In relation to concerns regarding flooding on the A259 with the reduced surface water entering the system from the application site the scheme would result in a net benefit reducing flows into the existing system and therefore reducing the pressure on it. The proposal would therefore not increase the risk of flooding⁵⁸. [5.8, 5.9, 6.9 and 7.11]
- 9.30 It is acknowledged in the SOCG and Mr Lowe's evidence that there is an issue with regard to the foul water drainage capacity in the area and that this could be addressed through the imposition of a Grampian style condition requiring the submission and approval of details. Southern Water do not object to that approach and I am satisfied that such a condition would meet the relevant tests⁵⁹.
- 9.31 There has been no substantive evidence submitted to contradict Mr Lowe's evidence. The site is in the lowest risk for flooding according to the EA mapping, the proposal would reduce the flow of surface water off the site.

⁵⁶ CD2.8

⁵⁷ CD2.8

⁵⁸ CD2.8

⁵⁹ CD2.1, CD2.8

Overall therefore, there would be a net benefit in terms of reducing flood risk in the area, the proposal would not result in flood risk for the occupiers of the new development and the development would not increase the risk of flooding elsewhere. The proposal is therefore in accordance with the advice in the Framework, policy GEN9 in the LP and policy ES2 in the BNDP.

Any additional need for community and social infrastructure arising from the development

- 9.32 The application is supported by a section 106 agreement which seeks to make provision for various elements of social and community infrastructure to ensure the impacts of the development are appropriately addressed. [2.3 and 8.3]
- 9.33 In this regard the agreement secures the provision of 15 of the dwellings as AH, 5 of which would be affordable rent and 10 as intermediate housing units. This would be compliant with policy DEV17 of LP. The quantum and tenure split is supported by the Council's Housing Strategy and Enabling Manager and the contribution is important given the significant shortage of AH in the district. Further weight is added to this benefit given the inclusion of affordable rent units. Intermediate housing would still be policy complaint and the inclusion of affordable rent is welcomed by the Council. The provision of AH is given significant weight in my planning balance for these reasons. [6.10 and 8.4]
- 9.34 The agreement also secures funding for education at Primary, Secondary and Further education levels. The nature and form of the multiplier is based on increase in school place demand and is directly related to the scale of the development. The evidence also demonstrates that there is no spare capacity at the local schools to accommodate the increased demand. The contributions are therefore proportionate and justified⁶⁰. [8.5]
- 9.35 WSCC have confirmed that there would be additional pressure on its library services from an increase in the population. The contribution would maintain and improve the resilience of the service given the added pressure from the increased population in the development. The contribution is proportionate reasonable and justified. [8.6]
- 9.36 The Applicants have concerns regarding the Fire and Rescue Service contribution and questioned whether it was reasonably related to the development. In this regard the contribution would be directed towards provision of equipment in the area of the site. Whilst such equipment would be installed in the proposed houses, the retro fitting of existing dwellings in the locality would have a positive impact on the pressures on the fire service, potentially creating additional capacity to deal with the additional pressure that would arise from development. On this basis I am satisfied that the contribution is necessary, appropriate and justified⁶¹. [8.7]
- 9.37 The Applicants initially raised concerns that the health contribution had not been fully justified. Justification was provided and I was provided with a copy at the Inquiry, no concerns were raised by the Applicants following the submission of

⁶⁰ ADC2 & PID1

⁶¹ ADC2, PID1

the document. I am satisfied that the contribution is proportionate, reasonable and is necessary⁶². [8.8]

- 9.38 The agreement also secures provision of a financial contribution towards access management. The contribution is based on the cost of delivering measures to avoid and mitigate any harm that may arise to Pagham Harbour SPA. The site, at 3.9 km distance, is within the 5 km Zone of influence in relation to the SPA and therefore a contribution is appropriate. The contribution is for access management and not for the provision of infrastructure and is therefore not caught by the pooling restrictions. The Council have supplied background papers setting out the mitigation contribution⁶³.
- 9.39 The BPC had requested that a contribution towards allotments was provided for. This has not been included in the agreement. Whilst the BNDP includes policy CLW4 which states developments over 20 houses will be expected to make a financial contribution to fund allotment space elsewhere in the parish, BPC has not provided justification to support the requirement and why it would be necessary to make the development acceptable. The request has not therefore been justified. Moreover the policy refers to an expectation rather than a requirement and the lack of provision is therefore not in conflict with the policy and is not a dis-benefit of the scheme.
- 9.40 The agreement also includes a requirement for an open space scheme and its future maintenance and management. Policy GEN20 requires the provision of public open space to a specified standard and play equipment in accordance with supplementary planning guidance. The detailed layout and specification is secured through the section 106 agreement and would be identified in any future reserved matters application. The Framework Plan ref. 7096-L-NBL-01_G identifies the general parameters of the open space⁶⁴.
- 9.41 On the basis of the above I conclude that the proposed development makes reasonable provision for any additional community and social infrastructure needs arising from the development. The proposal would therefore not conflict with policy GEN8 in the LP which seeks to ensure that the development makes provision for infrastructure needs or facilities made necessary by the development.

Overall conclusions and Planning Balance

- 9.42 The Council cannot demonstrate a 5 year supply of deliverable housing sites. Indeed at 2.07 years supply the Council is unable to demonstrate a 3 year supply of housing sites. This is important as the WMS on Neighbourhood Planning HCWS346 12 December 2016 indicated that relevant policies for the supply of housing in a neighbourhood plan should not be considered out of date under paragraph 49 of the Framework where three circumstances arise. Two of those circumstances are met: firstly, the statement is less than 2 years old; and secondly, the BNDP does allocate sites for housing. However, the third provision is not met, in that the LPA cannot demonstrate a three year supply of deliverable housing sites. On this basis the statement is therefore not engaged.

⁶² PID1

⁶³ ADC6 PID1

⁶⁴ CD1.2, CD2.1, PID1

- 9.43 In this context paragraphs 49 and 14 of the Framework are engaged. Paragraph 49 of the Framework advises that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a 5 year supply of housing. Paragraph 14 of the Framework advises that where relevant development plan policies are out of date planning permission should be granted (a) unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole (the tilted balance) or (b) specific policies in the Framework indicate development should be restricted (the footnote 9 restrictions).
- 9.44 The site is not subject to specific designations of protection in the context of Green Belt, Area of Outstanding Natural Beauty, Local Green Space, valued landscape or such. The site does not include any heritage assets and it is not suggested that a heritage asset would be affected by the development. Given the conclusions on the mitigation measures in the section 106 agreement to address the potential effect on the Parham Harbour SPA and that the development would not be affected by or make flooding worse elsewhere, such policies in the Framework do not indicate development should be restricted. I am satisfied that the footnote 9 restrictions do not disengage the tilted balance.
- 9.45 The application site is located outside the BUAB which is identified in both the LP and BNDP. The proposal is therefore in the open countryside and conflicts with the policies which seek to safeguard the countryside, again both in the LP and the BNDP. There is no dispute on this matter. The proposal conflicts with policies in the Development Plan and given that these are policies that seek to direct development which are fundamental to the locational strategy that underpins the plan I conclude that the development conflicts with the LP and the BNDP, and therefore the Development Plan, as a whole.
- 9.46 Added to this, the site is within a strategic gap protected by policies in both the BNDP and the LP. The Applicants contend that the development does not conflict with policy AREA 10 in the LP but accept that it would conflict with the wording of policy ES3 in the BNDP. I have concluded that, whilst there would be relatively limited harm to the strategic gap, the development would still conflict with both policies, and this harm should be weighed in the balance.
- 9.47 Paragraph 184 of the Framework advises that Neighbourhood Planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. Paragraph 185 makes it clear that once made neighbourhood plans take precedence over non-strategic policies in the local plan where they are in conflict. Paragraph 198 of the Framework then advises that where a planning application is in conflict with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. Together these demonstrate the Government's commitment and strong support for neighbourhood planning and this is a significant consideration when assessing development against the policies in the Framework as a whole in the tilted balance.
- 9.48 The BNDP was produced and made at a time when the housing requirement for the district was in the region of 580dpa. It has now risen to in excess of 1200dpa. The Council in its own words has a dire position in HLS and can only demonstrate 2.07 years supply. It is evident that the current Development Plan, including the BNDP, is constraining development and not meeting local

housing need or the Framework's advice to significantly boost the supply of housing. Development will need to be built outside these boundaries and in the open countryside if the housing supply situation is to be improved. Such policies are therefore out of date and can only be given limited weight. The ELP, which although can also only be given limited weight because of its early stage of preparation, also recognises this. The ELP is some way off adoption and therefore it is likely that this state of affairs will persist for some time. Given these factors, I give conflict with those policies related to the built up area boundary, protection of the countryside and the strategic gap little weight in my consideration of this application.

- 9.49 Added to the conflict with the Development Plan, I have identified limited harm to the character and appearance of the countryside resultant from the development albeit that this would be reduced as the development would be assimilated into the neighbourhood and landscaping matures. This should be added to the adverse impacts of the development.
- 9.50 On the other side of the balance the benefits of the scheme are set out in Ms Robert's proof of evidence, are further elaborated on in CCFE5 which quantifies the economic benefits of the scheme, and are summarised above [5.48]. I give substantial weight to the provision of housing and significant weight to the provision of AH. This is enhanced by the Applicants' offer to accept shorter timescales for the implementation of development as addressed below in the appropriate condition.
- 9.51 There are significant economic benefits as well as significant environmental benefits, not least with the improvements to flood risk resultant from the reduction in surface water discharged from the site. The proposal would also result in a net gain in biodiversity on the site. Moreover the site is in a location which has good accessibility to public transport and also other local services and facilities required to meet the day to day needs of residents. [5.25, 5.48]
- 9.52 Overall I am satisfied that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework taken as whole, including those directly related to neighbourhood planning. Accordingly, I conclude that planning permission should be granted.

Conditions and section 106 agreement

Conditions

- 9.53 Should the SoS decide to grant planning permission, the list of conditions attached at Annex E is derived from the suite of conditions agreed between the Applicants and LPA and discussed at the Inquiry. I have assessed the suggested conditions in the light of the advice contained in the PPG and where necessary, in the interest of precision and enforceability, reworded appropriate conditions. I have also identified a number of suggested conditions which I would recommend should not be imposed.
- 9.54 The SoCG includes the list of Suggested Conditions (SC) at section 16. SC1 and 2 relate to the identification of the reserved matters, timing for the submission of reserved matters and the implementation of the permission. SC1 provides for a 2 year time limit rather than the standard 3 year timescale and SC2 requires development to be begun before 3 years from the date of permission or

1 year from the approval of the last reserved matter, again these are shorter than the standard timescales. The shorter timescales are promoted on the basis that this will bring forward development more quickly and add to the benefit the scheme would have in the context of the short fall of the HLS. Furthermore it is suggested that a small scale development does not have the difficulties associated with larger more complex cases and can be brought forward more quickly. The small scale nature of the scheme and shorter timeframe would mean that the development would start to contribute to housing provision within this 5 year period and the Council support the early implementation. Given the substantial shortfall, this adds further weight to the benefit and is reasonable. The standard format and wording for the conditions would be more appropriate. [9.51]

- 9.55 SC3 lists the plans for which approval is sought, this is consistent with the PPG and provides certainty. SCs 4, 5 and 6 require various details of drainage or its management in order to reduce the number of conditions these can be amalgamated and still retain the necessary level of control over the required details to ensure the development is adequately drained. SC7 seeks to address not previously identified contamination. However there is no strong evidence to suggest that the site has been contaminated and it is open countryside. The condition is therefore not justified.
- 9.56 SCs 8 and 9 require the submission of a landscaping scheme and tree protection details. These are however more properly reserved matters. The conditions are not required and the additional protection can be addressed at the reserved matters stage. Similarly SC10, which seeks details of materials is more properly dealt with under the appearance reserved matter and is not required at this stage.
- 9.57 SC11 requires details of a construction management plan and is required to protect the general amenities of the area, surrounding occupiers and highway safety. SC12 is a Grampian style condition requiring approval of the details of foul drainage and is required for the reasons discussed in my conclusions above. [9.31]. SC13 is required to secure ecological benefits deriving from the scheme.
- 9.58 SC14 relates to working hours during construction and would be better amalgamated with SC11. SC15 requires submission of a landscape management plan and is required in the interest of the on-going appearance of the development. It could be amalgamated with SC1 but is effective as a separate condition and I would recommend it stays separately but cross referenced as it is drafted. SC16 requires details of the public open spaces to be submitted and approved. This is already addressed in the section 106 agreement where it is linked to financial contributions and future management responsibilities. It is more appropriately addressed in the section 106 agreement and is not needed as a condition as it would be duplication.
- 9.59 SC17 precludes ground works during the bird nesting season. This is dealt with under other legislation and is not necessary. SC18 seeks 10% of the energy supply to be secured from decentralised and renewable or low carbon energy sources. This is required in order to ensure the development achieves high levels of energy efficiency and to meet the aspirations of meeting the challenge of climate change in the Framework. SC19 seeks the submission of details of a street lighting scheme. The Applicants have not decided whether the road

would be offered for adoption. Whilst it could be argued that lighting columns were part of the appearance and layout there may be some confusion or disagreement on this point. To provide clarity and certainty the condition is required. SC20 requires the provision of a fire hydrant but includes requirements for approval by a third party and imposes obligations on a third party. The condition as drafted does not meet the tests of enforceability and reasonableness. The matter could also be addressed under the reserved matters submission.

9.60 An additional condition was suggested by the Applicants and is set out in CCFE6. For the reasons given above this condition is not necessary. [9.22]

9.61 Conditions 5, 6 and 11 in Annex E are pre commencement conditions and require certain actions before the commencement of development. In all cases the matters they address are of an importance or effect to mean they need to be resolved before development begins.

Section 106 Agreement

9.62 All the obligations contained in the section 106 agreement are necessary to make the development acceptable in planning terms, directly related to the development and fair and reasonably related in scale and kind to the development. Accordingly, the section 106 agreement is consistent with the guidance in the Framework, paragraph 204, and Regulations 122/123 of the CIL Regulations and where appropriate, I have attached weight to it in coming to my conclusions. [9.33 – 9.42]

Recommendation

9.63 I recommend that planning permission be granted subject to the planning conditions attached at Annex E.

Kenneth Stone

INSPECTOR

Annex A

PLANS SUBMITTED WITH THE APPLICATION

Original Site Plan	-	7096-NBL-L-05-A
Original Framework Plan	-	7096-L-NBL-01 E

Annex B

PLANS SUBMITTED DURING CONSIDERATION OF APPLICATION

Amended Site Plan	-	7096-NBL-L05 G
Amended Framework Plan	-	7096-L-NBL-01

Annex C

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Trevor Ward	Of Counsel instructed by Solicitor to Arun District Council
He called	
David Innes	Director of Blueprint Planning and Development Ltd on behalf of Arun District Council

FOR THE APPELLANT:

Alexander Booth QC	Queens Counsel instructed by Ms Francis Fallows of Charles Russell Speechlys LLP
He called	
Paul Smith BA(Hons) MA	Divisional Director Pell Frischmann
Rob Lowe MEng	Associate WYG Infrastructure & Built Environment
Pauline Roberts BA(Hons) MSc MRTPI MRICS	Planning Director Lichfields

INTERESTED PERSONS:

Pamela Roberts Gill Yates	On behalf of Occupants of 11 New Barn Lane Representing Bersted Parish Council, a Parish Councillor and Chair of Planning on Parish Council
Doreen Sanders	Local Resident – Winston Crescent
Janet Bradfield	Local Resident – Winston Crescent
Wendy Kapp	Local Resident and Bersted Parish Councillor

Annex D**DOCUMENTS****DOCUMENTS SUBMITTED BEFORE THE INQUIRY OPENED**

CD	Application Submission
1.1	Cover Letter dated 11 May 2016
1.2	Framework Plan Ref. 7096-L-NBL-01_G
1.3	Site Plan Ref. 7096-NBL-L-05_G
1.4	Design and Access Statement (DAS) (including a section on community involvement) May 2016
1.5	Planning Statement May 2016
1.6	Transport Statement May 2016
1.7	Framework Travel Plan April 2016
1.8	Flood Risk Assessment April 2016
1.9	Arboricultural Assessment May 2016
1.10	Landscape and Visual Appraisal May 2016
1.11	Ecological Appraisal May 2016
1.12	Ground Conditions Desk Study Report May 2016
1.13	Preliminary Infrastructure Appraisal April 2016
1.14	Archaeology Statement May 2016
1.15	Cover Letter (responding to representations) dated 4 July 2016
1.16	Validation Requirements Checklist
1.17	Biodiversity Checklist
1.18	Framework Plan Ref. 7096-NBL-L-01_E (SUPERSEDED)
1.19	Site Plan Ref. 7096-NBL-L-05_A (SUPERSEDED)
1.20	Application Form 11 May 2016

CD	Statement of Case / Statement of Common Ground / Proofs of Evidence / PINS Documents
2.1	Statement of Common Ground
2.2	Applicant Statement of Case
2.3	Arun DC Statement of Case
2.4	Proof of Evidence of Pauline Roberts
2.5	Summary Proof of Evidence – Pauline Roberts
2.6	Proof of Evidence of Paul Smith on Transport Matters
2.7	Summary Proof of Evidence – Paul Smith on Transport Matters
2.8	Proof of Evidence of Rob Lowe on Drainage Matters
2.9	Summary Proof of Evidence – Rob Lowe on Drainage Matters
2.10	Draft S.106 Agreement between Arun DC and the Applicant (ref. WKS/104940750.3)
2.11	Call-in letter from Department for Communities and Local Government (9 January 2017)

CD	Other Core Documents
3.1	Arun DC Committee Report (7 September 2016)
3.2	National Planning Policy Framework (March 2012)
3.3	Arun 2003 Local Plan Saved Policies – extracts only
3.4	Bersted Neighbourhood Plan (November 2014)
3.5	Arun DC Main Modifications Local Plan – March 2017
3.6	GL Hearn Arun District Council - Updated Housing Needs Evidence (September 2016)

CD	Other Core Documents
3.7	Neighbourhood Planning: Written statement - HCWS346 (12 December 2016)
3.8	Arun Local Plan Examination – Inspector’s findings on OAN (2 February 2016)
3.9	Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013 – extracts only
3.10	Land West of New Barn Lane (reference BE/142/15/OUT) Decision Notice Dated 24 February 2016
3.11	Land West of New Barn Lane (reference BE/142/15/OUT) Committee Report and Addendum (27 January 2016)
3.12	Land West of New Barn Lane Alternative Access (reference BE/18/17/PL) Decision Notice Dated 5 May 2017
3.13	Letter to the Planning Inspectorate from Bersted Parish Council, dated 8 March 2017
3.14	Email from the Planning Inspectorate covering matters to be discussed, dated 3 July 2017
3.15	Arun Local Plan Housing Implementation Strategy (March 2017)

CD	Relevant Case Law, Appeal Decisions and Evidence
4.1	Secretary of State Decision – Land East of Fontwell Avenue (APP/C3810/V/16/3143095) 13 July 2017
4.2	High Court Decision – Stroud District Council v Secretary of State for Communities and Local Government – CO/4082/2014 (6 February 2015)
4.3	High Court Decision - Forest of Dean District Council v Secretary of State For Communities and Local Government and Gladman Developments Ltd - CO/978/2016 (4 October 2016)

CD	Additional Core Documents – 25/09/2017
5.1	Transport Pre-application Request re. Access C 28.07.2017
5.2	WSCC (Dominic Smith) Response 25/08/2017
5.3	BE/113/17/RES Linden Homes Application Form
5.4	BE/113/17/RES Linden Homes Layout Plan and Landscaping
5.5	BE/113/17/RES Linden Homes Detailed Layout
5.6	Arun DC Committee Report Update (7 September 2016)
5.7	Bersted PC – acknowledgement of objection
5.8	Bersted PC comments to Local Plan 24.05.2017
5.9	Bersted Parish – Flooding Fluvial
5.10	Bersted Parish – Flooding Tidal
5.11	Letter from Karl Roberts to Parish Councils 31.03.2017
5.12	Bersted Parish Response to Karl Roberts 12.04.2017
5.13	Five year Housing Land Supply Report (as at 31 st March 2017) including tables 1 to 8
5.14	Committee Report Minutes

INSP	Documents produced by Inspector
1	Pre-Inquiry Note
2	Timetable for Inquiry

DOCUMENTS SUBMITTED AT THE INQUIRY

ADC	Documents Submitted BY Arun District Council
1	Amended Page 9 of section 106 Agreement
2	West Sussex County Council Community Infrastructure Levy Justification
3	NHS Community Infrastructure Levy Justification
4	Council’s Opening Statement

ADC	Documents Submitted BY Arun District Council
5	Tree Preservation Order TPO/BE/1/16 (YEAR 29016)
6	Documents to support the policy position on Special Protection Area
7	E-mail from appellant providing amended plans and confirming conversation that no consultation required.
3	Mr Innes Qualifications and Experience
9	List of cases where matters of Library Services and Fire service contributions had been accepted in previous appeal decisions
10	Council's closing submissions

CCFE	Documents Submitted by Church Commissioners for England
1	List of appearances on behalf of CCFE
2	Applicant's opening statement
3	Revised final draft sec 106 agreement
4	Itinerary for unaccompanied site visit
5	List of economic benefits of scheme (including figures)
6	Additional suggested condition regarding access
7	Applicant's closing submissions

BPC	Documents submitted by Bersted Parish Council
1	Notes of comments by Ms Gill Yates

DOCUMENTS SUBMITTED AFTER THE INQUIRY CLOSED

PID	Documents submitted after the inquiry closed
1	Certified Copy of the executed sec106 agreement

Annex E

SCHEDULE OF SUGGESTED CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before expiration of 1 year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) The development hereby approved shall be carried out in accordance with the following approved plans:
 - Framework Plan ref. 7096-L-NBL-01_G (dated 28 August 2016)
 - Site Plan ref. 7096-NBL-L-05_G (dated 25 August 2016)
- 5) Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the local planning authority, and which shall include:
 - A design that follows the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage.
 - Full details of the maintenance and management of any SUDs system to be set out in a site-specific maintenance manual. 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 SUDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
 - Arrangements for future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the approved details and the details so approved shall be maintained in good working order thereafter.

- 6) Development shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
 - the anticipated number, frequency and types of vehicles used during construction,

- the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors, the loading and unloading of plant, materials and waste, the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.
 - No operational or construction vehicles shall be operated on the site except between the hours of:
0700 and 1900 on Mondays to Fridays inclusive
0700 and 1300 on Saturday
Not at any time on Sundays or Public Holidays
- 7) Prior to the commencement of construction works, details of a proposed foul drainage system shall be submitted to and approved in writing by the local planning authority (including details of its siting, design and subsequent management/maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.
- 8) Prior to the commencement of construction works of the development a detailed ecological enhancement scheme (which shall include the installation of bat boxes and bird boxes as required throughout the site and a timetable for implementation of the ecological enhancement scheme) shall be submitted to the local planning authority for approval in writing, based on the recommendations within the supporting ecological statement. All approved details shall then be implemented in full and in accordance with the approved timetable and details.
- 9) The landscape details referred to in Condition 1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details.
- 10) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority [as a part of the reserved matters submissions required by condition 1]. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter.
- 11) Development shall not commence until a street lighting scheme has been submitted and approved in writing by the local planning authority. This shall comply with the Institute of Lighting Engineers Guidance Notes for the reduction of obtrusive light.

END



Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

