

From: Peter Cleveland
To: Ellie White
Subject: FW: PAA/76/20 - Land west of Yapton Lane, Walberton
Date: 19 November 2020 14:13:28
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From: Juan Baeza [mailto:Juan.Baeza@arun.gov.uk]
Sent: 19 November 2020 14:02
To: Peter Cleveland <[REDACTED]>
Cc: Anita Gardner <Anita.Gardner@arun.gov.uk>
Subject: RE: PAA/76/20 - Land west of Yapton Lane, Walberton

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Dear Peter

Thank you for the evidence you furnished re the relevant factors determining sustainable development. In light of what you have submitted it is accepted that not all 3 objectives set out in para 8 of the NPPF need to be met for development to be considered sustainable.

On the basis that the existing permissive path through the site can be upgraded to provide a hard surfaced pedestrian public right of way into the village centre of Walberton it is accepted that the site could be made to provide safe access to local services by means other than the motor car.

The proposal does represent sustainable development, even though it is considered to fail the environmental limb of sustainability as elaborated in para 8 of the NPPF and the NPPF 'presumption in favour of sustainable development' is engaged.

However the environmentally adverse effects of granting planning permission which were set out in the earlier response significantly outweigh the benefits when assessed against the NPPF as a whole as set out in para 11d(ii).

This will be added as an addendum to PAA/76/20.

Regards

Juan Baeza

Team Leader,
Planning Department

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From: Peter Cleveland <P[REDACTED]>
Sent: 22 October 2020 16:21
To: Juan Baeza <Juan.Baeza@arun.gov.uk>
Cc: Ellie White <E[REDACTED]>
Subject: PAA/76/20 - Land west of Yapton Lane, Walberton

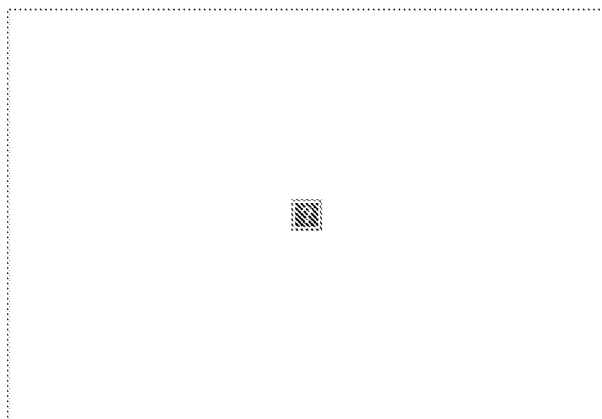
Dear Juan

Good to speak with you yesterday on the above pre-app response.

As we discussed, the two points I said I would send a note on include:

Sustainability (page 5 – 7th paragraph)

The response states that the proposal positively addresses the social and economic strands of sustainable development but not the environmental strand as it is not within walking distance to local services and facilities. The site is considered to be within a sustainable location; there is a footpath (part of which is a permissive path, which can be secured and upgraded as part of any approval) that links the site to the village centre via Yapton Lane and Avisford Park Road. All 3 objectives of sustainable development would be fulfilled. Please see extract from WSCC footpath below:



Case law vs 3 strands of sustainability

You also asked for some case law / evidence regarding the application of the 3 strands of sustainability listed in the NPPF. Please see attached two cases which are both still good law. They both pre-date the current NPPF however they deal with para 7 of the NPPF 2012 which is the equivalent provision. I can't see anything more recent that deals with this paragraph as contained within the new NPPF.

In particular please see the following paragraphs from *Dartford BC*:

48. The first defendant contends that the two stage test contended for by the claimant is misconceived. There is no such legalistic straight-jacket. Sustainable development is about seeking an overall net positive contribution to economic, social and environmental gains together.

That was explained in Gallagher Estates Ltd & Anor v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin), where Hickinbottom J says:

"25. As I have indicated (paragraph 15 above), sustainable development is at the heart of the NPPF. There is no specific definition of "sustainable development" in the NPPF, but it is to be defined in terms of development which meets the needs of the present without compromising the ability of future generations to meet their own needs. That is reflected in the very first words of the Ministerial Foreword to the NPPF, which state:

"The purpose of planning is sustainable growth.

"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations.

"Development means growth. We must accommodate the new ways in which we will earn our living in a competitive world. We must house a rising population ... "

49. It is said in paragraph 6 of the NPPF that the policies set out in paragraphs 18-219, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. "Sustainability" therefore inherently requires a balance to be made of the factors that favour any proposed development and those that favour refusing it in accordance with the relevant national and local policies. However, policy may give a factor particular weight, or may require a particular approach to be adopted towards a specific factor; and, where it does so, that weighting or approach is itself a material consideration that must be taken into account.

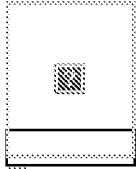
50. Here the Inspector considered whether the development was sustainable by reference to the three dimensions. The one aspect where the scheme was not sustainable development was in relation to the social dimension, as it would remove a potential opportunity to meet recreational needs but even then there were positive aspects of the scheme. She, therefore, asked herself the right question, considered it in a structured way and reached a justified conclusion.

This demonstrates that whilst the three strands of sustainability should be considered a holistic approach is required. A development may still be sustainable on balance without meeting each of the three elements.

This could be considered alongside the email to Neil attached.

I hope this assists and happy to discuss further.

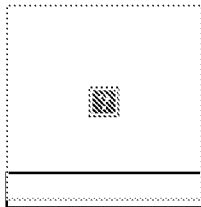
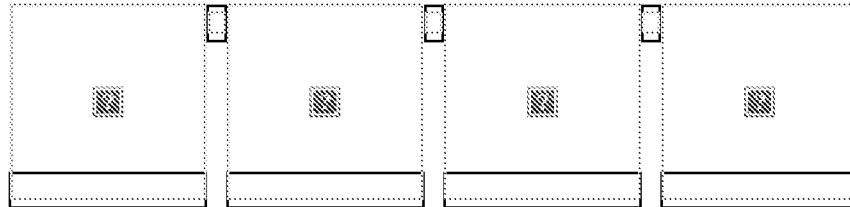
Kind regards,
Peter



Rowan House, Baffins Lane, Chichester, West Sussex PO19 1UA



 Peter Cleveland
Partner, Head of Planning



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