

**Full Statement of Case on behalf of the Appellants Paula Hilton & Brian Biermann of Meadowsweet, Summer Lane, Pagham, Bognor Regis, West Sussex, P021 4NG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The application ref: P/1/21 PL dated 12-01-21 was refused by notice dated 4 March 2021
  - The development proposed is material change of use of land from agricultural use to use for open space
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**The use proposed**

*Section 336 of the Town and Country Planning Act 1990 defines open space as being: Land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.*

The appeal application seeks the change of use of this agricultural land shown on the submitted location plan to open space used for the purposes of public recreation which could include allotments.

It is acknowledged that a grant of planning permission for this change of use could not and would not grant any planning permission necessary for any operational development required to implement the proposed use so that these matters would need to be made the subject of further applications for planning permission in the event that the change of use was granted and that the use could not commence until such date as any such planning permissions were granted.

**The Issues**

Having regard to S38 (6) of Act and the presumption in favour of sustainable development at Framework Paragraph 11, the only issue is whether or not the principle of using this land for open space is acceptable having regard to its accordance with the development plan, national policy and any other material considerations.

The Appellant considers that this proposal does accord with all relevant development plan policies for the reasons set out in the remainder of this statement.

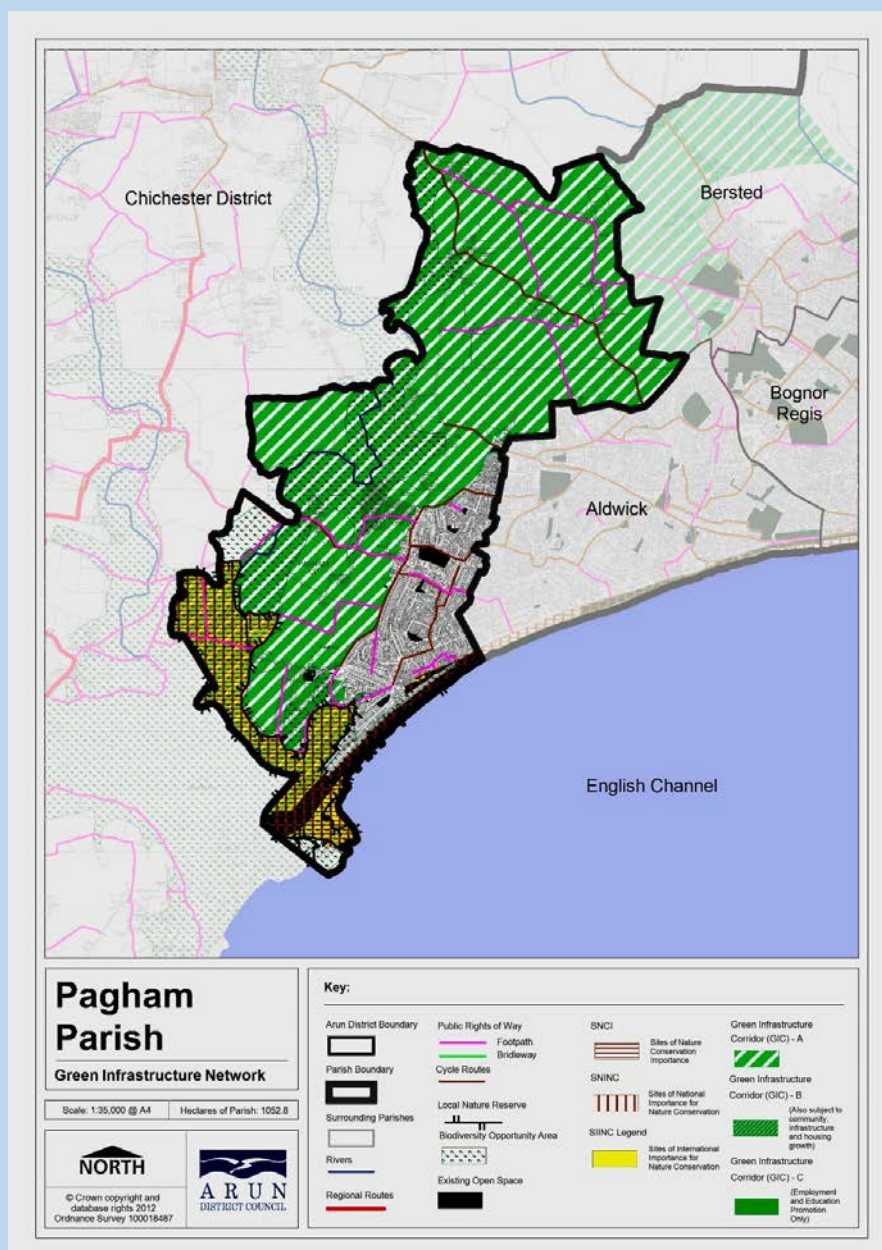
**The relevant Development Plan Policies**

The officers' report identifies a whole host of relevant development plan policies as follows: ENV SP1 Natural Environment ENV DM1 Designated Sites of Biodiversity or geographical ENV DM2 Pagham Harbour ENV DM5 Development and biodiversity GI SP1 Green Infrastructure and Development, HSP1 Housing allocation the housing requirement, H SP2 Strategic Site Allocations, HSP2a Greater Bognor Regis Urban Area, HWB SP1 Health and Wellbeing, OSR SP1 Allotments, OSRDM1 Protection of open space, outdoor sport, comm & rec facilities, SD SP1 Sustainable Development, SD SP1a Strategic Approach, T DM1 Sustainable Travel and Public Rights of Way and TSP1 T SP1 Transport and Development and copies of these policies are provided at **Appendix 1**.

Article 35 b) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) states that *where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision*

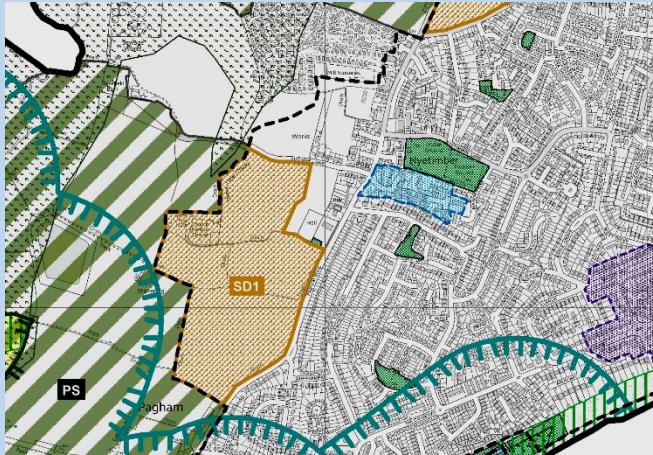
Therefore this statement proceeds on the basis that the two refusal reasons issued meet this requirement and that no conflict with any other development policies listed in the officer's report is asserted in support of the decision so that it is fair to assume that the Council considers that the development proposed accords with these policies certainly the Council does not assert any conflict with ENV SP1 Natural Environment ENV DM1 Designated Sites of Biodiversity or geographical ENV DM2 Pagham Harbour ENV DM5 Development and biodiversity GI SP1 Green Infrastructure and Development, HWB SP1 Health and Wellbeing, OSR SP1 Allotments, OSRDM1 Protection of open space, outdoor sport, comm & rec facilities, SD SP1 Sustainable Development, SD SP1a Strategic Approach.

In particular since the proposal is to provide green infrastructure it is considered that the proposal is in full accord with the Council's Green Infrastructure Strategy and Policy GSP 1 Green Infrastructure and Development. The site lies within an area designated as existing Green Infrastructure on the Green Infrastructure Network Map for Pagham and the policy seeks to protect and safeguard such green infrastructure assets.



### **Rebuttal of Refusal Reason 1**

**RR1 states: *The proposed change of use of the land to use for open space does not accord with policies H SP1, H SP2 and H SP2a of the Arun Local Plan 2011-2031 and would prejudice delivery of the Local Plan housing strategy, contrary to paragraph 59 of the National Planning Policy Framework.***



**Policy HSP 1 identifies the land shown on the proposals map extract left as SD 1 for development with 400 houses.**

SD1 measures approximately 25.6 hectares in area and since the use proposed would only occupy 6.58 hectares of that area circa 19 hectares of land would be left for the 400 houses at a remarkably low density (by modern standards) of 21 dph so it is clear that no conflict with Policy HSP 1 can or would arise.

**Policy HSP 2 is not relevant to the proposal made.**

The proposal relates to a material change in the use of the land and does not involve any built or operational development so the policy and its requirements which relate to proposed built development within SD1 as a strategic allocation are not relevant to this application as made.

**Policy HSP2a Greater Bognor Regis Urban Area A is not relevant to the proposal made for the same reasons.**

The refusal reason asserts that the development of this site with open space would prejudice the delivery of the Local Plan housing strategy, contrary to paragraph 59 of the National Planning Policy Framework but does not specify how or why.

Given that the proposed open space forms part of a site allocated for 400 Houses as part of the Local Plan housing strategy and the use of the subject land in the manner proposed could not and would not prejudice the delivery of those 400 houses on this site (see above) it is impossible to see how this would or could be so.

### **Rebuttal of Refusal Reason 2**

**RR2 states: *The proposal fails to provide safe and suitable access to the site for all users, contrary to policies T SP1 and T DM1 of the Arun Local Plan 2011-2031, paragraph 108(b) of the National Planning Policy Framework and part F of the Arun Design Guide Supplementary Planning Document January 2021.***

To the limited extent that policy TSP1 is relevant, the proposal accords with the policy in all respects and would actually facilitate its implementation in this part of Pagham having regard to the existing Green Infrastructure Network and existing unaffected rights of way<sup>1</sup> and its compliance with the Council's Green Infrastructure Strategy and Policy GSP 1 Green Infrastructure and Development.

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<sup>1</sup> See attached Policy GI SP1 Green Infrastructure and Development and Pagham Green Infrastructure Plan

To the limited extent that policy TDM1 is relevant, the proposal accords with the policy in all respects and would actually facilitate its implementation in this part of Pagham having regard to the existing Green Infrastructure Network and existing unaffected rights of way and its compliance with the Council's Green Infrastructure Strategy and Policy GSP 1 Green Infrastructure and Development.

Although it is not clear why<sup>2</sup> WSCC as the relevant Highway Authority were consulted and their consultation response is copied and attached at **Appendix 2**.

WSCC Highways raise no objections to the proposals and make it clear that no approval from WSCC would be required to achieve access to the use proposed but do suggest that details of access for maintenance purposes could be secured via condition and the following condition meeting this aim was suggested to ADC prior to it making its decision but no response was received other than by way of the refusal reason issued.

*The land shall not be used for open space unless and until details of an access for vehicles associated with the maintenance of the land as open space have been submitted to and approved in writing by the Local Planning Authority.*

Obviously if such an access for maintenance purposes as proposed at that time required planning permission and application for such permission could and would also be made

Paragraph 59 of the Framework and Part F of the Arun Design Guide Supplementary Planning Document January 2021 are not part of the development plan, are not relevant to the change of use application made and the asserted conflict is not explained in any case.

### **Conclusions**

Planning permission for this proposed change of use should clearly be granted in accordance with the development plan, national policy and any other material considerations and the appellants respectfully invite the Inspector to uphold this appeal.

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<sup>2</sup> Since no new highway accesses were proposed

## **APPENDIX 1 – RELEVANT DEVELOPMENT PLAN POLICIES**

**ENV SP1 Natural Environment**

**ENV DM1 Designated Sites of Biodiversity or geographical**

**ENV DM2 Pagham Harbour**

**ENV DM5 Development and biodiversity**

**GI SP1 Green Infrastructure and Development,**

**HSP1 Housing allocation the housing requirement,**

**H SP2 Strategic Site Allocations,**

**HSP2a Greater Bognor Regis Urban Area,**

**HWB SP1 Health and Wellbeing,**

**OSR SP1 Allotments,**

**OSRDM1 Protection of open space, outdoor sport, comm & rec facilities,**

**SD SP1 Sustainable Development,**

**SD SP1a Strategic Approach,**

**T DM1 Sustainable Travel and Public Rights of Way**

**T SP1 Transport**

| Name                      | Site Code |
|---------------------------|-----------|
| Elmer Rocks               | Ar18      |
| Fontwell Park Race Course | Ar01      |
| Middleton Shingle         | Ar19      |

**Table 17.6 Sites of Nature Conservation Importance**

**17.1.15** Regionally Important Geological & Geomorphological Sites are currently the most important places for geology and geomorphology apart from statutorily protected land such as Sites of Special Scientific Interest. The designation of these sites is one way of recognising and protecting important earth science and landscape features for future generations to enjoy.

| Name                            | Site Code |
|---------------------------------|-----------|
| Felpham Foreshore, Bognor Regis | 1475602   |
| Climping Sand Dune System       | 1475611   |
| Bognor Foreshore                | 1475600   |
| Pagham Harbour                  | 1475608   |

**Table 17.7 Regionally important geological & geomorphological sites**

### Policy ENV DM1

#### Designated Sites of biodiversity or geological importance

- a. Proposed development likely to have an adverse effect on land with the designated features of any Site of Biodiversity or Geological Importance as listed in Tables 17.1 - 17.7 or any subsequently designated sites (either individually or in combination with other developments), will not normally be permitted. Consideration will be given to the exact designated features present on the site, their scarcity/rarity and recognition of the protection offered by their existing status. Development on wildlife sites with the highest value will only be permitted exceptionally where the following can be demonstrated:
  - i. There is no alternative solution (which shall be adequately demonstrated by the developer).
  - ii. There are reasons of public health or public safety or

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- iii. There are benefits of primary importance to the environment or
- iv. There are imperative reasons of overriding public interest.

Notwithstanding the above however, the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

- b. In determining any planning application affecting Sites of Biodiversity or Geological Importance the Council will ensure that the intrinsic natural features of particular interest are safeguarded or enhanced having regard to;
  - i. The European, National or Local status and designation of the site;
  - ii. The nature and quality of the site's features, including its rarity value;
  - iii. The extent of any adverse impacts on the notified features of interest;
  - iv. The need for compensatory measures in order to re-create remaining features of habitats on or off the site.
- c. Where appropriate the Council will ensure the effective management of designated sites through the imposition of planning conditions or Section 106 agreements as appropriate.

### European Sites & Habitats Regulations Assessments

**17.1.16** Arun District Council's Habitats Regulations Assessment (HRA) (2017) assesses the likely impacts of the possible effects of the Local Plan's policies on the integrity of Natura 2000 sites (including possible effects 'in combination' with other plans, projects and programmes). In addition to considering the impacts of development on European sites within Arun, the impacts of development on European sites outside the District of Arun but within neighbouring planning authority areas must also be considered. Such sites include the Duncton to Bignor Escarpment SAC, Chichester and Langstone Harbours (Ramsar, SPA) and Solent Marine (SAC).

**17.1.17** Pagham Harbour and Arun Valley are of particular importance to Arun, notwithstanding the fact that Arun Valley is located within the South Downs National Park planning authority area. The following outlines the reasons for their importance, some of the key issues affecting these areas and policies for their continued protection and enhancement.

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- Access management and site protection - improving paths, erecting fencing or establishing other barriers, in order to prevent or reduce access to sensitive areas.
- Habitat improvements - mitigating against any disturbance to birds, including their nesting, roosting or feeding habitats which could instead be enhanced or created.
- Interpretation, education and signage - improving visitor facilities and informing visitors of the requirement to protect the wildlife of the site and outlining how best to achieve this.
- Monitoring of wildlife and visitor numbers and the effect that disturbance has on wildlife, so that access management can be modified as appropriate.

**17.1.22** Though it is recognised that the special draw of the coast cannot be fully removed, this may be reduced through the addition of design aspects, such as on-site green space or dog walking areas.

### Policy ENV DM2

#### Pagham Harbour

- a. Within Zone A (0-400m from the boundary) as identified on the Policies Maps, development will only be permitted in exceptional circumstances where the developer is able to demonstrate there will be no detrimental effects on Pagham Harbour, including non-native species and the water environment. Regard shall also be had to tests 1-4 as set out in Policy DM1 (Designated Sites of Biodiversity or Geological Importance).
- b. Within Zone B (0-5km) for all new residential development and development which is likely to have an impact on Pagham Harbour will be required to:
  - i. Make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.
  - ii. create easily accessible new green spaces for recreation within or adjacent to the development site- These shall be capable of accommodating the predicted increases in demand for local walking, including dog walking. Good pedestrian links shall be provided between housing areas and new and existing green space in order to discourage car use.

- c. Major developments (as defined in the GDPO 1995 as amended<sup>(61)</sup>) taking place outside Zone B and close to its boundary will be considered on a case by case basis to determine any potential effects on Pagham Harbour, and the need for any avoidance or mitigation measures.

### Arun Valley

**17.1.23** Arun Valley consists of low-lying grazing marshes, largely on alluvial soils, with southern parts fed by calcareous springs, while to the north, with the underlying geology in Greensand, the water is more acidic. Ungrazed fields have developed into fen, scrub or woodland. The ditches and margins between grazing marsh fields have an outstanding aquatic flora and invertebrate fauna. The Arun Valley supports important numbers of wintering waterbirds, which feed in the wetter, low-lying fields and along ditches.

**17.1.24** The site qualifies under the Birds Directive as an SPA by supporting populations of overwintering Bewick's Swan (*Cygnus columbianus bewickii*) and regularly supporting at least 20,000 waterfowl including Shoveler (*Anas clypeata*), Teal (*Anas crecca*), and Widgeon (*Anas penelope*). The site supports seven wetland invertebrate species listed in the British Red Data Book as threatened. The site also supports four nationally rare and four nationally scarce plant species. Under the Ramsar Convention a wetland should be considered internationally important if it supports populations of plant and/or animal species important for maintaining the biological diversity of a particular biogeographic region. The conservation objectives for the constituent SSSIs of the Arun Valley SPA is to maintain, in favourable condition, the habitat for the populations of species of European importance, with particular reference to fen, marsh and swamp; lowland neutral grassland; standing open water and canals and wet woodland.

**17.1.25** The Arun Valley functions as one hydrological unit. The site is designated due to the little Ramshorn whirlpool snail (*Anisus vorticulus*). Although the area designated as Arun Valley SAC lies outside Arun District, much of the Arun Valley within Arun District is of conservation value and its potential nature conservation value is extremely high. It was classified as a Special Protection Area in 1999, and is comprised of three Sites of Special Scientific Interest:

- Pulborough Brooks
- Waltham Brooks
- Amberley Wild Brooks

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61 see Development Management Procedure Order 2015

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- 17.4.3** Properties that contain these protected species will require the applicant to undertake additional work specific to the legal protection that they are offered. This includes the preparation of surveys and appropriate responsive designs. Property owners are also required to take extra care during the development phase of any project and plan for the effective management of the species after construction has finished.
- 17.4.4** All developments should have regard to Natural England's standing advice for protected species which clearly outlines what considerations must be taken into account when designing development schemes, in the interests of preserving and enhancing biodiversity.

### Policy ENV DM5

#### Development and biodiversity

Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not). Development schemes shall also be appropriately designed to facilitate the emergence of new habitats through the creation of links between habitat areas and open spaces. Together, these provide a network of green spaces which serve to reconnect isolated sites and facilitate species movement.

Where there is evidence of a protected species on a proposed development site, planning applications shall include a detailed survey of the subject species, with details of measures to be incorporated into the development scheme to avoid loss of the species. This involves consideration of any impacts that will affect the species directly or indirectly, whether within the application site or in an area outside of the site, which may be indirectly affected by the proposals. All surveys shall be carried out at an appropriate time of year and shall be undertaken by a qualified and, where appropriate, suitably licensed person.

All developments shall have regard to Natural England's standing advice for protected species.

### Policy GI SP1

#### Green Infrastructure and development

The existing Green Infrastructure Network, as shown on the Green Network Maps for each parish and town, must be considered at an early stage of the design process for all major development proposals.

All major development must be designed to protect and enhance existing Green Infrastructure assets, and the connections between them, in order to ensure a joined up Green Infrastructure Network. The Green Infrastructure Network must be protected from light pollution to ensure that areas defined by their tranquillity are protected from the negative effects of light in development.

Where compatible with nature conservation objectives, development proposals must identify opportunities to connect existing Green Infrastructure assets with the coast, the South Downs National Park or to the District's inland villages. Opportunities to enhance the network should take account of the multiple functions of Green Infrastructure assets and should be based upon those opportunities set out in the supporting text.

### 7.4 Settlement Structure and Gaps Between Settlements

- 7.4.1** Arun District is characterised by a distinctive settlement pattern. The coastline is dominated by the towns of Bognor Regis and Littlehampton, smaller settlements, and the extensive twentieth century suburbs associated with them. The most sizeable break in this almost continuous band of urban development along the coast is at the mouth of the River Arun, around Climping. Inland the settlement pattern comprises a series of villages and hamlets, including Angmering and the 'five villages' area, centred on Barnham (Landscape Study, 2017).
- 7.4.2** It is important to retain the settlement structure of Arun District and recognise the value of gaps between settlements for preventing the coalescence of individual settlements and for retaining the separate identity and amenity of settlements. Furthermore, the gaps, which are largely undeveloped, and fall outside the Built-up Area Boundary, are also crucial for protecting the areas of undeveloped coastline and for contributing to the District's multifunctional Green Infrastructure Network.
- 7.4.3** The principle of a gap policy is well established within West Sussex Development Plans and were included within the most recent West Sussex Structure Plan (2001-2016) and the Arun Local Plan 2003. The policies within the Structure Plan and Arun Local Plan sought to safeguard those gaps between settlements which contribute to the distinctive character and settlement structure of the District, as well as protect the undeveloped coastline.

## Policy H SP1

### The Housing Requirement

Within the plan period 2011 – 2031 at least 20,000 new homes will be accommodated in the District.

Delivery will be phased over the Plan period as follows:

| <i>Requirements for net additional homes</i> | 2011/12-2015/16 | 2016/17-2020/21 | 2021/22-2025/26 | 2026/27-2030/31 | 2011/12-2030/31 |
|----------------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Dwellings per annum                          | 610             | 1,120           | 1,310           | 960             |                 |
| <b>Total</b>                                 | <b>3,050</b>    | <b>5,600</b>    | <b>6,550</b>    | <b>4,800</b>    | <b>20,000</b>   |

**Table 12.2**

The following strategic housing sites are allocated as shown on the Policies Maps:

| Reference                        | Location                      | Number of units |
|----------------------------------|-------------------------------|-----------------|
| Greater Bognor Regis Urban Area  |                               |                 |
| SD1                              | Pagham South                  | 400             |
| SD2                              | Pagham North                  | 800             |
| SD3                              | West of Bersted               | 2,500           |
| Greater Littlehampton Urban Area |                               |                 |
| SD4                              | Littlehampton – West Bank     | 1,000           |
| Inland Arun                      |                               |                 |
| <u>SD5</u>                       | Barnham/Eastergate/Westergate | 2,300           |
| SD6                              | Fontwell                      | 400             |
| SD7                              | Yapton                        | 500             |
| SD8                              | Ford                          | 1,500           |
| SD9                              | Angmering North               | 800             |

### Policy H SP2

#### Strategic Site Allocations

Development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design giving a sense of place and a permeable layout.

The comprehensive development of the allocation will need to meet the following key requirements:

- a. integrate appropriately with surrounding communities through an appropriate design particularly where they adjoin by providing for public realm improvements, shared community uses, and connectivity of transport modes including walking, cycling and public transport,
- b. ensure a clear and harmonious relationship between town and country including clearly defined boundaries, using physical features that are readily recognisable and likely to be permanent,
- c. Protects, conserves or enhances the natural environment, landscapes and biodiversity,
- d. incorporate high quality, well connected green spaces, planting within main streets and biodiversity rich open spaces,
- e. extend, enhance and reinforce strategic green infrastructure and publicly accessible open space,
- f. new community hubs where required to be provided, shall be well located taking account of the permeable layout to all transport modes and shall as far as possible cluster retail, commercial and community uses,
- g. where existing village centres are within or will serve the needs of strategic development sites their improvement as sustainable centres will be required,
- h. where community buildings are provided these shall be designed and provide for a range of uses such as healthcare, police, faith and community groups,
- i. integration of community hubs and local centres of an appropriate form and scale into the design and layout of development proposals where identified in the specific allocations policies in H SP2 a-c,
- j. ensure walkable access to local community, recreational and shopping facilities, jobs and accessible transport,

## 12 Housing Delivery

- 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,
- l. positively respond to sustainable water management taking particular account of the coastal plain topography which may require strategic surface water solutions,
- m. maintain and enhance any important features, characteristics and assets of the local area;
- n. provide for the required infrastructure, that relates to that particular allocation, in accordance with Policy INF SP1 and the Infrastructure Delivery Plan,
- o. enable strategic District wide infrastructure to be delivered at strategic sites if the location is appropriate for the District,
- p. consider inclusion of an area of the sites for Self-Build and Custom Build, and
- q. consider the delivery of an area as a site for Gypsy and Traveller accommodation.

### Strategic Sites

**12.1.13** Specific Strategic Housing will be delivered through the following Strategic Site Allocations as shown on the policies map.

#### Greater Bognor Regis Urban Area

**12.1.14** Urban extensions shall be provided to the west/north-west of the Greater Bognor Regis urban area in the following locations:

- Pagham South;
- Pagham North; and
- West of Bersted.

**12.1.15** The Pagham North site consists of a number of parcels of land which will be planned comprehensively with each other to ensure that a suitable development is provided. The Pagham South allocation is in close proximity to Pagham Harbour, which is an important and sensitive natural site within the wider Bognor Regis area. Development from this allocation should mitigate and ensure no detrimental impacts from the loss of supporting habitat or recreational disturbance that may arise.

### Policy H SP2a

#### Greater Bognor Regis Urban Area

To support the sustainable growth of Bognor Regis, growth will take place at three strategic allocations adjacent to the urban area onto the coastal plain. The following strategic housing sites are allocated as shown on the Policies Maps:

| Reference | Location        | Number of units |
|-----------|-----------------|-----------------|
| SD1       | Pagham South    | 400             |
| SD2       | Pagham North    | 800             |
| SD3       | West of Bersted | 2,500           |

**Table 12.4**

#### Pagham (SD1 Pagham South and SD2 Pagham North)

Located to the west of the urban area of Bognor Regis, the Pagham South and Pagham North Strategic Allocations will collectively provide at least 1,200 dwellings over the plan period. Both sites consist of a number of parcels of land, it is imperative that individual areas are aligned with neighbouring parcels of land. The sites lie in close proximity and are within the drainage catchment of the internationally designated Pagham Harbour site which has drainage and waste water implications. Development proposals will need to meet the following key design and infrastructure requirements:

- a. ensure no detrimental impact to Pagham Harbour SPA, through compliance with ENV DM2 (Pagham Harbour) and its supporting text,
- b. be designed to take into account nearby heritage assets,
- c. provide a new one-form (expandable to two-form) entry primary school and nursery places,
- d. provide a care home facility,
- e. provide a Community Hub which includes;
  - i. shops and complementary uses,
  - ii. a community building (Tier 7 library, D1/sui generis floorspace),

## 12 Housing Delivery

- iii. provision of land for a scout hut, and
  - iv. land for an Ambulance Community Response Post facility and contributions towards new healthcare facilities at West of Bersted (SD3). Alternatively, where appropriate proposals may make a contribution towards new facilities or the improvement or expansion of the relevant existing facilities, subject to agreement with the Council,
- f. provision of public open space including children's play areas, landscaping, drainage and earthworks,
  - g. contribute to the provision of an enhanced local cycle network by making on site provision and appropriate off site financial contribution; and
  - h. where possible, provide linkages and accessible pedestrian and cycle routes to Bognor Regis town centre.

### **West of Bersted (SD3 West of Bersted)**

Located to the north of Bognor Regis this largest allocation will provide at least 2,500 dwellings over the plan period. Development proposals will need to meet the following key design and infrastructure requirements:

- a. provide a new three-form entry primary school and nursery places,
- b. provide a new 3G pitch facility to serve the west of the District,
- c. incorporate two new sports pitches and facilities,
- d. provide a Community Hub which includes;
  - i. shops
  - ii. provision for new healthcare facilities to serve West of Bersted and Pagham South and North (SD 1 & 2)
  - iii. provide a new Tier 7 library facility,
- e. provide a road/pedestrian/cycle link between the A259 and Chalcraft Lane including facilitating the cycle route to Pagham and enhancing the A259 cycle route,
- f. improvements to the A259 between Bersted and Drayton
- g. ensure no detrimental impact to Pagham Harbour SPA, through compliance with ENV DM2 (Pagham Harbour) and its supporting text,

## 14 Health, Recreation & Leisure

### 14.1 Health, Recreation & Leisure

**Arun's Local Plan strategic objective for Health, Recreation & Leisure is to:**

**"Promote strong, well integrated and cohesive communities, through the promotion of healthy lifestyles, provision of good quality accessible community facilities and a safe environment, which delivers an enhanced quality of life to all. This includes meeting the needs of a growing elderly population."**

- 14.1.1** Community facilities in this context include both open spaces and built facilities for recreation, leisure, sport, arts and cultural activities. Arun's strategic objectives for Health, Recreation and Leisure reflect national and regional policies and guidance as well as local strategies and studies.
- 14.1.2** Open space, outdoor sport and recreation are important in enhancing people's quality of life. These also perform wider roles in helping to build inclusive communities, promoting healthy lifestyles and protecting green spaces. Open space, outdoor sport and recreation facilities include parks and gardens, natural and semi-natural green space, amenity green space, children's and young people's play areas, cemeteries and churchyards, green corridors, civic space, beaches and allotments. 'Open space' is defined as all open space of public value, including not just land, but also areas of water. Outdoor sport facilities include playing fields, synthetic turf pitches, tennis courts, bowling greens, multi use games areas and ancillary facilities such as pavilions, equipment huts and changing rooms.
- 14.1.3** Similarly, indoor sport, arts and cultural facilities play a significant role in developing the social wellbeing of individuals and communities by allowing activities and interests to grow outside the home and the workplace. They also bring people together and help to establish new communities. Recent surveys have shown that existing indoor sport, arts and cultural facilities in Arun are highly valued by local residents. Indoor sport, arts and cultural facilities covers leisure centres, indoor swimming pools, theatres, arts centres, galleries, community buildings, places of worship and other cultural venues.
- 14.1.4** In accordance with the Local Plan's vision and objectives, and surveys of residents, recreation and leisure facilities should be protected and enhanced under Local Plan policy to safeguard their future access and enjoyment.

#### Policy HWB SP1

#### Health & Wellbeing

All development shall be designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. In particular regard shall be had to:

- a. Providing or contributing to the necessary infrastructure to encourage physical exercise and health, including accessible open space, sports and recreation facilities (including outdoor fitness equipment) and safe, well promoted, walking and cycling routes.
- b. Creating mixed use development and multi-use community buildings that reduce the need to travel by providing housing, services and employment in close proximity to each other; and
- c. Ensuring that arts and cultural facilities are accessible to all residents and visitors to the District.

Where new health, recreation and leisure facilities are planned, where possible, these shall be located along public transport corridors that are easily accessible to members of the wider community.

### Relevant strategies

**14.1.5** The National Planning Policy Framework <sup>(48)</sup> advises that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. Several Arun District Council strategies and studies informed this policy, and this policy is used to deliver the objectives of these strategies. The local strategies and studies are:

- Open Space Study
- Playing Pitch Strategy
- Indoor Sport and Leisure Facilities Strategy
- Green Infrastructure Study
- Leisure and Cultural Strategy
- Play Strategy
- Seafront Strategies

### Strategic Priorities

**14.1.6** The above strategies and studies include assessments of the needs for health, recreation and leisure facilities and opportunities for new provision. Identified needs and opportunities have been used to develop strategic priorities for leisure and recreation facilities. These are:

- Community sports hubs to provide for a number of outdoor sports
- Open access fitness equipment in parks and open spaces in the District.
- New high quality public open space for all new Strategic Housing developments, and all other new housing to contribute towards open space provision in accordance with the Open Space Study

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48 as published in March 2012

### Policy OSR DM1

#### Open Space, sport & recreation

##### **1. Protection of open space, outdoor and indoor sport, community, arts and cultural facilities.**

Existing open space, outdoor and indoor sport, community, arts and cultural facilities should not be built on or redeveloped for other uses unless:

- a. a robust and up-to-date assessment has been undertaken which has clearly shown the facilities to be surplus to requirements; or
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision of open space, outdoor and indoor sport, community arts and cultural facilities, which will be assessed in terms of quantity and quality and suitability of location; or
- c. the development is for alternative open space, sports, community, arts or cultural provision, the needs for which clearly outweigh the loss.

##### **2. Open space, sport and recreation in new developments**

Housing and, where viable, commercial development will be required to contribute towards:

- a. Open space provision in accordance with guidance set out in the current Open Space Study. In some parts of the District open space provision is identified as being sufficient in terms of quantity. Therefore, provision of new open space is not deemed necessary but what is needed is to seek contributions for quality improvements and/or new offsite provision in order to address any future demand. For larger scale developments, the quantity standards should be used to help determine the requirements for open space provision as part of that development.
- b. Playing pitch provision in accordance with guidance set out in the Playing Pitch Strategy. This will include improvements to existing provision to increase playing capacity and providing hubs of new pitches.
- c. Indoor sport and leisure facilities through financial contributions in accordance with guidance set out in the Indoor Sport and Leisure Facilities Strategy which identifies a need for a new leisure centre in the West of the District.
- d. Strategic projects identified in the Leisure and Cultural Strategy.

### 3. Local Green Space and Neighbourhood Plans

Local Green Space is not identified in this Local Plan but will be designated in Neighbourhood Plans in circumstances where the criteria in paragraphs 99 and 100 of the National Planning Policy Framework <sup>(49)</sup> are met.

### 4. Quality expectations

Developments with respect to all of the above shall have regard to the 'Secured by Design' guidance documents and shall also be consistent with all other Local Plan policies.

- 14.1.13** Allotment gardening can be a very rewarding pastime and can make a valuable contribution to the quality of people's lives. Open space is becoming increasingly important within our communities as the intensity of development increases. Allotments provide an important recreational asset with a multitude of benefits including a greater sense of community, a healthier lifestyle, promotion of well-being, biodiversity, and a valued, local and sustainable source of food. However, new allotments shall be avoided within Pagham Harbour Buffer Zone A .

### Policy OSR SP1

#### Allotments

The Council will encourage the development of sites as allotments subject to all of the following criteria:

- a. The land shall be situated within or immediately adjacent to the built-up area boundary or adjacent to community facilities or on appropriate sites close to residential areas;
- b. The land shall be suitable (i.e. having regard to flooding and gradient) and be easily accessible;
- c. Adequate water supply and parking facilities shall be provided on site;
- d. Located so that natural surveillance can be maximised; and
- e. Secure boundaries should surround the area of the allotment.

The loss of allotment sites to development shall only be permitted where a site of a similar scale can be provided that is as, if not more, conveniently located to the local community as the existing allotment site, subject to the above criteria.

49 as published in Revised National Planning Policy Framework (July 2018)

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Local Green Space is not identified in this Local Plan but will be designated in Neighbourhood Plans in circumstances where the criteria in paragraphs 99 and 100 of the National Planning Policy Framework <sup>(49)</sup> are met.

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- d. Located so that natural surveillance can be maximised; and
- e. Secure boundaries should surround the area of the allotment.

The loss of allotment sites to development shall only be permitted where a site of a similar scale can be provided that is as, if not more, conveniently located to the local community as the existing allotment site, subject to the above criteria.

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49 as published in Revised National Planning Policy Framework (July 2018)

## 6 Sustainable Development

- 6.2.3** This will involve development which supports the main coastal towns of Bognor Regis and Littlehampton role as the main service, employment, retail and social centres; recognising Arundel for its very special qualities; and growth of the sustainable inland villages.
- 6.2.4** The countryside area will be recognised and maintained reflecting its character and role as the coastal plain, with green wedges separating urban areas, whilst high quality agricultural land and environmental assets will be protected.
- 6.2.5** In addition, the effective use of previously developed land will be encouraged, provided that it is not of high environmental value, whilst development will be supported which protects, conserves and enhances built heritage.
- 6.2.6** New growth will be supported by improvements to the District's transport network and other key infrastructure.
- 6.2.7** West Sussex County Council is responsible for preparing statutory land use plans for minerals and waste, which form part of the development plan.
- 6.2.8** The policy set out below seeks to identify the council approach to achieving sustainable development in Arun District by securing economic, social and physical regeneration, and providing sufficient homes, whilst protecting and enhancing Arun's unique character and environment.

### Policy SD SP1a

#### Strategic Approach

To maintain the District's unique character as a coastal location set against the South Downs whilst ensuring that the needs of the community are met through sustainable growth and the provision of suitable services, the spatial strategy for Arun District to 2031 is to;

- a. promote and enable development which supports the main coastal towns of Bognor Regis and Littlehampton role as the main service, employment, retail and social centres -including;
  - i. enabling development that supports Bognor Regis as a holiday centre and University Campus location, and
  - ii. enabling development that supports Littlehampton as a civic centre with a harbour town set at the mouth of the river Arun with an expanding leisure, recreation and marine based economy.
- b. enable development that recognises the sustainable and historic character of the town of Arundel with its historic buildings set at the foot of the South Downs.

## 6 Sustainable Development

- c. provide for growth of the sustainable villages whilst maintaining their setting within the open countryside.
- d. Provide for the economic needs of the community by allocating circa 75 hectares of employment land to meet the needs and aspirations for the District to support the regeneration of Bognor Regis and Littlehampton, support job creation, provide for the needs of modern business, increase the attractiveness of the District as a business location and support the economic development of the coastal market area.
- e. provide for the housing needs of the community by delivering 20,000 homes of an appropriate scale and tenure as well as meeting the needs of the Gypsy and Travellers and Travelling Showpeople.
- f. provide for development in the countryside area which reflects its character and role as the coastal plain, with green wedges separating urban areas, high quality agricultural land and environmental assets.
- g. encourage the effective use of previously developed land in accordance with the strategy, provided that it is not of high environmental value.
- h. support development which protects, conserves and enhances built heritage.
- i. monitor the delivery of the strategy and associated infrastructure with partners organisations, developers and landowners.
- j. Ensure that development, particularly in the undeveloped areas of the District, takes account of the coastal topography to mitigate and adapt to climate change, especially in high risk flood areas.
- k. Retain and enhance natural environment resources, including biodiversity.

- 15.1.2** These issues have far reaching impacts upon the District's economy, environment, health and wellbeing as well as adjoining Local Planning Authorities and are likely to become more significant over the Plan period as a result of development. These will be planned for during the course of this plan period and may be delivered in the future. The District is lacking in strong north-south links between the main towns of Littlehampton and Bognor Regis and the A27. As part of the Local Plan's vision to strengthen Arun's economic base, new and improved transport routes need to be delivered in line with development to improve access to employment land identified in the Strategic Employment Land Allocations Policy.
- 15.1.3** Strategic growth and improvements to highway routes may have an impact upon strategic junctions within the district and adjoining authorities. These have been identified through the Arun Transport Study for Strategic Development (March, 2013 and update 2016). A package of highway improvement and mitigation schemes have been identified to deliver district wide benefits and are identified within this chapter as well as the Infrastructure Provision and Implementation, Housing Delivery and Strategic Employment Land Allocation policies and the Infrastructure Delivery Plan (IDP). The Council aims to deliver these measures with its various partners and through a range of funding sources as identified in the IDP. The Council's key strategic priority with regard to transport infrastructure is to work with partners to facilitate the delivery of the A27 Arundel bypass. Arun District Council support the proposal for the Arundel Bypass and expect any design to include a new junction on to Ford Road.
- 15.1.4** Improving transport links within Arun can help to attract businesses to the district which in turn can help achieve sustainable development through increasing job density ie. residents working in the district as opposed to out-commuting.

## Policy T SP1

### Transport and Development

To ensure that growth in the District strengthens Arun's economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles; the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

The Council will support transport and development which:

- a. Is designed to reduce the need to travel by car by identifying opportunities to improve access to public transport services and passenger transport services whilst making provision for safe access to the highway network through improvements to the existing road network and the promotion of vehicles which use low-carbon energy;

## 15 Transport

- b. Is incorporated into the District's green infrastructure network and gives priority to pedestrian and cycle movements;
- c. Protects committed and indicative lines of major road schemes from development and, where applicable, contributes towards new road schemes which improve north-south links between Bognor Regis and Littlehampton and the A27, to ensure that they are delivered in line with strategic growth in the District;
- d. Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking and;
- e. Is supported by an effective and deliverable Transport Assessment which demonstrates that the transport effects of development on the local and strategic road network can be satisfactorily mitigated and a Travel Plan, which is effective and deliverable, and;
- f. Explains how the development has been designed to:
  - i. accommodate the efficient delivery of goods and supplies;
  - ii. give priority to pedestrian and cycle movements and have access to high quality public transport facilities;
  - iii. create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter;
  - iv. incorporate facilities for charging electric and plug-in hybrid vehicles (where charging facilities are to be omitted from the development, evidence of market demand and viability must be provided); and
  - v. consider the needs of people with disabilities by all modes of transport.
- g. Provides improved crossing points over the railway line to improve transport links between the coast and the A27, in particular at Ford.

### 15.2 Sustainable travel & Public Rights of Way

**15.2.1** Improving choice and access to sustainable modes of transport is key to reducing congestion, promoting healthy lifestyles and reducing social isolation. This can be achieved by locating new development within easy reach of public transport services, making provision for community transport and giving all residents and visitors to the District the choice to cycle or walk to destinations such as town centres, visitor attractions, places of work, learning, leisure facilities and other local services.

#### Public transport and community transport services

**15.2.2** The Arun Transport Study for Strategic Development was prepared in 2013 (and updated 2016) to assess the impact of proposed development in Arun on the highway network. The study tested a package of mitigation measures achieved by reduced parking standards, improvements to sustainable modes of transport and Smarter Choices measures for all Strategic Development Locations. Smarter Choices

measures include travel planning (workplace, school and personalised), training and promotional activities aimed at improving the sustainable transport mode share and reducing the need to travel.

- 15.2.3** The majority of public transport services, particularly in urban areas, are operated on an entirely commercial basis. They provide access to employment, healthcare, education, retail and leisure opportunities. However, in some cases bus services are unable to operate on a commercial basis at a reasonable cost for bus users. Taking into consideration the District's ageing population and levels of social isolation, particularly in rural parts of the District, the need for community transport services is rising and is likely to rise further in future.
- 15.2.4** Community Transport services ensure that those that are less mobile and are experiencing social isolation can access vital services such as healthcare and food shopping facilities. The services cater for increasing numbers of people and also provide volunteering opportunities. The Council will promote opportunities to incorporate community transport services into the function of mixed use community facilities in order to provide a joined up community service for the District's residents.

### Cycling and Walking

- 15.2.5** Research undertaken for the Arun Leisure Strategy 2013 identifies that opportunities for walking and cycling in the South Downs was rated highly by residents. The strategy also identifies off road cycling facilities as one of the main services that residents would like to see upgraded, and one of the strategic priorities of the strategy is "to make the District exceptionally good for cycling and other activities that are best off road like horse riding, running and cycling". As well as being a highly popular leisure activity, the promotion of cycling and walking, as an alternative mode of transport, can play a significant role in reducing the number of cars on the road and therefore can reduce congestion on the District's roads.
- 15.2.6** There are currently approximately 66km of cycle provision constructed in Arun. The cycle paths include signed routes on carriageway, shared use or segregated paths – both on pavements or traffic free sections and on road cycle lanes. There are also 'aspirational' cycle routes.
- 15.2.7** The aim of 'aspirational' routes is to connect up key locations, in particular to provide links between coastal settlements. The Marine and Coastal Access Act 2009 gives the right of access around the entire open coast of England, including, where appropriate, 'spreading room' along the way where visitors can rest, relax or admire the view. However, parts of Arun's existing Public Rights of Way (PROW) and cycle network are disjointed<sup>(51)</sup>. The Arun Leisure Strategy identifies that there are opportunities within the district to improve off road cycling facilities and to make the waterfronts of Littlehampton and Bognor Regis exceptionally good for cycling. There are gaps in cycle provision along the coast where private landownership currently

## 15 Transport

restricts access and means that routes are diverted, However, the Council has resolved to work with West Sussex County Council, parish and town councils and other stakeholders to join up and improve cycling opportunities across the District, especially along the seafront within any new development sites.

- 15.2.8** As well as identifying routes along the coast, it is important to develop clear routes between the coast and the South Downs National Park. Arun's Green Infrastructure Study has identified that there are opportunities to create and improve such routes. A number of cycle schemes have been identified in the IDP and it is intended that these will be delivered in partnership with the County Council and South Downs National Park Authority.
- 15.2.9** Improvements to existing links between public transport services and the PROW and cycle network, would act to reduce congestion and benefit both residents and visitors to the District. It is important that these routes are convenient, easily accessible, safe, comfortable and attractive to users.
- 15.2.10** The Council also supports the promotion of cycling as a mode of transport by ensuring that new development is designed to include facilities such as secure, convenient parking cycle storage with good surveillance at a range of key destinations such as town centres, workplaces and schools along with adequate changing facilities within places of work.

### Policy T DM1

#### Sustainable Travel and Public Rights of Way

New development must ensure ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network and access to public transport and community transport services where a need has been identified. Access to alternative modes of transport including public transport services, the public right of way and cycle networks, must be available and accessible to all members of the community.

Proposals for all new development must:

- a. Be located within easy access of established public transport service(s), existing pedestrian and cycle networks, the committed and aspirational cycle networks and the green infrastructure network which links the development with key destinations including places of work, education, leisure and town centres;
- b. Where applicable, contribute to the extension of public transport services to serve the development and community transport services to ensure that a wide range of transport services are available to all residents;

- c. Make provision for cycling and pedestrian facilities to meet the County Council Parking Standards, including cycle storage, convenient and secure cycle parking in association with retail and educational uses and sufficient secure parking and changing/showering facilities at places of work;
- d. Contribute towards the provision of a joined up cycle network and Public Rights of Way network, taking into account the aspirational cycle network, which provides convenient, accessible, safe, comfortable and attractive routes for pedestrians and cyclists and; where appropriate, horse riders, both within the development and in the form of links between the development and;
  - i. places of work, education, leisure and food retail;
  - ii. the South Downs National Park,
  - iii. along the coast particularly between Bognor Regis and Littlehampton,
  - iv. along the coast to Chichester,
  - v. Bognor Regis to Arundel, and
  - vi. Littlehampton to Goring.

**15.2.11** The Green Infrastructure Study identified a specific green infrastructure project which would aim to provide an improved sustainable transport and recreational link between Littlehampton and Arundel following the banks of the River Arun with potential to extend the route further into the South Downs, thereby creating a Downs to Coast link. The Council will promote this green infrastructure project, which would bring multiple benefits to the District.

**15.2.12** The main aim of the route is improved access between Littlehampton and Arundel and access to the River Arun which links the coast and the National Park.

**15.2.13** The route will carefully balance increased recreational access to the water and banks of the river with the protection, enhancement and creation of habitats including the creation of wetland habitats to the north of Littlehampton. Opportunities will also be taken to ensure that enhancements to and creation of habitats also provide opportunities for more sustainable management of water resources such as the capture and storage of flood water.

## Policy T SP2

### Littlehampton to Arundel Green Link

A new strategic Green Link is proposed between Littlehampton and Arundel, along the River Arun which is shown on the Policies Map.

### 17.1 Natural Environment

**Arun's Local Plan strategic objective for the Natural Environment is:**

**"To plan for climate change and work in harmony with the environment to conserve natural resources and increase biodiversity."**

- 17.1.1** People cannot flourish without the benefits and services our natural environment provides. Nature is a complex, interconnected system, a healthy, properly functioning natural environment is the foundation of sustained economic growth, prospering communities and personal wellbeing<sup>(54)</sup>.
- 17.1.2** The NPPF states that to minimise the impacts on biodiversity and geodiversity local planning authorities must identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them, along with areas identified by local partnerships for habitat restoration or creation.

#### Policy ENV SP1

##### Natural Environment

Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species. In relation to designated sites, development will be permitted where it protects sites listed in Tables 17.1-17.7 that are recognised for the species and habitats contained within them.

#### Designated sites of biodiversity or geological importance

- 17.1.3** Within Arun District (and outside of the area now governed by the South Downs National Park Authority), a number of sites have been identified as being particularly important in terms of biodiversity and geodiversity due to the plant and animal species and geology that can be found within them. These designated sites include sites of International, European, National and Local significance and the details of these are outlined below.

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54 The Natural Choice:securing the value of nature, HM Government 2011

## WEST SUSSEX COUNTY COUNCIL CONSULTATION

|                                 |                                                                                                                                                                                                                                             |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TO:</b>                      | Arun District Council<br>FAO: Simon Davis                                                                                                                                                                                                   |
| <b>FROM:</b>                    | WSCC - Highways Authority                                                                                                                                                                                                                   |
| <b>DATE:</b>                    | 3 February 2021                                                                                                                                                                                                                             |
| <b>LOCATION:</b>                | Land at Summer Lane<br>Pagham                                                                                                                                                                                                               |
| <b>SUBJECT:</b>                 | P/1/21/PL<br><br>Material change of use of land from agricultural use to use for open space. This application is a Departure from the Development Plan, affects a Public Right of Way & is in CIL Zone 5 (Zero Rated) as other development. |
| <b>DATE OF SITE VISIT:</b>      | n/a                                                                                                                                                                                                                                         |
| <b>RECOMMENDATION:</b>          | No Objection                                                                                                                                                                                                                                |
| <b>S106 CONTRIBUTION TOTAL:</b> | n/a                                                                                                                                                                                                                                         |

There is limited information submitted in terms of the exact nature of the open space for which permission is sought. The open space definitions quoted within the covering letter are acknowledged as well as there being references to potential use of the land as allotments (although this use isn't included in the open space definition). It is nevertheless broadly accepted that the land could be used for different purposes under the open space definition. In any case, the expectation would be for the land to be used by those residents local to it. The potential highways and transport implications are therefore very limited, and would not be expected to meet the highway test for refusal as specified within paragraph 109 of the NPPF. There consequently would be no highway objection.

The only matter that the Local Planning Authority may wish to consider is access. Presumably the land will require access for maintenance purposes. The land forming part of the application does not adjoin any public highway, albeit a public right of way follows Summer Lane. As a result, the permission of WSCC Highways would not be required to construct any access onto that section of Summer Lane that is outside the public highway. Details of access for maintenance purposes could be secured via condition.

**Ian Gledhill**  
**West Sussex County Council – Planning Services**