

P/116/19/OUT

Sefter Road, Pagham.

Land use and Soil and agricultural land quality

Policy background

Both the written notes provided with the MAFF agricultural classification maps and the Deffra Soil Strategy for England clear advise that the land classification maps are for strategic use only. That they are not sufficiently accurate for use in the assessment of individual fields or sites.

It should also be noted that the maps only allocate large settlements as non-agricultural land. The agricultural classifications sweep over small settlements and individual buildings and built up/non-agricultural sites.

The Soil and agricultural land assessment study Arun District Council, 2013 advises that the land classification maps indicate where there is a high, moderate or low likelihood of the occurrence of best and most versatile land. The high likelihood category refers to areas where more than 60% of the land is likely to be the best and most versatile, the moderate likelihood category areas where 20 to 60% of the land is likely to be the best and most versatile quality and the low likelihood category indicates where less than 20% of the land is likely to be of the best and most versatile quality. Grades 1 and 2 are placed in the high likelihood category.

The report describes Grade II land as very good quality. And *“Land with minor limitations which affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown ... The level of yield is generally high but may be lower or more variable than grade I.”*

The report describes grade 3B as land (moderate quality) as *“capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year.”*

Grade 4 agricultural land is described as land with severe limitations which significantly restrict the range of crops and/or level of yields. It is mainly suited to grass with occasional arable crops, the yields of which are variable.

Grade 5 (very poor quality) is described as *"land with very severe limitations which restrict use to permanent pasture or rough grazing, except for the occasional pioneer forage crops."*

Policy SO DM1 of the ADLP states that the use of grades 1, 2 and 3A of the agricultural land classification for any form of development not associated with agriculture, etc, will not be permitted unless need for the development outweighs the need to protect such land in the long term.

Policy 9 of the draft PNP states that the PNP will support proposals that ensure the retention, continued and efficient use of agricultural land for food production and will resist any proposals that would lead to the loss of such land to other uses ..., unless it accords with Policy 2 of the PNP. Policy 2 of the PNP allows for rural economic uses, other uses allowed for in the plan amongst other things.

The site

The site extends to just 0.2 hectares and is irregular in shape. It is not and has not been owned or used in association with any adjoining or adjacent agricultural land for at least 30 years.

The application site has been used solely as a builders yard since well before 1993, with occasional fly tipping taking place.

In 1995 an enforcement notice was served on the then owner of the land, which required them to remove the storage of builder's waste materials. Attached to this report at Annex 1 is a copy of a letter confirming this.

Although the officers ensured that the offending items were removed, the land continued to be used by the builder's company known Gealls and owned by as Elizabeth Anne Ford and Diane Geall.

The Langmead family purchased the land from them in August 2012 due to the nuisance caused by the builders yard and its unsightly appearance. See transfer document at annex 2. Sworn statements can be provided by Mr Langmead and others to confirm the use and condition of the land in 2012 and before.

In January 2018 the Langmead company spent over £18,000.00 tidying up the site. This did not involve any excavation below ground level. See annex 3.

In February 2020 a full contamination report was prepared for the site by Constructive Valuation. It confirms the presence of a significant volume of anthropogenic materials all across the surface of the site, including concrete, bricks, metal, plastic, pipework, glass and suspected asbestos roof tiles.

The contamination testing found that such materials and pollutants were found at 0.70mbgl across the site. Such materials would be removed from the site as part of the ground works for the proposed development. Indeed, it is a recommendation that such ground is removed to allow 450mm capping layer from finalized ground level. Also, a geotextile membrane is required along with the importation of 300mm thickness of subsoil and 150mm thickness of topsoil. There is currently little if any top soil on the site at present.

More recently Constructive Evaluation has stated:

"Based on our observations of the site during our investigation on January 10 2020, and anecdotal evidence that the site has historically been used as a builders yard, we do not believe this land is suitable for agricultural purposes. Due to the presence of these exceedances and the lack of notable top soil material on the site, it is not thought that this land is suitable for use for agricultural purposes." (See annex 4).

It is clear to anyone who visits the site that the land is not the best and most versatile land. Further it is not even of moderate quality and does not even fall within the definition of very poor quality agricultural land, as set out in the Arun soil report. It could not be used for grazing or growing grass or arable crops, due to the reasons set out in the contamination report. It is not and has not been agricultural land for in excess of 40 years.

There is no conflict with policy 9 of the draft PNP as it seeks the retention, continued and efficient use of agricultural land for food production.

With regard to policy SO DM1 of the ADLP, the supporting text advises that national policy requires account to be taken of the economic and other benefits of the best and most versatile agricultural land. With this in mind the Council requires that a planning application on agricultural land falling within grade 2 of the agricultural land classification, which involves the permanent loss of one hectare or more, shall be accompanied by a report quantifying the losses and potential mitigation.

With the proposal:

- The application site is considerably less than one hectare in size.
- The application site does not comprise agricultural land, it has been used for other purposes for at least 30 years. At best it has "no use".
- The site is not suitable for any agricultural uses, be it growing grass or arable crops or grazing.
- At no stretch of the imagination would it be viable to restore the land for agricultural use.
- The benefits of the proposal include: the already developed, degraded and unsightly condition of the site; its location bordering existing and approved dwellings on three sides and a road on the other; bus stops within 150 metres of the site; together with the strategic site to the east it will logically fall within the built up area boundary; the visually contained nature of the site; the ability to deliver a small housing development.
- The development of this site will help reduce the need to release the best and most versatile land for housing elsewhere in the district.
- The site is identified in the Council's HELAA.
- Arun does not have a five year supply of deliverable housing sites and the tilted balance applies to the proposal.
- The proposal will help demonstrate the effectiveness of the Council's housing action plan.
- No concerns have been raised to the layout and appearance of the proposal.

- The proposal will result in ecosystem benefits which will enhance wildlife habitats.

Finally, it is noted that the Pagham NP Regulation 14 issue does not address previous concerns raised by ADC and that it is inconsistent with the Local Plan and the NPPF. Further objections from third parties are currently being lodged due to various inconsistencies with adopted and national policies. This significantly reduces any weight that can be accorded to it.

Land Registry

Transfer of whole of registered title(s)

TR1

If you need more room than is provided for in a panel, you can expand any panel in this form. Simply continue typing until complete, then click on another panel to expand the form.

Leave blank if not yet registered.

Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.

Give full name(s).

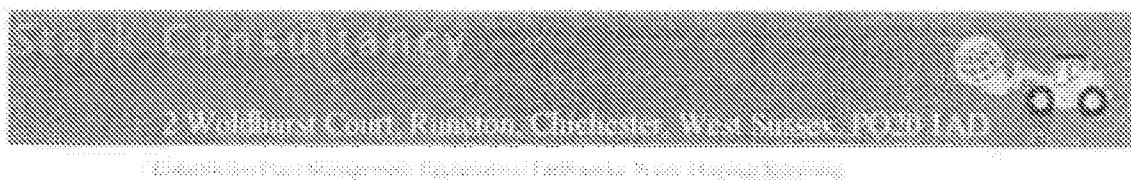
Complete as appropriate where the transferor is a company.

Give full name(s).

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

Each transferee may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

1 Title number(s) of the property: WSX286443
2 Property: Land lying to the south of Selter Road, Bognor Regis, West Sussex
3 Date: 17 th August 2012
4 Transferor: Elizabeth Anne Ford and Diane Geall <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix: <u>For overseas companies</u> (a) Territory of incorporation: (b) Registered number in the United Kingdom including any prefix:
5 Transferee for entry in the register: Basing Partners Limited <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix: 04000142 <u>For overseas companies</u> (a) Territory of incorporation: (b) Registered number in the United Kingdom including any prefix:
6 Transferee's intended address(es) for service for entry in the register: Basing Park, Privett, Alton, Hampshire GU34 3NS
7 The transferor transfers the property to the transferee



22nd January 2018

Quote Reference: Land adjacent Seftor school house off Seftor Lane Pagham

This Quote is for the clearance of waste material, soils and Asbestos from the land above, work to take place in February or March 2018. A soil bund also to be constructed alongside the main Seftor road to prevent access for vehicles.

To supply a 13 tonne or similar machine to load materials away and tidy up the land that is visible on the surface.

No excavation will take place below existing ground level and no material will be taken away from below the surface. Prices are for completion of the works. Time frame estimated 8 - 9 days.

Hire 13 tonne excavator including buckets, insurance and transport to site.	£2,350
Operators wages including organisation of works	£2,400
6 Tonne site dumper	£350

Disposal costs, these are from Licensed waste disposal contractors taking materials to Licensed Landfill sites that are currently open in Sussex and Hampshire

4 Rollonof bins for the disposal of waste materials	£4,800
Asbestos removal including consignment and waste notes	£1,635
15 loads of soil to be disposed of in 8 wheel tippers	£7,200

Totals

£15,735

1. Basing Partners to supply Fuel for Machinery working on site.
2. Basing Partners to be responsible for keeping road clean
3. An additional charge of £500 per day will be incurred if there are any delays due to the client or third parties preventing completion of works

Ian Stark
Stark Consultancy



Units 15 & 16 • Ford Lane Business Park •
Ford • Arundel • West Sussex • BN18 0UZ

Email

Date: 07/07/2020
Our Ref: 19.1295.1

Dear Sir,

RE: Land adjacent to Sefter School House

We are writing to you following our site investigation at the land adjacent to Sefter School House, Pagham, PO21 3EE. At the time of writing this letter, it is believed that this land has just been classified as Grade 2 Agricultural Land.

It is understood that the definition of Grade 2 Agricultural Land is as follows:

"Very good quality agricultural land: land with minor limitations which affect crop yield, cultivations or harvesting."

Based on our observations of the site during our investigation on January 10th 2020, and anecdotal evidence that the site has historically been used as a builders yard, we do not believe this land is suitable for agricultural purposes.

Our site observations recorded the surface of the site having red brick and concrete rubble across the site with evidence of fly tipping and fragments of suspected ACM tiles and other anthropogenic materials present. Laboratory testing of the soil revealed numerous exceedances of the adopted 'residential with home grown produce' criteria, which are largely less stringent than criteria for allotments or land to grow crops.

The laboratory results from the soil samples retrieved during the intrusive investigation identified the presence of Asbestos (Chrysotile) within the Made Ground in the following locations;

- WS2 @ 0.30m
- WS4 @ 0.40m

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- WS4 @ 1.20m
- WS5 @ 0.50m
- WS6 @ 0.20m
- WS7 @ 0.50m

The following exceedances of the adopted GACs were revealed during the laboratory testing;

- Lead (max 457mg/kg) - WS2 at 0.30m
- Benzo(b)fluoranthene (max 7.03mg/kg) – WS4 at 0.40m & WS7 at 0.50m
- Benzo(a)pyrene (max 5.62mg/kg) - WS4 at 0.40m & WS7 at 0.50m
- Dibenzo(a,h)anthracene (0.68mg/kg) - WS4 at 0.40m & WS7 at 0.50m

Due to the presence of these exceedances and the lack of notable topsoil material on site, it is not thought that this land is suitable for use for agricultural purposes.

Kind regards,



Michael Emery MSc BSc FGS IAEG

Geo Environmental Consultant
Constructive Evaluation Limited