



WALBERTON PARISH COUNCIL INCLUDING FONTWELL AND BINSTED

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Walberton Parish Council Response to Planning Application WA/44/17/OUT

Firstly, WPC sets out its evidence that the ADC current planning stance is to keep this land undeveloped because its development is unsustainable. WPC supports this planning stance.

The evidence comprises

1. The Report from ADC's consultants LUC, February 2017
2. The modified eALP 2011-31 Sustainability Assessment evidence to eALP Inspector
3. The HELAA and SHLAA entries from inception till November 2016.
4. The Walberton PC Neighbourhood Development Plan Examiner's Report of July 2016
5. Full Council resolution of July 2017

Secondly, WPC objects to the application on several material grounds

- A. In respect of Saved Policies from the 2003 Local Plan
- B. In respect of Policies in the eALP
- C. In respect of WNDP Policies and Objectives
- D. Detailed Additional Objections

Current Planning Stance

1. The evidence of ADC's consultants LUC, February 2017

In the Sustainability Appraisal of the Main Modifications, first published in February 2017, LUC considered strategic site potentialities. Like previous studies it discounts development of the subject site (the land east of Tye Lane, Walberton) saying at para 4.4: *"Potential significant negative effects were recorded in relation to water quality, soil, historic environment, and landscape. The site was discounted as there is little scope for accommodating growth without impacting on the landscape quality and sensitivity of the Walberton Village Conservation Area."*

2. The modified eALP 2011-31 Primary Evidence from ADC to Inspector

The LUC report was submitted by ADC to the eALP Inquiry as a Primary Evidence document, (April 2017, PELP28a,) and variously referenced at Policies SD SP1; SD SP 1a (c); SD SP2; LAN DM1; C SP1; H SP2. The evidence statement quoted above has not been subject to further ADC comment and is its unqualified position in front of the Inspector. This is not surprising since this has been the long term position of ADC.

3. The SHLAA and HELAA to November 2016.

The LUC statement is remarkably similar to ADC's own internal assessment of the site's potential, given in its statement in HELAA, November 2015, where ADC states: *"This area was judged as having a 'Low' Landscape Capacity for development. This*

was based on an assessment of the areas Landscape Value and Landscape Sensitivity. The site is therefore not considered suitable for development."

This HELAA statement appears in each previous iteration of HELAA / SHLAA and maintains the long term ADC sustainability judgement of the site, viz. that it is unsuitable for development. Two previous residential development applications have been refused by ADC, at least in part because the site was in the countryside and outside the built up area boundary. The most recent went to appeal but it appears not to have been proceeded with.

The LUC and HELAA statements in combination reference positively the site's attributes of Landscape Value, Landscape Quality, Landscape Sensitivity, Low Landscape Capacity and Historic Environment. They reference negatively the attributes of water quality and soil. It is self-evident that the features referred to do not change with time, excepting weather related impact on water quality. The consistency of the judgements - by different officers for different purposes at different times - is noteworthy, but the most recent is ADC's own evidence to the eALP Inquiry submitted in April this year.

In the three-month window November 2016 to February 2017 the November 2016 HELAA might have applied. In its Suitability Summary this said only that *"The site could be considered suitable"* for development. Against the background of all the other statements over many years, this is correctly read as implying uncertainty and is not an emphatic positive; its ambiguity was in any event effectively overridden within three months by the clarity and detail - and independence - of the LUC report. The Full Council minutes of its 12th July meeting show that it did not look in detail at the unusual timing of ADC officers' WNDP September 2016 Decision Statement (refusing LGS) relative to officers' November 2016 HELAA's ambiguous wording; WPC however notes that pre-application discussions would normally have been in train at that moment, further undermining the credibility of the November 2016 HELAA revision.

4. The WNDP Examiner's Report of July 2016

It is noted that the three-month digression in the November 2016 HELAA from the long-term / current view of the site followed by a few weeks the ADC September 2016 Decision Statement on the Walberton NDP (since made, in March 2017) in which ADC unaccountably, and without giving reasons, overrode the NDP Examiner's July 2016 Recommendation for Local Green Space designation of the site.

The NDP Examiner Mr Edward Cousins said that the site *"is valued by the community, and lies close to the heart of the village, and is to be considered to be a buffer between the residential areas and the golf course. I do not consider in the context that it is an extensive tract of land. Accordingly, it is recommended for designation as a Local Green Space."* The Independent Examiner's opinion is thus to be added to the ADC view (till November 2016) that the site could not be developed sustainably and the LUC opinion to the same effect, both referred to above.

5. Full Council Resolution 12 July 2017

The unusual circumstances of the timing of the ADC September 2016 officers' rejection of the Independent Examiner's report and their November 2016 HELAA revision, reversed three months later by the LUC report, were considered by the ADC Overview Select Committee who then decided to recommend to the Full Council on 12th July 2017, that *"The Council accepts the principles of the recommendation of the Independent Inspector, Mr Edward Cousins, to designate Tuppens Field, Walberton as a Local Green Space;*

(2) Tuppens Field, Walberton no longer be considered suitable for development and to be considered for potential as a Local Green Space when Walberton's Neighbourhood Plan is reviewed;" (Tuppens Field is the colloquial name for the subject site).

This ADC Full Council Members' decision and the Overview Select Committee recommendation that preceded it were in response to a 1,100 signatory petition to ADC for the site not to be considered suitable for development and also to be designated as LGS. It is also the most recent ADC Members' published position and came after the application submission in June 2017 and was decided with full knowledge of its having been lodged. This Council decision not unnaturally supports the independent ADC Primary Evidence to the eALP, and also the long term SHLAA and HELAA judgements made by ADC officers, and again is in line with the judgement of the independent Examiner; all four parties, two being independent and one being democratically elected, are in agreement that the site is not capable of sustainable development.

This is further supported by parishioners by petition and democratic vote and is Neighbourhood Plan policy. Any consent for development would obviously be perverse in the extreme as well as wholly inconsistent.

(Side note: WPC believe that since ADC Housing Target and OAN figures will be consistent with the submitted Primary Evidence Report by LUC, and this site's housing numbers cannot therefore have been included in the figures, it remains open to the eALP Inspector to designate the site as LGS should he decide to do so.)

WPC Grounds for Objection

WPC objects to the application on the following grounds.

- A. In respect of Saved Policies from the 2003 Local Plan
- B. In respect of Policies in the emerging Local Plan
- C. In respect of Walberton Neighbourhood Plan Vision, Objectives and Policies
- D. Detailed Additional Objections

A. Saved Policies from the 2003 Local Plan

Relevant saved policies that indicate permission should be refused include GEN: 2; 3; 22; 23; 27 and Policy Area 12 and Policy DEV11 Setting of Listed Buildings

B. Policies in the emerging Local Plan

- a. The ADC long term planning stance on this site is set out in some detail above which represents ADC Members' and Officers' current view, widely and frequently expressed. This indicates permission should be refused since consent would be deeply inconsistent with the public position of Members and Officers.
- b. This stance is fully supported by WPC and also - notably - by eALP relevant emerging policies. These relevant eALP Policies are:
 - **SD SP1 Sustainable Development.** Having given its evidence to the eALP Inspector that development of the site is unsuitable, the subparagraphs a. and b. of this policy apply for refusing consent for

development, a stance specifically and publically supported by elected Members. In particular it references the NPPF:

- **Para 16:** WPC's approach in its WNDP, which this year was made with up-to-date policies that strategically supported the eALP, was very positively supportive of housing development, allowing for very significant housing development (27% parish housing provision uplift), shaped and directed to maximise overall sustainable benefit, but with policies that excluded this site's development.
- **Para 28** refers to *"sustainable rural tourism and leisure development ... which respect the character of the countryside."* The site adjoins the key golf course selling-point for the Avisford Park Hilton Hotel and its heavily-used conference centre. This is the largest and most prestigious hotel and conference centre in the ADC area, and a large employer.
- **Para 55-8** expects development to be properly integrated into the existing housing and amenities fabric, which the plans for this site do not achieve, while they ignore the local character and history expressed in the existence of the Conservation area bordering the site (see 1/ - 5/ above for independent evidence)
- **Para 73-77** also refer to the importance of leisure and open spaces. A recent petition won ADC Full Council backing to reinstate this site with Local Green Space designation as proposed with overwhelming public support by WPC backed by the WNDP examiner and by ADC's eALP Primary Evidence.
- **Para 100-103** indicate that sequential testing of sites should be used to avoid flood risk areas: Walberton village is one of two parish areas at risk of flooding and unusual ground conditions. LPAs must "ensure" i.e. not assume, that flood risk is not increased elsewhere. The WSCC Lidsey SWMP indicates that development is not currently suitable for this site when other strategic sites and sites with consent are taken into account. Incontrovertibly, risks will be increased by development.
- **Para 109:** The long term HELAA position supported by Full Council and the WNDP Examiner, along with ADC Primary Evidence are clear in wishing to safeguard this site from development, and this paragraph of the NPPF is called in support of those judgements.
- **Para 152** instructs that LPAs to give proper weight to economic, social and environmental issues by seeking net gains on all three and avoid significant adverse impacts on all three. Again, the long term HELAA position supported by Full Council and the WNDP Examiner, along with ADC Primary Evidence is conclusive proof that adverse impact would indeed be significant.
- **Para 155** stresses that LPA engagement and collaboration with the community under a Local Development Plan, that then reflects the collective vision, is an essential point. Not only does the positively-prepared WNDP exclude this site from development but additionally nothing could be clearer than the joint agreement in

aim between the local community's petition with the (elected) Full Council's support. This massive support for LGS from everyone involved means that anything other than a refusal would outrage the notion of local democracy and participation. It will be remembered that the WNDP, made only five months ago, was voted in by parishioners supported by 96% on a record turnout for ADC and one of the highest nationally.

- **Para 158** notes the importance of consistency and integration in the eALP Primary Evidence statements made by independent consultants and adopted by ADC, with assessments that rely on that evidence base - as this significant application does.
- **Para 183-5** Covers Neighbourhood Planning, building on the comments WPC makes in section C below regarding the WNDP.
- **SD SP2 Built Up Area Boundary.** Development will not be permitted outside the boundaries on the policy maps. This site is outside the ALP 2003 BUAB and the eALP BUAB and is outside the WNDP BUAB.
- **C SP1 Countryside.** The countryside will be safeguarded for its own sake. WPC contend that the scheme is, additionally, isolated from the village while the rural-urban fringe and countryside transition aspects would also be offended by this site's development, just as it stands against the WNDP. The evidence given by ADC to the eALP Inspector is relevant here too.
- **LAN DM1 Protection of Landscape Character.** Development should respect and reinforce landscape character. As elsewhere underlined, ADC has consistently supported protection of this site, reaffirmed by Full Council in support of the Local Development Plan via the WNDP and its eALP Primary Evidence.
- **EMP SP1 Strategic Economic Growth.** In paras e. to g. ADC expects to protect and enhance the visitor economy. The development will damage a key attraction to the ADC area, the golf course associated with one of its main tourist draws the Avisford Park Hilton Hotel, believed to be the parish's largest employer.
- **H SP2 Strategic Site Allocations.** The WNDP not only accommodates a strategic site at Fontwell, designated under the Modifications, but fulfills its parish allocation. The allocation and the Fontwell site increase the community of the parish, currently in some 924 houses, by 454 houses, a 49% uplift with an early years bias. The subject site was rejected as a strategic site as unsustainable for development by ADC and its Sustainability Consultants LUC in February 2017, and is also labelled unsustainable under the long term HELAA assessments. The WNDP is fully up-to-date in its housing policy and matches the strategic aims of the eALP that are based on an approved OAN which will be up-to-date once approved by the Inspector as to housing policy. This site has very recently been considered by ADC at Full Council in response to a democratically submitted petition. WPC argues that the ADC policy outlook on this site is fully up-to-date, as set out in 1. - 5.

- **HER SP1 and HER DM3. The Historic Environment and Conservation Areas.** As referred to elsewhere, the setting for the Conservation Area was one of the reasons that ADC and its consultants gave for labelling this site unsustainable in development terms. This policy states that development will be refused if it is likely to prejudice the character or appearance of the Conservation Area. Important open spaces and views and other elements of established patterns of development and character are to be protected.
- **W DM1 Water Supply and Quality.** The dire state of the water supply, sewerage and flooding situation in the area of the site is spelt out in the eALP at section 18.2. WPC has for a long while argued that it is the inadequate standards that have been applied to development scenario testing that are partly responsible. The drainage assessment and the flooding and groundwater studies are too technically based for us to comment, but given the existence of a flood zone just south of the site (Appendix 2b WSCC SWM Plan Appendix C Master Storyboard pp 1-17), WPC considers that with the frequently unpredictable outcomes in this area, any development will increase flood, sewage and drainage risks to an unsatisfactory degree. (See attached Summary of July 2017 Met Office Study, that there is a 34% chance of regional rainfall records being broken each winter by as much as 30%: for this area, that implies 400% of average rainfall.) ADC will not - as is required - be able to *ensure* satisfactory outcomes. Other ADC area developments outside the WPC parish area, besides the 454 new houses in the WPC community, must all be taken into account, cumulatively, in the decision-making.

C. Walberton Neighbourhood Plan Policies and Objectives

a. Against Parishioner wishes

The subject site was one of 19 parish sites that were considered and consulted upon through Open Days and the Parish Survey. The site was overwhelmingly rejected by residents during WPC's systematic sequential testing of sites, and was in fact voted by parishioners as the most unpopular site of those proposed. This is reflected in the Petition referred to above, with over 1,100 signatures from a parish with under 1,000 houses. The site also failed the WNDP steering group criteria for development. The WNDP included other and more acceptable sites, including a strategic development site for 400 houses. The WNDP at referendum was approved by 96% of parishioners on the highest ADC turnout so far. The WNDP was made in March 2017. At the time of WNDP preparation, a LGS designation coincided with the ADC view in its HELAA that the site was not sustainably developable.

b. Against WNDP Objectives and Vision

WPC's Neighbourhood Plan allows for a 49% increase in our community's size, showing the positive approach that it takes to its consideration of new

schemes. WPC's policy is to support the dispersed small scale development for which parishioners voted. However this is a very substantial scheme, quite contrary to the approach needed. The scheme offends against the WPC stated Objectives and Vision because it will

- Cause the loss of green space that brings the countryside into the heart of the village
- Not provide sustainable housing that makes a positive contribution to the village landscapes
- Harm the distinctive and intrinsic rural character of the area which parishioners have voted to retain and not recognise the value of the farming landscape
- Add to the congestion in the centre of Walberton village and additionally will add to through traffic and not reduce the problem of flooding
- Will be development on open land and fields where there is overwhelming opposition. This is supported by the 1,100 signatory petition to keep this land as Local Green Space, for which Arun District's Full Council has also voted in favour.

c. Against WNDP Policies

- The subject site is not a site for which specific provision is made for housing development in the WNDP, and **Policy HP 1** is clear that WPC will resist its development; the site lies outside the Built Up Area Boundary, boundaries that the WNDP has adjusted elsewhere but not here.
- The site's development would also offend against **Policy GA 5**, where "Proposals that significantly increase the level of traffic within the village will be resisted" Walberton village has some 700 houses and an application for 175 houses involving over 300 more cars, approximately a 25% vehicle increase, is deemed significant.
- Development will offend **Policy VE 4** that exists to prevent adverse effects on the setting of the easternmost WPC Conservation Area; new development must protect the open/rural character of this area and sustain or enhance the visual connections between the village's core and its rural hinterland.
- WPC considers that its **Policy VE 7** would be breached by any consent since the scheme does not aim to reduce the overall level of flood risk. Flooding takes place in The Street, and WSCC has LFRZ 004 covering an area of some 3.5 hectares. WPC is concerned that significant development is bound to worsen the existing problem and upset an already fragile local situation in an area with unpredictable ground conditions.

D. Detailed Additional Objections

- Transport: In eALP para 3.47 ADC says that many of Arun's roads are congested and that improvements to the local road network are required to support new development. In 3.48 ADC says its planning policies can do much to minimise additional car traffic by reducing the need for car use and promoting public transport walking and cycling. Unfortunately two features are missing from the site's Transport Assessment and Travel Plan: first, given that car ownership has a significant effect on car usage, the parish has 50% more two-car households than the national average and well over twice the national average of both three and four car households and conversely only a quarter of the national average with no car. Second, many of these with no car may be pensioners since the parish population is of well above average age, especially in Walberton village itself. While the transport studies are too technical for us to comment on, WPC believes that these two features are among those responsible for the wholly unrealistic outcomes that the studies deliver.
- Census information is that fewer than 7% of economically active parish residents use public transport to get to work, another feature WPC expected to see but could not find reflected in the studies.
- Rather than ADC's planning policies promoting public transport to Barnham, it has just been demoted, by the cancellation of one of Walberton's bus services. The inadequate parking at Barnham station will prompt a good proportion of existing longer-distance commuter trips by car, and this situation is due to worsen. Commuter access to and from Walberton is sketchy and inconvenient and cannot replace more than a tiny percentage of trips.
- We note some of the traffic assumptions are seemingly unrealistic. For example increased traffic in The Street will be 5%, but there is little data to support this figure. It seems inherently unlikely given the recent loss of one of the village's bus services and with The Street being the main route for users of the station, schools and shops in Barnham. It is also the main route for anyone travelling southwestwards to Bognor, a key future economic growth spot. It is also used as a back route to Chichester via Oving in rush hour by those avoiding the queues for the A27 at Fontwell and the other junctions, queues that are inevitably to worsen given other developments and traffic proposals.
- This rat-running in The Street comes before any A27 upgrades attract more regional traffic. This regional traffic increase will necessitate redesign in favour of that regional traffic at the expense of local users, to make local roads more congested still.
 - As the rather theoretical studies fail to mention, the practical reality is that The Street is usually best avoided in the rush hour at school times as even now it becomes nearly impassable.
 - This planning application is disregarding a significant problem: the potential for an extra 300 cars in the immediate vicinity will inevitably cause even more danger and congestion in the Conservation Area. Cycle routes, even when lit, can only be reasonably used in certain times of the year leading to even more

of an increase in the winter months. And they are not suitable for WPC's above-average age population, nor for shopping in Barnham.

- References to public transport for commuting are also entirely theoretical. As a clear example of its current inadequacy, the Avisford Park Hotel is not able to rely on it for staff and the Hotel is forced to house at least 35 staff on site as resident.
- WPC questions the basis of the A27 upgrade outcome that has been assumed in the applicant's transport studies, as to Yapton Lane access and egress both east and west.
- The Avisford Park Hotel is WPC's major employer. It does not seem sensible to damage local employment prospects by increasing the population, quite contrary to the strategic intent. But development here does that by damaging the use of the key golf course attraction of the Hotel and impairing its rural outlook.
- The WNDP Examiner says in supporting LGS here that the site is "*a buffer between the residential areas and the golf course*" (see 4. above). Removal of the buffer zone between the golf course and housing is bound to impact on public safety. Furthermore, if that were not the case then the development impact would be transferred to the use of the course which will have serious repercussions on the businesses of both the golf club and the hotel. New houses will not co-exist in this location with a major employer and its important facilities / amenities that are also leisure facilities attracting people from a wide area.
- WPC is concerned that the cumulative effect of the strategic site at Fontwell and its Neighbourhood Plan sites together with the huge BEW and other nearby schemes will place a facilities demand for school places, GP and Dental waiting lists and other basic amenities that cannot physically be met in the timescales involved. Although appropriate s106 contributions may be secured, the infrastructure will not be able to be put in place by the various agencies before the houses are built, because of the rush to deliver the five year housing target. That is to say that the paper financial exercise may work in theory in the longer term but it will still completely fail existing and new residents in the short / medium term.

Signed: Andy Pepler – Clerk to Walberton Parish Council.

2 August 2017.