



Land west of Bilsham Road, Yapton

Planning Statement including
Statement of Community Involvement
January 2022

JACKSON PLANNING

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1. Introduction

- 1.1 This planning statement is to support the hybrid planning application for 140 dwellings on land west of Bilsham Road, Yapton.
- 1.2 The proposal is for a Hybrid Application comprising Phase 1 (Full application) 30 residential dwellings, new access from Bilsham Road, public open space, landscaping, sustainable urban drainage and associated works. Outline planning application for further phases of up to 110 dwellings and associated infrastructure (with all matters reserved).
- 1.3 The scheme involves the provision of 42 affordable units (30%). The dwelling mix is set out on pages 59 and 60 of the Design and Access Statement (DAS).
- 1.4 The application is made by Landlink Estates the commercial project and estates arm of the Langmead Group.
- 1.5 The application is made in response to the ADC Interim Housing Statement (IHS) February 2021 adopted at Full Council.
- 1.6 The proposal is a full developed scheme of development supported by the following technical team

Document	Author
Completed Planning Application Forms and Certificates	Jackson Planning
Supporting Planning Statement (includes IHS checklist)	Jackson Planning
Statement of Community Involvement Included in planning statement)	Jackson Planning
Affordable Housing Statement	Jackson Planning
Masterplan, Architecture, Design and Access Statement	Boyle + Summers
Land Quality Report	Campbell Reith
Soil Resources Survey	Tim O'Hare Associates

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BNG Calculation and Report	Holbury Consultancy
Ecological Surveys	LC Associates
Tree Survey	Hillside Trees
Flood Risk Assessment	Campbell Reith
Landscape and Visual Impact Assessment	Indigo Landscape Architects
Transport Assessment and Travel Plan	Abley Letchford Partnership
Built Heritage	RPS
Sustainability Report	Campbell Reith
Archaeology	Development Archaeology Services
Topographical Survey	Survey Solutions

2. Statement of Community Involvement

- 2.1 This section of the report sets out how consultation has been carried out and considered prior to the submission of the planning application.
- 2.2 The proposal has been subject to consultation that has been limited by the Covid-19 pandemic.
- 2.3 This section of the report outlines the consultation completed in advance of the planning application submission.

Local Authority and Statutory Consultation

- 2.4 During the development of this scheme the planning agent attended a meeting of Yapton Parish Council to discuss the draft proposals and in particular how this was a response to 5 year land supply issues and the assessment of the site in the 2020 Arun HELAA.
- 2.5 The minute of the Yapton Parish meeting¹ confirmed:

“The Chair invited Lisa Jackson to give a short presentation on the Arun District Council Interim Housing Statement endorsed by Full Council in May 2021 and the current invites to find deliverable suitable sites to re-establish the 5 Year Housing Land Supply. The ADC review of HEELA sites has indicated that all Landlink sites were identified as deliverable in Yapton (2020).

Landlink will be preparing planning applications for submission in the Autumn:

Website for both under construction and will go live asap - with opportunity to input to the emerging designs. Looking for positive engagement - whilst Landlink expect objections, they believe that given that the presumption in favour of sustainable development this means the site must be supported by Arun District Council and they want to engage positively with the community, to understand the things that make these schemes better for residents and the community look and for involvement with the neighbourhood planning team to see where aspirations can be met”.

Pre-Application Engagement

- 2.6 A pre application request² was made to WSCC Highways and advice was provided on 03/09/21. The proposal considered was “Hybrid Application for development of up to 200 dwellings with first 30-50 being in detail along with access and associated works”
- 2.7 Findings and advice provided was as follows: “Justification including junction modelling should be provided to justify the simple priority junction provision over that of a ghost island right hand turn lane arrangement as suggested in cd1 23 for junctions with anticipated traffic flows similar to the site.”

¹ Yapton Parish Council Meeting 12 July 2021 (minute 45)

² WSCC Ref PRE-91-21

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- 2.8 *A speed survey is to be undertaken and visibility splays are to be provided based on 85th percentile speeds. A stage 1 RSA should also be undertaken and a word copy of a GGI 19 compliant designers response provided to WSCC Highways for commentary/agreed actions to be developed*
- 2.9 *The site is located in close proximity to the 700 bus service providing future residents access to regular services to Littlehampton, Bognor Regis and Chichester, the closest stops are understood to have RTPI provided*
- 2.10 The PROW officer made the following comments:**
- 2.11 *We would seek the same surfacing for the same purpose along the section of FPI 56_1 and FPI 48_1 that border the site and a commitment to use reasonable endeavours for a period of six months to seek agreement to upgrade the surface of FPI 56_1 both north-eastwards between the site boundary and where it joins FPI 56_2 and south to where it joins Bilsham Lane and to deliver any associated works of improvement. If, after using reasonable endeavours the developer / applicant is unsuccessful in obtaining consents, a financial contribution equivalent to the cost of delivering the improvements is to be paid to WSCC to enable enhancement of the route.*
- 2.12 In terms of junction modelling and future scenario the following was advised:**
- 2.13 *Three junctions are anticipated to experience an increase of 30 or more trips in the peak period:*
- *B2132 Bilsham Road / B2233 Yapton Road mini roundabout*
 - *B2233 Main Road / North End Road mini roundabout*
 - *A259 Comet Corner*
- 2.14 *The future year scenario should be the end of Local Plan period (2031)*
- 2.15 **The points arising from the above highways pre-app are addressed in the TA and elsewhere in the planning statement.**

Environmental Assessment Screening

- 2.16 **The applicants prepared an environmental impact assessment screening request for Proposed Hybrid Application for up to 200 dwellings (Phase 1 -approximately 30 dwellings in detail) with access roads, pedestrian paths, open space, landscaping and sustainable urban drainage on Land west of Bilsham Road, Yapton. This was a larger site than the current application site which extended west beyond the Ryebank Rife and therefore included additional hedgerows and trees.**
- 2.17 **The request was supported by a report by Campbell Reith in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amended. The assessment suggested that although the Proposed Development falls within Schedule 2 of the Regulations and is above the relevant thresholds, it is not likely to result in significant effects on the environment. The screening report contains**

the EIA checklist used by the National Planning Casework Unit and the Planning Inspectorate when screening for EIA, this is bound into the report.

- 2.18 **The Council considered the request (ref Y/116/21) and concluded:** *"The Group Head of Planning has determined under delegated powers that the above proposal does not require the submission of an Environmental Statement, as any impacts as there are on the environment are not likely to be of a magnitude to be covered by the Regulations.*
- 2.19 *The following environmental issues are considered relevant to this proposal and have been considered in reaching this decision: The Council considers that the proposal is an "Urban Development Project" as found in section 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Regarding the Schedule 2 relevant criteria and thresholds, it is noted the site area of approx. 12 hectares exceeds the threshold of 5ha and the number of dwellings (200) exceeds the threshold of 150.*
- 2.20 *The proposal is considered to be Schedule 2 development. In the case of schedule 2, an EIA is not automatically required unless the local planning authority considers that the development is likely to have significant effects on the environment.*
- 2.21 *(1) Location of the Development The site is in agricultural use and as according to the Figure 2 map in the Yapton Neighbourhood Development Plan (page xix) is shown as being half grade 1 and half grade 2.*
- 2.22 *The site is bordered on its east side by a hedgerow to Bilsham Road whilst the west boundary comprises a field edge and hedgerow. The north boundary is with residential allocated land for which outline planning permission has been granted for 250 homes. This boundary is fenced with no hedgerow. There is no southern boundary as the site is in a larger field area which continues southwards.*
- 2.23 *There are some trees in the east and west hedges but none in the main body of the site. The nearest protected trees are in the allocated residential site to the north and northwest. The site is crossed (north to south) by the Ryebank Rife, an open stream. There is a footpath running down the western boundary (YAP/156/1/2) and along the southern boundary of the field of which the site is a part. The site is understood to be predominantly flat but with levels falling generally south and towards the Rife.*
- 2.24 *The site lies in current Flood Zone 1 but there is zone 2 and 3 flood risk along the line of the Rife. This is predicted to enlarge in the future only slightly with the vast majority of the site remaining in flood zone 1 by 2111. The site is not affected by any wildlife designations although the land would provide some wildlife habitat particularly along the line of the Rife and to the existing field margins/hedgerows.*

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- 2.25 *The site does not include any heritage assets with the nearest being at the junction of Bilsham Road/Bilsham Lane and along Bilsham Lane to the south with intervening land in between. It is not considered this is an environmentally sensitive site, and that any environmental impacts are likely to be local in nature.*
- 2.26 *(2) Characteristics of the Development. The development comprises up to 200 dwellings, associated parking, road/footway provision, foot/cycle paths, public open space, play provision, landscaping, drainage features and ancillary works. The scale is indicated to be two storeys to reflect the character of the area. It is proposed to take vehicular access via a priority junction to Bilsham Road with pedestrian/cycle access points to other boundaries.*
- 2.27 *It is understood any application will be supported by a landscape strategy which will demonstrate the integration of natural features (such as the Rife) and to propose on and offsite landscaping to provide screening and biodiversity net gain. It is not considered that the characteristics of the development are likely to be significant in the context of the EIA regulations.*
- 2.28 *(3) Characteristics of the Potential Impacts. It is not considered the characteristics of the likely impacts are such that they are particularly significant, or long lasting, that they affect a significant area of the district or that they are complex in nature. It is not considered likely that the development results in any significant harm to ecological interests and that any harm can be mitigated through planning conditions and through the approval of an appropriate layout (such as by the areas of open space, drainage features and integration of the Rife). The site is not at risk of flooding and the development represents an opportunity to improve the existing surface water drainage system through infiltration and reduce discharge rates to local watercourses.*
- 2.29 *The development of the site will not directly affect any heritage assets whilst those in the wider landscape will be protected as a result of the distance to them and potential landscape improvements. Although there will be a new access and consequentially a significant and noticeable increase in vehicular and other modes of traffic accessing the site, it is not considered this impact will be significant (in the context of the EIA Regulations). The impact of additional traffic on the adjacent road will not itself be particularly noticeable.*
- 2.30 *There may be a more noticeable impact on existing levels of queuing traffic on Bilsham Road where it meets the A259. It is noted that you say there are no transport routes on or around the location which are susceptible to congestion and the assessment ignores this location which is reasonably close to the site. Notwithstanding, it is likely that over time, the development will become accepted by the local population and the impacts will soften and fade.*
- 2.31 *It is not considered that landscape impacts will be significant in the context of the EIA regulations. The surrounding landscape is flat, and forms developed countryside with the village of Yapton to the north/east and nearby Barnham to the west. Landscaping and/or woodland planting to the*

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boundaries of the site which adjoin with open countryside are likely to be sufficient to ensure that there is no significant or long-lasting impact on the wider landscape.

- 2.32 Although the construction phase will result in some impacts (such as noise/dust) on the local population, these effects are likely to be temporary and, provided suitable mitigation measures are put in place, not significant.

Cumulative Effects

- 2.33 It is noted the PPG paragraph 024 (Reference ID: 4-024-20140306) states with regard to cumulative effects:- "There are occasions where other existing or approved development maybe relevant in determining whether significant effects are likely as a consequence of a proposed development".
- 2.34 There have been a number of major residential approvals within the Yapton area in recent times:
- (1) The strategic allocation on land to the north and north east (total of 700 dwellings, with 250 of these on the adjoining part);
 - (2) Stakers Farm & Land North of Yapton Primary School sites on North End Road (70 & 38 dwellings);
 - (3) Clays Farm on North End Road (33 dwellings);
 - (4) Land At Street Buildings on North End Road (45 dwellings);
 - (5) Land to the south of Ford Lane & East of North End Road (100 dwellings);
 - (6) Land at Bonhams Field, Main Road (56 dwellings); and
 - (7) Land off Bumdell Road (108 dwellings).
- 2.35 The above all have outline and, in most cases, reserved matters permission also (excepting(1)) and some of them have been commenced. It is considered that the cumulative effect of new residential development in Yapton will alter the character of the area, result in greater impacts on the local highways and greater pressure on existing infrastructure. However, it is not considered that the proposed 200 houses, when considered alongside the existing approved developments, will result in any significant impacts and that any harm will be local to Yapton and the surrounding area.

Conclusion

- 2.36 Having considered the above factors and having had regard to the nature & scale of the proposal, it is not considered that the proposed development has the potential to result in significant impacts on the environment. The impacts would be relatively small-scale and localised and will be mitigated in accordance with standard methods including by conditions, a s106 legal agreement and the Community Infrastructure Levy. As such, it is considered that the proposal does not constitute EIA development and as such an Environmental Statement is not required in this instance.
- 2.37 This assessment through EIA screening serves as a proxy for the pre-application process, in that the impacts of the proposal have been considered and deemed not to create significant effects. In addition, given the Council were considering a bigger scheme 200 Units (30% bigger) and this created no significant effects the impact of only 70% of this scheme will also have less impact on the site and area.

Website

- 2.38 Given limitations for physical events during Covid-19 pandemic the applicants have prepared an easy to use dedicated website for the application explaining the proposal in simple terms to appeal to a wide audience. The website address is www.bilshamroad.co.uk
- 2.39 The website went online in January 2022 with a contact page where visitors can comment on the scheme directly to Landlink Estates but also encourages visitors to make responses to the Council through a link to the applications digital file on ADC's web site.

Assessment

- 2.40 Public understanding of the need for additional housing in the generality is high, however this is set against local opposition to additional development in Yapton.
- 2.41 From the experience with the application at Drove Lane and from the responses made by the public. The key issues raised consistently by locals are as follows:
- Further housing development given extensive permissions for over 1000 dwellings.
 - Traffic
 - Sewage
 - Flooding
 - Access to Doctors
- 2.42 The application and proposed mitigation will deal with the above issues in detail.
- 2.43 The traffic issues raised by residents relate to the issues regarding the state of the existing network and the existing volumes using local highways. The planning test relates to whether the proposal adds significant additional burden to the network to the point where it cannot cope, and delays would be significant. Given the potential mitigation the applicants believe the proposal will not result in severe impacts. Works to improve the A259 junctions Comet Corner and Oyster Catcher will aid traffic movements in the peak and provide a level of junction capacity beyond that required for the number of proposed dwellings.
- 2.44 The proposal will deal with foul sewage capacity. The solutions will be either an upgrade to the existing network or a private foul sewage solution. This issue can be acceptably mitigated.
- 2.45 The provision of primary healthcare is a consideration. The two GP surgeries at Yapton are oversubscribed, this is in line with the national picture and does not represent any particular local need. In addition, planning applications are not required to fix existing problems they are only required to mitigate any additional harm. The requirement from the new site

population would generate a need for less than 0.1 GPs – when you take the Healthy Development Unit recommendation of 1 GP to every 1800 patients. Some residents will move from within the community and will already be served by the GPs in the community. Whilst contributions from CIL cannot recruit GPs they can be used to secure infrastructure upgrades, this can be funded by through the levy unless specific mitigation is identified by the CCG. Work by the applicant on SD7 in Yapton did not identify any specific physical requirements in Yapton. It is possible that additional physical capacity will be created at Ford in the new healthcare facility planned as part of that strategic development and this would serve any overspill from Yapton.

2.46 CIL payments will secure the following for non-strategic development sites (the strategic sites are not subject to CIL) ³

- Public transport services improvements.
- Education contributions to meet the education capacity shortfall that non- strategic sites create beyond cumulative impact of the strategic housing allocations.
- Leisure and Recreation projects including a new leisure centre to make up capacity shortfall that non-strategic sites create beyond the cumulative impact of strategic housing allocations.
- Green Infrastructure Priority projects, including Arundel to Littlehampton Walking and Cycling Route (Policy T SP2 Littlehampton to Arundel Green Link).
- Waste Management projects: Contributions towards the Districts Household Waste Recycling Sites and a joint project between Arun District Council and Chichester District Council to reconfigure the Westhampnett Transfer station/Household Waste Recycling Site to increase capacity.
- Emergency services, including expansion and improvements to Bognor Police Station and Littlehampton Police Station; Relocation or redevelopment of Littlehampton Fire Station; Ambulance Community Response Post and Community First responder facilities.
- Strategic flood alleviation schemes and flood prevention measures; maintain Black Ditch flood defences; maintain Arundel to Littlehampton flood defences; sustain flood defences at Arundel; Adaptive management measures at Pagham Beach; SuDS implementation other than site specific requirements.

2.47 Early years, Primary and Secondary education places⁴, will be made in proportion to the child yield from development proposed, funded by CIL. The first Arun infrastructure investment

³ Arun District Council Infrastructure Funding Statement (IFS) 2019/20

⁴ As set out in IFS 2019 “ However, housing numbers (over and above strategic allocations) will also impact upon secondary education and therefore a proportion of CIL receipts may be spent on supporting secondary education alongside S106 from strategic sites”

plan (2022 – 2025) has not yet been prepared. The basis of the CIL receipt spending is set out in the IIP background paper⁵ the proposed split of receipts is **70% WSCC 20%, ADC 10%, Other.**

Community Centred Solution

2.48 Landlink Estates are keen that the development provides a lasting legacy for the village and in this respect support the following:

- A high-quality bespoke contemporary design that evokes the Yapton character and uses high quality vernacular materials
- The proposal exceeds the current legal requirement for biodiversity net gain (BNG) as enacted in the Environment Act November 2021.
- Reducing the carbon footprint through a highly sustainable development with 17% dwellings having solar PV panels (in phase 1), dwellings orientated to enhance the natural energy performance of a dwelling by minimising energy demand (passive solar gain), natural light (daylighting) and thermal comfort (overheating), the inclusion of water saving sanitaryware and taps, EV charging points ready for install or supplied in 56% units (phase 1) and sustainable urban drainage.
- 30% Affordable housing units including first homes
- Attractive open space and pond to act as a focal point for the small new community
- Contribution to Primary Healthcare secured by s106 if required.

2.49 The scheme offers an exemplary response to the new Arun Design Guide⁶ and to the IHS 'RAG' checklist⁷.

⁵ ADC Background Paper 1 - Preparation of the Arun Infrastructure Investment Plan – Overview and Methodology (undated)

⁶ See sections 6 – 13 of Design and Access Statement responding to Arun Design Guide

⁷ Refer to section 4 of this report

3. Planning Policy

- 3.1 Planning law requires that applications for planning permission must be in accordance with the development plan unless material considerations indicate otherwise. The NPPF para 12 clarifies that the presumption does not change the statutory basis of the development plan as the starting point for decision making. In this context, the Development Plan comprises:-
- the adopted Arun Local Plan 2011-2031 (ALP2018)
 - the Made Yapton Neighbourhood Plan (2014)
 - the West Sussex Waste Local Plan 2014; and
 - the Joint Minerals Local Plan 2018
- 3.2 Arun District Council adopted the Arun Local Plan 2011-2031 (ALP2018) on 18 July 2018 (incorporating Main Modifications). In February 2020 the Council published its Authority Monitoring Report (AMR) 2018/19 which demonstrated that the authority had a 3.9-year housing land supply. In December 2020 the Council published its' AMR 2019/20 which demonstrated a 3.3-year housing land supply.
- 3.3 The Government's published results of the Housing Delivery Test (HDT) for 2018 and 2019 (in February each year) indicated that Arun's housing delivery was below requirements: -
- 2017/18 : 91% :The result required the authority to publish an Action Plan.
 - 2018/19: 68%: The result required the authority to apply a '20% buffer' in order to calculate the 5-year housing land supply
- 3.4 The Council have stated that for "Parishes not preparing NDPs or reviews that would have been subject to development allocations via the Non-Strategic Sites Allocations Development Plan Document (NSSA DPD), the Council will operate the approach set out in the 'Interim Housing Statement', by inviting applications from 'deliverable' housing sites (e.g. consult the HELAA) with physical attachment to Built-Up Area Boundaries, aiding walking and cycling connectivity to services within settlements. This is set out in the Council's Action Plan published in 2019 and in accordance with 'presumption in favour of sustainable development' (set out in paragraph 11d of the National Planning Policy Framework 2019).
- 3.5 The Council state that this approach will be maintained until a 5-year housing land supply is re-established. This may be assisted by the Local Plan update identifying planned provision to meet requirements and /or should relevant Parish Councils wish to bring forward NDPs or NDP reviews in the absence of a NSS DPD.

Interim Housing Statement (IHS)

- 3.6 The IHS clarifies that until a 5 year housing land supply is re-established, the material policies that relate to the supply of housing, are consequently, deemed 'out of date'; where applications are not in accordance with the Local Plan, the authority must therefore, apply the 'presumption' in favour of positively determining applications, as set out in NPPF paragraph 11d.

- 3.7 Whilst the Council's housing policies are deemed out of date, they advise Arun's adopted Local Plan contains many policies that are up to date that and consistent with the National Planning Policy Framework 2019. The IHS predates the July 2021 revisions to the NPPF.
- 3.8 Confirms that the authority can demonstrate a 3.3-year housing land supply and therefore, policies within up-to-date Neighbourhood Development Plans (which form part of the statutory Development Plan), will be applied in determining applications where all of the conditions of paragraph 14 of the NPPF 2019 are met.
- 3.9 Paragraph 14 of the NPPF 2019 clarifies that NDP are deemed to be up to date provided that criteria a)-d) of paragraph 14 all apply. In particular, where NDP are less than 2 years old at the point of determining an application and where the local planning authority can demonstrate a 3-year housing land supply, then the tilted balance can be deemed to be harmful and not apply.
- 3.10 A very recent appeal decision issued 5 January 2022⁸ has confirmed that the Council can only demonstrate less than 3 years. Paragraph 106 *"On this basis I find the deliverable housing land supply position is currently less than 3 years and by my assessment would be **approximately 2.63 years**. The current scale of the shortfall of deliverable housing land to meet identified housing need in Arun District is therefore substantial"*.

Yapton Neighbourhood Development Plan (NDP)

- 3.11 The Yapton NDP was made by Arun District Council in November 2014. This predates the adoption of the local plan and is now clearly out of date, it also predates changes to the NPPF made in 2019 and 2021.
- 3.12 The qualifying body, Yapton Parish Council, propose to modify some parts of the made plan but not to the extent that it considers will change the nature of the plan. In this regard they moved to a pre-submission (regulation 14 stage) publication of the modification document with a modification proposal statement. The regulation 14 version of the NDP was published in December 2020 and subject to consultation until March 2021. Landlink Estates objected to the Regulation 14 plan, and do not believe the revised document represents a minor 'modification'
- 3.13 Yapton Parish Council have now progressed to a regulation 16 Pre submission 'modified' version of the NDP they are describing this as YNP2. The consultation for the plan is being managed by Arun District Council and is currently open and runs to 6 January 2022. Yapton Parish Council have now accepted that the plan requires an Examination to consider the wide range of changes proposed to the plan. They have advised that the Examiner will decide whether a referendum is required.

⁸ Appeal Ref: APP/C3810/W/21/3273087 Land South of Barnham Station, Barnham, West Sussex

- 3.14 Landlink Estates have submitted significant objections to the Regulation 16 version of the 'modified' plan. The objections made by Landlink Estates to the regulation 14 version of the 'modified' plan have not been fully addressed. With significant unresolved objections to both Regulation 14 and Regulation 16 versions of the 'modified' YNP2 has very limited weight in the planning decision making process.
- 3.15 The Regulation 16 version of the NDP is flawed as **the plan has no policies or allocations to meet any proper and justified updated housing requirement** taking into account the latest evidence on housing need (which is essential, as the NPPF and NPPG make clear). Arun District Council have failed the 2020 housing delivery test, lack a 5 year supply by a very considerable margin, and there is no realistic prospect that the minimum requirement of 20,000 for the whole District in the period 2011-31 (the basis of the Local Plan) will be achieved. The plan is entirely defective as it makes no attempt to help contribute to the District's deepening housing crisis. In this respect as drafted YNP2 cannot meet the basic conditions.
- 3.16 The original NDP has very limited weight in the decision-making process as it is now significantly out of date having been tied to the earlier Local Plan, and in particular the policies for the supply of housing are out of date by virtue of their age in relation to the date of this application. This is reinforced by the appeal decision referenced in footnote 8.

Supplementary Planning Documents

- 3.17 Importantly, Supplementary Planning Documents (SPD) are material considerations in decision making including the Arun Design Guide (ADG). The scheme has been designed for full compliance with the ADG and has been extensively referenced in the Design and Access Statement prepared by Boyle + Summers Architects and in the Sustainability Statement, the requirements of the ADG have been checked in full using the Council's checklist in the DAS assessment and response.
- 3.18 The South Marine Plan which is a statutory plan regulating the intertidal and estuary areas of Arun's coast and rivers. The site is outside the area affected by that plan.

4. Assessment against IHS Tick List (RAG rating tool)

4.1 The following table considers the Interim Housing Statement, Red/ Amber/ Green List requirements and how the proposal meets the individual sections.

	NPPF 2021 Considerations (NOTE earlier NPPF paragraph references shown in brackets as these are original references in RAG)	Yes/ No	Explanation of how the scheme meets the criterion and reference to evidence in support of the planning application to demonstrate compliance
1	Does the site avoid impacts on any national habitat, landscape or heritage designation?	✓	The site meets the criteria in Footnote 7 of paragraph 11b) i. The site is not in a protected area or for assets of particular importance The site is not within a national designated landscape see LVIA⁹, neither is the site in a valued landscape. The LVIA demonstrates that once the development is built none of the short, medium or long-term effects that would be experienced by receptors at the representative viewpoints assessed in the public domain or judged to be significant. The site is outside both the Yapton conservation areas and has no significant impact or on setting of either designated or non-designated heritage assets that would outweigh the public benefits of the proposal -see Built Heritage Assessment¹⁰ The site has only limited potential for below ground archaeology and is outside the line of the former Portsmouth to Arundel Canal. The Desk based archaeology report confirms that with site investigation it is considered there are no archaeological grounds to refuse the application.¹¹
2	Meet Appendix 2 Glossary Definition of Deliverable site?	✓	The definition of deliverable in NPPF Appendix 2 Deliverable: “To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years” The site would be subject to two-year permission, if permission is granted it would be ready for immediate disposal and discharge of conditions applications could commence within 9 months of approval. Interest has been expressed by numerous buyers¹² for the site. The planning consultant has also independently been approached by potential site purchasers/ developers. The ADC 2020 HEELA confirmed the site as deliverable.
3	Sustainable location Adjacent to a Transport Node? Railway Station? Bus route? Walking and Cycling routes	✓	The WSCC pre-app did not raise any fundamental issues regarding the sustainability of the site's location. Given the site within a sustainable settlement with community services in walking distance and that it is adjacent to an allocated site (SD7) deemed a sustainable location in Local Plan in 2018. Nothing in the interim would alter the assessment that the site is in a sustainable location. The HEELA 2020 assessment¹³ (site 18Y2) confirmed ‘This site, which adjoins the built up area boundary of Yapton, forms a natural extension to a strategic housing allocation. There are some constraints outside of the site but limited constraints within the site itself. The site is considered to be in a sustainable location in close proximity to a number of services. The site is considered suitable for development. The

⁹ See LVIA Page 8 3.4.1

¹⁰ See RPS Built Heritage Assessment Pages Section 5 Page 21

¹¹ See Desk Based Archaeology Assessment Development Archaeology Services April 2021

¹² Expressions of interest have been made direct to Landlink Estates

¹³ ADC HELAA 2020- Appendix 2.2 Developable Sites Detailed Proforma

			site could form a logical extension to Yapton. The TA¹⁴ also explains how the proposal supports walking, cycling and public transport. The site is within short cycle or bus ride to nearest train station at Barnham. The DAS¹⁵ explains the proximity to facilities within walking distance and these are recorded and mapped on page 14. The site is well placed having bus stops adjacent to site, and all Yapton facilities accessible on foot or bicycle. The NPPF paragraph 8 sustainability considerations: a) economic objective – the application supports a boost to housing, including affordable housing, which is an essential component of a strong economy, where the demand for housing outstrips supply and demand is unmet. The development has positive economic support for jobs and the supply chain in the short term, and the additional incomes from new residents in the medium and longer term. b) a social objective – the proposal is the scheme of mixed dwelling types and 10 years which help to find a sufficient number and range of homes required within Arun District. The careful design are using the Arun design guide helps to create a beautiful and safe space with sufficient open space and contributions through the community infrastructure levy that will support health, social and cultural facilities within the area. c) an environmental objective – as stated above, the site is not within a designated landscape or heritage asset and it makes effective use of land maximising density but meeting the separation distances required by the council in the design guide. Scheme deals with meeting and adapting to climate change in terms of flood resilience, avoidance and ongoing sustainable urban drainage. Those dwellings that accommodate the technology are designed with solar PV provision and EV parking provision to assist with moving to a low carbon economy. The site achieves a +10.15 % habitat and +93.07 % hedgerow unit biodiversity net gain (Using DEFRA Metric 3.0) further enhancing the natural environment.
4	Density – the scheme maximises the use of land appropriate to accessibility and parking	✓	The site is a greenfield site, but the DAS¹⁶ explains how the Arun Design Guide has been used to meet minimum separation distances and this is single biggest factor for the eventual density of the site. The separation distances have been applied as minimums to keep the density as tight as possible to make best use of land, sub surface water storage -see FRA¹⁷ is maximised in the north of the site in car parking areas and open space (outside Flood zone 2). The net developable area is 5ha density is 28 dph and achieves a slightly lower output than anticipated in the 2020 HELAA (site reference 18Y2) which had calculated a yield of 207 dwellings capacity for the site combined with the adjacent Dog Leg Field. The proposal meets NPPF paragraph 126 (124) as the scheme includes different types of housing for different end markets including affordable housing and starter homes. The proposal meets the area based Yapton assessment submitted in support of the application which ensures efficient use of land while creating a beautiful and sustainable place set out in the design and access statement. The scheme meets the relevant local parking requirements in full -refer to section 8 of the DAS.
5	Achieving well designed places?	✓	The DAS¹⁸ explains in detail the design process which has followed the Arun Design Guide and has used the developer's own detailed context assessment of Yapton and the emerging Yapton NDP review. NPPF 134 (130)

¹⁴ TA -Abley Letchford Partnership paras 3.21 - 3.43

¹⁵ Boyle+ Summers Design and Access Statement pages 14

¹⁶ Boyle+ Summers Design and Access Statement

¹⁷ Campbell Reith FRA

¹⁸ Boyle+ Summers Design and Access Statement page 5

		a) The scheme will function well and will add to the quality of the area adding variety to the range of offer for housing in Yapton b) The scheme is visually attractive as a result good architecture, layout and appropriate and effective landscaping. This is illustrated in the DAS. c) the proposal cause very slight damage to Overall Landscape Character in that they would cause very minor loss or alteration to key components of the baseline Landscape¹⁹ but offering innovation in terms of a modern interpretation of a rural typology. d) the scheme has been designed to create positive street frontages and courtyards with distinct building types and materials to create an attractive welcoming and distinctive place to live e) the density is optimal given the minimum separation distances required by Arun District Council and will sustain the community and support local facilities and transport networks f) the proposal create a place that are safe, inclusive and accessible with a high standard of amenity for future users²⁰ in particular meeting the ADC guideline for separation distances and meeting nationally described space standards NPPF 131 – the proposal includes tree lined streets, a new national planning policy requirement (July 2021) to help add character and mitigate climate change NPPF 133 (129) -Building for a Healthy Life. – The DAS Checklist on page 80 references the offer to allow healthy and active lifestyles set out by Sport England and Public Health England Active Design Principles – connections to an extensive network of open spaces and routes from the doorstep of residents. NPPF 134 (131) – Particular care has been taken to ensure the scheme meets all the requirements of the recently adopted Arun Design Guide and includes 39 checklists that demonstrate the attention to detail set of in the prescribed formulas for designers.
6	Addresses Climate Change and low carbon future and energy standards Mitigation and Adaptation?	NPPF 154(a) +(b)(150(a)+(b)) The scheme is supported by a sustainability assessment²¹ the scheme has also considered long term flood risk and coastal change. The orientation of dwellings maximises solar gain for winter heating, but includes shading to avoid overheating. 17% of dwellings include solar PV provision²² following the orientation of the scheme to avoid the visual impacts of solar PV, but to maximise the gain and minimise energy consumption. Many solar panels are on garages which is more effective provision as the PV inverters can create an element of overheating in summer months.
7	Addresses Climate change Flooding and vulnerability over the lifetime of the development (100 years)?	The proposal avoids entirely development within areas of flood risk, the scheme has been designed for all operational development including all the built development and amenity open space to be located in Flood Zone 1 with the appropriate climate change allowances²³; the design directs the development away from highest risk existing or future; safe for the lifetime of development. ²⁴ NPPF 159(155) There is no requirement to consider alternatives at lower flood risk; Sequential and exceptions test are not required. Paragraph 162 (158). A full a Site-Specific Flood Risk Assessment considers potential for all types of flooding including risks from elsewhere as now required by NPPF 162.

¹⁹ Indigo Landscape LVIA refer to 9.2.4

²⁰ Boyle+ Summers Design and Access Statement pages 77

²¹ Campbell Reith Sustainability Statement

²² PV Plan layout 1404-PL and page Design and Access Statement

²³ ADC SFRA

²⁴ FRA Campbell Reith see page 26

			The proposal is considered a Major development [10 dwellings or more or over 0.5 ha - Appendix 2 Glossary] and therefore incorporates Sustainable Drainage Systems (SUDs) Paragraph 165. The proposed drainage strategy seeks to utilise a combination of permeable paving and swales to provide water quality improvement and convey water towards the discharge point into the existing watercourse. A combination of below ground cellular storage/enlarged pipes, swales, permeable paving, and a pond will provide attenuation, water quality improvements and amenity/biodiversity benefit. Based upon the proposed site layout and impermeable areas, with allowance for urban creep and an overall discharge rate of 5.1 l/s/ha, the total required storage volume would be in the region of 2560 m³ for the developed site²⁵.
8	Coastal Areas		The site is outside the area covered by the South Marine Plan therefore Paragraph 170 (166) is complied with.
9	Protects and conserves wildlife and habits and achieves a 'net gain' in biodiversity?		The development of the site will contribute to protecting and enhancing the natural environment; This is demonstrated through the ECIA²⁶ and the use of DEFRA Metric 3.0 BNG calculation. The site does not involve the development of a 'valued landscape' as defined by the NPPF. Neither does the development impact on the intrinsic character of countryside; it maintain the character of undeveloped coast; it achieves a measured net gain in biodiversity; it deals with soil protection in the report by , air or water pollution or land instability; land remediation? Paragraph 170 Where there is significant harm to biodiversity; alternatives; mitigation – development should be refused. NPPF180 (175 (a)) This is not the case for this development. There is no loss of or deterioration of irreplaceable habitats or ancient woodland – that would indicate refusal. NPPF 180(c) (175 (c)) Measured net gains in biodiversity of +10.15% habitat units and +93.07% hedgerow units shown in BNG Technical Paper using the DEFRA Metric 3.0 ²⁷ in accordance with NPPF180(d) (175 d) and the Environment Act 2021
10	Conserves and enhances the Historic Environment?		The application describes the significance of the built heritage²⁸ assets and their setting and in terms of potential below ground archaeology²⁹ – desk-based assessment and field evaluation. Paragraph 194 (189). In terms of archaeology the DBA concludes potential for Neolithic, Romano-British, Late Anglo-Saxon, finds is low, potential for Bronze Age/ Iron Age finds is medium, potential for Mediaeval and post Mediaeval Age finds is moderate - high, and potential for early modern finds is high. The DBA recommends a site investigation prior to development secured by planning condition. In terms of Built heritage the Site contains no built heritage assets, nor is it located within a conservation area. A 1km search radius has been used to identify built heritage assets with potential to be affected by the proposed development via changes to their settings. Further to a scoping exercise, four Grade II listed buildings were identified with potential to be affected by the proposed development. The assessment confirms that the special interest of the listed buildings would be preserved by the proposed development. This complies with NPPF 202 (196).
11	Safeguards Minerals and allows abstraction?		The site is outside any designated Mineral Safeguarded Area in the WSCC Minerals and Waste Local Plan. This suggests no viable resource. The

²⁵ Campbell Reith FRA Page 21

²⁶ LC Associates ECIA December 2021

²⁷ Holbury Consultancy Biodiversity Net Gain Technical Note December 2021

²⁸ RPS Built Heritage Statement -December 2021

²⁹ Development Archaeology Services April 2021

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			Campbell Reith Land Quality Assessment contains borehole log ³⁰ that identify no viable mineral resource for extraction.
12	Within BUAB		No -Adjacent to BUAB – see item 13 below. However, the BUAB is out of date due to the substantial 5 year housing land supply deficit, and this negative factor can only have very limited weight in the planning balance.
13	Outside but Physically Adjacent to BUAB	✓	RAG suggests review against the following policies CSPI – The site is in a sustainable location refer to TA³¹ and DAS³² Page 14 and assessment in box 3 of this table. TSPI – The proposal meets all criteria a-f (NB save C which is not applicable)- explained in DAS and TA (as above) TDMI - The proposal meets all criteria a-d explained in DAS and TA (as above) NDP – The site is not designated within NDP for any use/ policy protection The 2020 HELAA identified the site as “This site, which adjoins the built up area boundary of Yapton, forms a natural extension to a strategic housing allocation. There are some constraints outside of the site but limited constraints within the site itself. The site is considered to be in a sustainable location in close proximity to a number of services. The site is considered suitable for development. The site could form a logical extension to Yapton”
14	Remote from BUAB		No, not remote from BUAB. Site is immediately adjacent to BUAB -see item 13 above
15	Avoids gaps between settlements		The site is not in designated gap. The land does not form part of a gap, the opposite side of the street has built development, so the effect is that you have not left the village.
16	Within settlement gap but modest size would not affect gap		Not within a designated settlement gap.
17	Agricultural Land		Protects best and most versatile through a detailed programme of soil protection ³³ This Initial investigation has demonstrated that the top soil and sub soils are particularly problematic and recommends options for future soil resource protection.
18	Protects special setting of Arundel and not within named policy locations		Not Applicable
19	Protects and conserves conservation areas		Distant from conservation area. Refer to RPS ³⁴ report + see response to box 10 above
20	Protects and conserves areas of character		Not Applicable

³⁰ Campbell Reith Land Quality Assessment December 2021 Appendix C

³¹ Abley Letchford Transport Assessment -December 2021

³² Boyle + Summers DAS December 2021

³³ Soil Resource Report Tim O'Hare Associates December 2021

³⁴ RPS Built Heritage Statement December 2021

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21	Protects Scheduled Ancient Monuments		There are no SAMS within 3km of the site. The closest SAM is Medieval earthworks E and SE of St Mary's Church at Ford.
22	Protects SINC's		No SINC's in the vicinity.
23	Protects NCI		No NCI in the vicinity of the site-
24	Protects and Conserves LNR		No Local Nature Reserves within the vicinity of the site
25	Sympathetic to Biodiversity Opportunity Area		No connection with a BOA which is remote from the site
26	Biodiversity Net Gain (BNG)		The Holbury Consultancy BNG technical note ³⁵ and report is assessed against the DEFRA Metric 3.0. The site achieves +10.15.% habitat units and + 93.07% hedgerow units BNG in advance of the legal requirement to do so.
27	Addresses Pagham Harbour Buffer		Not within Pagham Harbour buffer zone on this site
28	Protects mineral safeguarding		No minerals safeguarding required – refer to WSCC Minerals Plan and Policy 9 ³⁶
29	Within MSA but less than 0.5 ha		No minerals safeguarding required – refer to WSCC Minerals Plan and Policy 9 ³⁷
30	Protects existing and contributes to new open space		The development does not affect existing Open Space, Playing Pitches, Indoor and Built Sports Facilities, but will provide POS and play to standard and provides CIL contributions to meet wider District Sports facilities.
31	Avoids and Protects Green Space in NDPs		Site not an allocated a Green space in Yapton NDP
32	Flood Risk Assessment requirements addressed		Policy W DM2 Flood risk. The development proposal avoids the areas at risk of flooding sequential tests and exceptions tests are not required as evidenced by site specific Flood Risk Assessment; contingency and climate change allowances -see box 7 above.
33	100 years climate change allowance		Development is entirely outside of the Climate Change allowance flood area so will be safe for 100 years + Refer to FRA ³⁸ .
34	Adapting to climate Change, energy and renewable energy?		Policy ECC SPI Energy and Climate Change Mitigation. The proposal is energy efficient; exceeds current standards; design layout addressed passive solar gain and incorporates PV panels energy on 17% dwellings (phase 1); will exceed production in excess of 10% of total predicted energy requirements .

³⁵ Holbury Consultancy Technical Note Biodiversity Net Gain December 2021

³⁶ Minerals Safeguarding not engaged by Policy 9 of WSCC Minerals and Waste Plan

³⁷ Minerals Safeguarding not engaged by Policy 9 of WSCC Minerals and Waste Plan

³⁸ Campbell Reith Site specific FRA December 2021

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			Sustainability Statement confirms ³⁹ that Proposed Development has accounted for the sustainable development considerations within the design at this stage. It presents the opportunity for the sustainability of the Site to be optimised throughout the detailed design process. This analysis against the Council's policies demonstrates that the Proposed Development has the ability to fully comply with all of the applicable policy criteria
35	Addressed water supply, quality and efficiency		Policy W DMI Water Supply and Quality. The development will adopt efficient optional technical standard 110 litres/day to be secured by condition, within Waste Water Treatment Works Catchment Area, no issues identified for connection by SWW
36	Promoted with an evidenced 5 year delivery trajectory and signed Statement of Common Ground		Delivery timescales including a housing trajectory set out in this report. Statutory providers have confirmed provision of connection in the following evidence⁴⁰. * Waste/foul water - Southern Water have a foul main that reaches the top portion of the site via the Bilsham Road B2132. No longer possible to request a capacity check anymore as SW must connect new sites, costs are charged per plot tariff. * Potable water -Distribution Mains runs the full length of Bilsham Road B2132. * Power - applicants are seeking a quote to cover the additional power required due to EV points. There is a low voltage main which runs the full length of Bilsham Road B2132. * BT poles all along the road - connection possible - no capacity issues. Evidence of engagement with the Local community and Parish Council is set out in section 2 of this report covering SCI and link to dedicated website here: www.bilshamroad.co.uk
37	Viable density and yield		The development will mitigate its impacts and deliver necessary infrastructure including highways, open space surface water, foul drainage, waste water and treatment/ On site affordable housing is policy compliant , CIL contribution will be payable for education/ health and community contributions. The scheme is viable and deliverable within 5 years
38	All relevant evidence and studies are included to ensure that the application can be validated		The application is accompanied by a completed validation checklist. All the necessary supporting mandatory and local list requirements are met

³⁹Campbell Reith Sustainability Statement December 2021 para 4.30

⁴⁰ These comments are based on active request for quotes from service providers by applicants undertaken Q4 2021

5. Planning Assessment

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. This represents the requirement for a balanced consideration when there are other material considerations.
- 5.2 This section of the report considers the proposal as a whole against the development plan and other material considerations that need to be assessed and to consider this against the policy presumption in favour of sustainable development when the Council are unable to demonstrate a five-year land supply.
- 5.3 This is known as the 'tilted balance'. For the purposes of this application the tilted balance is engaged.

Arun Local Plan 2018

- 5.4 The Local Plan ("LP") for the period 2011-31 was adopted in July 2018. The LP contained a stepped housing requirement and envisaged substantial new development on a number of strategic allocations. However, the LP's housing policies are already out of date in NPPF terms, as its AMR published in December 2020 stated that ADC could only demonstrate a 3.3-year supply (a supply of 6,599 against a requirement of 10,079, equating to a 5 year shortfall of 3,480 new homes).
- 5.5 While the LP establishes a requirement figure for the District in policy H SPI (at least 20,000 new homes in the period 2011-31), it does not designate a specific relevant figure for Yapton Parish. Table 12.1 (p117 of the LP) indicates how the proposed supply was to be constituted. There are categories for new strategic allocations, existing NP allocations and commitments. In addition, there is a category of "at least 1,250" for "non-strategic sites", which were "to be identified through Neighbourhood Plans or a Non-Strategic Site Allocations DPD". ADC commenced work on the non-strategic site allocations DPD, but this has now been abandoned. At one time, ADC had resolved to pursue a local plan review to address the extant 5-year deficits, but this has been paused for some months (Until May 2022), and it is presently uncertain what approach ADC will take on this matter.
- 5.6 The Authority Monitoring Report 2020 (covering the period 2019/20) published by Arun District Council sets out the latest position on the 5-year HLS which is **3.3 years**⁴¹.
- 5.7 Housing Delivery Test for 2020 is 61%⁴². This result required the authority to publish an Action Plan; and apply a 20% buffer to the HLS calculation; the '**presumption applies**'

⁴¹ Barnham Station Appeal 5 January 2022 (see foot note 8) states deliverable housing supply is 2.63 years

⁴² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953303/H-DT_2020.pdf

5.8 A caveat applies in NPPF12:

- 5.9 *The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed*

Interim Housing Statement (IHS)

- 5.10 The Council have produced the IHS which explains the proactive approach to boost housing supply to reflect the adopted plan and emerging local plan review. Given the abandonment of the small sites allocation plan and the pause on the Local Plan Review (see 5.5.above), it is the only positive policy stance the Council have taken to boost housing supply in the interim.
- 5.11 The IHS provides a mechanism for the Council to consider applications and provide clarity and confidence to applicants incoming forward with schemes under this interim provision. As such it contains a checklist against which proposals will be tested. **Section 4** of this statement contains a tabulated narrative assessment of compliance against the RAG checklist criteria. The checklist is intended to inform what the Council would consider to be good quality development within the local plan area.

Response to the IHS

- 5.12 The proposal is for a scheme of sustainable development, that contributes to IHS. The tilted balance of policy I of the adopted local plan in paragraph 11 d of the Framework is engaged and therefore the application scheme should be approved unless adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies framework as a whole (**the presumption**).
- 5.13 In this case the site is appropriate and deliverable for residential development as confirmed in the recent HEELA (2020), it is well related to existing development, it can be successfully integrated into the landscape and it does not raise any issues of amenity in respect of the living conditions of the new residents. The site is well located for public transport and as such can be considered a sustainable location for development. The proposal can integrate well with the existing community at Yapton and of a scale that is appropriate for the site/settlement and will easily integrate with the expanded settlement.
- 5.14 Yapton was identified in the Adopted Local Plan as a village that accommodate significant levels of growth being a sustainable settlement. Whilst there is an understandable view that the village has taken an appropriate proportion of the growth, and the Plan led system should provide certainty there is relatively little guidance in the local plan how the housing requirement for

the 1250 homes for neighbourhood plans are to be disseminated. Policy SD SPIa includes providing for growth of the six sustainable villages whilst maintaining the setting within the open countryside. Yapton is identified as one of the six village locations in inland Arun which will develop their roles to provide housing and a range of services and facilities, given the constraints of the South Downs to the north and the coast of the south this is an inevitable location for further sustainable development.

- 5.15 Yapton is identified as one of the sustainable locations for development in the Local Plan. This is a helpful starting point and material to the acceptability of sites that must address the critical housing land supply situation. The regulation 16 Yapton neighbourhood plan update has failed to grapple this issue and therefore will not meet the basic conditions for compliance with the NPPF. This emerging neighbourhood plan cannot ignore this most critical issue of sustainable development.
- 5.16 The recent appeal decision at Barnham Station (see footnote 8) in relation to housing land issue confirms: *“Furthermore, in response to the increasing gap between housing need and delivery, the Council has invoked various measures including taking a more positive outlook to those deliverable HEELAA sites which may comprise sustainable development. This includes the IHS, which was published as Council policy in early 2021. The IHS is a material consideration in the decision-making process.”*
- 5.17 The application site is therefore a sustainable location and is well related to the existing and planned settlement in Yapton. The proposed dwellings would not be isolated or unduly detached from the existing settlement and would integrate overtime with the planned growth of Yapton. The application site is located at the edge of one of the most sustainable communities in Arun in accordance with the local plan policy SD SPIa.

Deliverable?

- 5.18 It is clear that in order to support a site under the IHS it should be “deliverable” at the time that the site is put forward for planning permission (the definition of ‘deliverable’ set out in Annex 2 Glossary of the NPPF 2019). The Council’s HEELA confirmed the site as deliverable.
- 5.19 Furthermore, the applicants can demonstrate excellent deliverability credentials as follows:
- The site is ‘Market ready’ - investigative Site Surveys complete, due diligence completed in terms of developers’ package – advanced legal ‘sales pack’ prepared
 - Extensive market testing of the proposal with active sales agents
 - Discussions with Registered Providers for AH provision
 - Register of Interest established by the applicant with a number of potential developers
 - The extent of information supporting the application goes beyond standard requirements making transition easy for reserved matters and conditions phase
 - Applicant’s track record of in successful rapid disposal of housing sites (Drove Lane in Yapton, Manor Park in Selsey)

- Pre-application engagement with utility/ service providers

5.20 The high-quality application and thorough approach to the development industry makes combined with the scale of the development is attractive proposition to a wide range of potential developers and housebuilders. Significant commercial interest has been registered for this site.

Emerging Policy

Local Plan Review

5.21 In order to assist housing delivery and correct and reinstate the 5-year land supply, the Council chose to abandon the small sites plan and concentrate on the Local Plan Review. This is at the extremely early stages and is programmed to take place in two phases, firstly with development management policies and then allocation of sites.

5.22 It was agreed that the update of the local plan would commence with updating the development management policies as a priority leading to an update of the full plan strategic policies. This approach was approved at Full Council on 15 January 2020.

5.23 The work on the plan review is at a very early phase and previously adoption was not anticipated until Winter 2023. However, the Local Plan update has been paused (Planning Policy Committee 6 October 2021) and pending a review of this position in 6 months (May 2022) this will have consequential delays to the programme; therefore the emerging plan can have no weight in this decision.

5.24 The Barnham Station appeal inspector (see footnote 8) at paragraph 109 criticises the delay in a plan-led recovery of the housing land supply situation:

5.25 *"This interim strategy is perhaps unsurprising given that plan-led options to assist the housing land supply situation in Arun have been prevaricated. This includes not pursuing the intended NSSA DPD, which could have positively allocated medium sized sites to provide a buffer of supply in addition to the ALP strategic sites and from smaller sites in neighbourhood plans. More recently, delays in preparing a full replacement of the ALP, means there is little prospect of plan-led recovery of the housing land supply situation in the short term"*

Yapton NDP.

5.26 Given the Yapton Neighbourhood plan is out of date (2014) as it predates the adopted local plan and a number of updates to the NPPF, it can have very limited weight in the decision-making process. The date of adoption also means it has no impact in terms of the five-year land supply in relation to NPPF paragraph 14. The proposal to 'modify' the neighbourhood plan (known as YNP2) has been subject to an initial consultation and is subject to **significant unresolved objections**.

5.27 The YNP2 modification has been progressed to a formal Regulation 16 consultation, which will not conclude until January 2022. Therefore, very limited weight can be given to the modified draft plan at this time as the 'modified' plan will likely be subject to further change and

consultation, and the plan will be subject to examination and potentially a referendum before the 'modification' can be assumed as 'made'.

- 5.28 The YNP2 does not allocate sites for housing; its stated justification that it has met its requirement for housing in recent planning consents. Despite a request Arun District have not confirmed what proportion of new housing should be allocated to Yapton in the absence of the of an allocation in the NDP. There are figures of 70 and 80 are given in the YNP2 documents.
- 5.29 The Council has confirmed preparation of a Non-Strategic Sites Allocations DPD (NSSA DPD) to support the existing ALP2018 has been halted and is no longer being prepared. This was stated as necessary to ensure that the resources and timetable for the Local Plan update are prioritised within the context of the Climate Change Emergency and key priorities of the Council. Given the Local Plan Update is now paused this rationale appears flawed.
- 5.30 The ALP2018 commitment to provide at least 1,250 dwellings for the period to 2031 will mean that contributions from Neighbourhood Development Plan reviews will be expected to continue to deliver a proportion of the ALP2018 dwelling requirement to 2031 as currently agreed with those Parish Neighbourhood Development Bodies.
- 5.31 The Council has confirmed that for those Parishes not preparing NDPs or reviews that would have been subject to development allocations via the Non-Strategic Sites DPD, the Council will operate the approach set out in the 'Interim Housing Statement', by inviting applications from 'deliverable' housing sites (e.g. consult the HELAA) with physical attachment to Built-Up Area Boundaries, aiding walking and cycling.
- 5.32 Yapton would have been subject to development allocation in the NSS DPD, the draft 'modification' review of the Yapton NDP has not accommodated any additional site allocations, therefore the presumption in favour of development from sites that are adjacent to the BUAB and are deliverable as set out in the HELAA are invited by the Council.
- 5.33 The Council will eventually provide a Local Plan update identifying planned provision to meet requirements, but this is now delayed until sometime in 2024 and /or should relevant Parish Councils wish to bring forward NDPs or NDP reviews in the absence of a NSS DPD this plan will provide the framework for that.
- 5.34 Whilst the intention of Yapton was to rapidly update their plan, they have failed to consider the most fundamental issues that must be addressed to make a sound plan -the compliance with the NPPF. The Inspector in the Barnham Station appeal (reference at footnote 8) considered similar situation in Barnham at paragraph 131 of the decision letter. The potential conflict with the emerging updated Barnham neighbourhood plan (which is at a more advanced stage than the Yapton plan) was reviewed, but he found that because the plan was not considering sites of the magnitude of the appeal site in any event and given the respective roles of the neighbourhood plans and the aborted non-strategic site allocation plan in terms of paragraph 14 of the NPPF he did not find conflict with the neighbourhood plan to significantly and demonstrably outweigh the identified benefits. The same is the case here, had the Council pursued a non-strategic site

plan the applications this site could have well been included as an allocation of medium sized site at that level rather than at the neighbourhood plan level.

Development Plan Summary

- 5.35 Given the presumption in favour takes precedence over local plan policy for housing supply, and in this case the NDP given its date of adoption, and its draft 'modification' roll forward without any formal site allocations for housing means it is only necessary to consider whether any other policy considerations would indicate that the application cannot be supported, it does not change the statutory status of the development plan as the starting point for decision taking set out in NPPF 12.
- 5.36 The Council have produced a Red Amber Green (RAG checklist) to assess whether a proposal does meet the requirements of both the National planning framework and the local plan. The assessment above in section 4 has shown that all the RAG requirements are met in respect of the checklist save for location within the built-up area boundary, which is not a barrier to approval given there are sites adjacent to the built-up area boundary that will be acceptable in the terms of the checklist.
- 5.37 All the detailed technical planning requirements have been complied with and the proposal is entirely in accordance with adopted planning policy, and with all the 39 checklists in the Arun design guide, and therefore in this respect there are no material considerations in this particular case that would indicate that the application was unacceptable and therefore the presumption in favour of sustainable development prevails and permission should be granted automatically.

6. Other Material Considerations

The Planning Balance and Material Considerations.

National Planning Policy Framework

- 6.1 Paragraph **8 of the NPPF** sets out the three overarching objectives.
- 6.2 The **Economic Objective** of sustainability identifies the need for the coordination and provision of infrastructure. The proposal will result in economic benefits. These follow directly from the creation of construction jobs and jobs within the supply chain for construction related activities. The new population will also generate additional household expenditure and council tax revenue this is a further benefit from this proposal.
- 6.3 The **Social Objective** recognises support to meet the needs of present and future generations, including supporting communities, health social and cultural well-being by providing much needed additional housing including 42 units of affordable housing. The extent of housing development that Yapton has accommodated in recent years is acknowledged to be of a significant scale, but no more significant than the neighbouring communities of Ford and Barnham Eastergate/ Westergate or Pagham or Bersted.
- 6.4 The **Environmental Objective** this seeks to contribute to protecting enhancing natural growth and historic environment, making effective use of land helping to improve biodiversity using natural resources prudently and mitigating and adapt acting to climate change including moving to a low carbon economy. The scheme will make positive contributions to mitigate for climate change effects by slowing surface water run-off, providing street trees for shading. The scheme will result in significant net gains of biodiversity. The scheme goes beyond current standards in respect of renewable energy installations for households occupying the development. The scheme is in a sustainable location as confirmed by the 2020 HELAA.
- 6.5 The key considerations are in reading the Framework as a whole in deciding whether or not development is sustainable in **paragraph 9** where local circumstances must be weighed in the balance.
- 6.6 As part of achieving sustainable development the NPPF confirms a presumption in favour of sustainable development and at **NPPF I d)** identifies that where most important policies are out of date where an authority cannot demonstrate a five-year supply of deliverable housing sites the presumption in favour of development is engaged.
- 6.7 The Inspector in the Barnham Station appeal (reference at Footnote 8) confirmed the assessment in terms of NPPF I d) as follows :
- 6.8 *There is a significant housing need in Arun, compounded by appreciable shortfalls in delivery since 2011. This includes a critical need for affordable homes. It is undisputed that there is not the required supply of deliverable housing land equivalent to five years' worth. On my assessment of the evidence, the deliverable supply is at best 2.63 years. There is little to indicate that the situation will markedly*

improve in the short term. Two broad conclusions follow from this. First, the scale of shortfall in meeting in housing need is substantial and the consequential deprivation of opportunity to secure a suitable, decent home for those in housing need is significantly harmful. The corollary of this is that the public benefit of deliverable housing supply, including affordable housing, should be afforded substantial weight in any balancing exercise. Second, and notwithstanding the imminent making of eNP2, on the basis of having less than 3 years deliverable supply, a planning balance undertaken in the terms of NPPF paragraph 11(d)(ii) should be tilted in the presumption in favour of sustainable development, as echoed at ALP Policy SD SP1. Allied to this, those development plan policies relevant to the supply of housing are out-of-date and so the weight to any harmful conflict with them is to be reduced.” (My emphasis)

Other Material Considerations

- 6.9 There is no prescribed weight to be given to material considerations the full range of other material considerations are considered below and assessed in the planning balance.

Heritage Impact

- 6.10 The detailed assessment by RPS⁴³ concludes that In terms of built heritage The Site contains no built heritage assets, nor is it located within a conservation area. A 1 km search radius has been used to identify built heritage assets with potential to be affected by the proposed development via changes to their settings. Further to a scoping exercise, four Grade II listed buildings were identified with potential to be affected by the proposed development. The assessment confirms that the special interest of the listed buildings would be preserved by the proposed development
- 6.11 The proposal is therefore neutral in terms of heritage harm.

Landscape Impact

- 6.12 The detailed assessment confirms proposals would cause very slight damage to Overall Landscape Character in that they would cause very minor loss or alteration to key components of the baseline Landscape and would therefore create a landscape whose character:

- Largely matches the layout, mix, scale and appearance of the existing landscape;
- Introduces components not considered uncharacteristic of the surrounding landscape;
- Largely maintains existing landscape quality and character; and
- Largely maintains existing sense of place.

- 6.13 The significance of effect on Overall Landscape Character has therefore been judged to be a **very slight adverse effect** in both the short and medium to longer term. Whilst the scheme would involve new built form on the Site, it would reflect that of the adjacent

⁴³ Built Heritage Statement RPS November 2021

settlement. Effects locally to the Site would be limited, and effects on wider Landscape Character would be negligible.

- 6.14 Overall, the effects of the proposed development on receptors in the public domain are very limited. Views of the site are contained by surrounding built form, vegetation and the effects of topography to a restricted area of the surrounding landscape/townscape; and other than short to medium term effects to those receptors using Bilsham Road where it passes the northern end of the Site, and on uses of the footpath across the field immediately to the west of the Site, effects would not be “significant”.
- 6.15 The inevitable landscape impacts that naturally result from the development of the site for housing are overall not significant and are short lived, they are not a barrier to approval.
- 6.16 The appeal decision at Barnham Station (reference see footnote 8) had similar considerations where the scheme would create only localised and limited impact on landscape character and visual effects arising from the loss of countryside. However, given the planning balance these were not considered so significant as to outweigh other considerations in terms of housing land supply.

Transport Impacts

- 6.17 The Development proposal has been clearly shown to comply with the three key transport test of the national planning policy framework these being:
- Appropriate opportunities to promote sustainable transport modes have been shown to be able to be taken up;
 - Safe and suitable access to site has been shown to be deliverable for all users; and
 - Development does not have a severe impact on the operation of the local highway network and any cumulative impact could be mitigated through appropriate contributions.
- 6.18 It is concluded from the transport assessment that there are no reasons from a highway or transport perspective what development proposal should not be approved

Biodiversity Impacts

- 6.19 The ECIA and BNG assessments have confirmed but there were no significant negative impacts to the important ecological features of the site and that proposed enhancement measures will result in the minor positive impact overall. The proposal will achieve a positive biodiversity net gain in excess of the national requirement as set out in the Environment Act 2021.

Assessment

- 6.20 In this case given no harmful landscape impact, net biodiversity gain, with no significant effects identified through the assessment on landscape, heritage or transport impact. These are either neutral or favourable considerations. In addition, satisfactory drainage and access solutions are also neutral in the consideration as they do not give rise to any unacceptable harms.

- 6.21 There are no other material considerations of significance that outweigh the presumption in favour of sustainable development given the acceptability of the impacts. All potential impacts have been carefully considered and based on thorough evidence as summarised above; this gives confidence to the planning authority that with the proposed mitigation on balance the impacts of the proposal are acceptable and do not indicate the proposal should be refused.
- 6.22 For these reasons, the tilted balance in paragraph 11d of the NPPF supports the grant of permission. Accordingly, the scheme will comply with Policy SD SPI of the Local Plan. As this is the overarching principle of the Local Plan, and as the weight to be given any conflict with locational policies such as Policy C SPI is very much reduced given the existence and scale of the 5 year deficits, the scheme will accord with the Development Plan when assessed overall (in accordance with the Milne⁴⁴ case).

CIL

- 6.23 The development will be CIL liable. Much of the infrastructure requirements necessary to support the development will be met through the contributions collected by the CIL mechanism.

Section 106 Agreement

- 6.24 Appendix I contains draft heads of terms of the main items that are anticipated as requiring to be captured by the s106 agreement.

⁴⁴ R v Rochdale Metropolitan Borough Council, ex parte Milne [2000] EWHC 650 (Admin)

7. Conclusion - Sustainability and the Overall Planning Balance

- 7.1 The assessment that the development is in accordance with the up-to-date development plan is the key consideration in this case, but weight can be afforded to other material considerations.
- 7.2 In this case the **PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT** is engaged, therefore it is for the planning authority to determine whether approval of such a scheme would have any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.
- 7.3 The planning authority must start with the assumption that proposal constitutes sustainable development, because the tilted balance under NPPF 11d is engaged and because the proposal is not located within the area of protection and because there are no assets of particular importance that would indicate refusal. Starting with this presumption in favour, the Council must then assess whether there would adverse impacts of the proposal that significantly and demonstrably outweigh the benefits.
- 7.4 The Council can be guided by the recent appeal decision at Barnham Station (see reference at footnote 8) in paragraph 128:
- 7.5 *“locationally, the appeal proposal would be contrary to those relevant development plan policies that seek to manage the supply of housing to predominantly within the BUABs and to protect the countryside and the setting of settlements Those policies are out-of-date and of reduced weight, reflecting that the District Council itself recognises that as part of interim strategy to boost the supply of housing to meet its full objectively assessed housing need, unallocated but ‘deliverable’ sites in the HELAA, such as the appeal site, are now to be pragmatically considered” (my emphasis)*
- 7.6 The development proposal as described and assessed in this statement has shown the significant benefits far outweigh any residual effects, which have been judged to not be significant with mitigation, there are no other harms present that would fail compliance with any other key policy considerations, there are no other material considerations that would support refusal and there are no significant impacts on amenity of adjacent residents or any other harms to any public interest. This site should be pragmatically considered as at the Barnham Station appeal.
- 7.7 This stance again is endorsed by the recent appeal decision at Barnham Station (reference see footnote 8) In considering the balance the assessment was as follows:
- 7.8 *Given a five year supply of deliverable housing sites cannot be demonstrated, the tilted balance at paragraph 11(d) (ii) is engaged and those policies relevant to the supply of housing are out-of-date and the conflict with them is of reduced weight. I am mindful that eNP2 is scheduled to be made in January 2022 but NPPF paragraph 14 does not annul invoking the tilted balance. It clarifies that the adverse impact of allowing development that conflicts with a neighbourhood plan would likely significantly and demonstrably outweigh the benefits in a tilted balance. The application of paragraph 14 is caveated*

Land west of Bilsham Road, Yapton BN18 0LA

including at sub-section c) that the LPA has at least a three year supply of deliverable housing sites against its five year requirement. As set out above at paragraph 106, I have concluded on the evidence before me that Arun's deliverable housing land supply is some 2.63 years. In my mind, that does not require me to put aside any harm from the conflict with the emerging neighbourhood plan, rather the elevation created by paragraph 14 is not assured given the scale of unmet housing need

7.9 In summary the applicants believe that the planning balance must weigh in favour, as it should follow the same assessment of the Barnham Station scheme as set out above. The housing supply situation renders the development plan policies out of date and only limited weight can be afforded the emerging Yapton Neighbourhood Plan due to unresolved objections and as sub section 11c) of the NPPF would require 3 year supply of deliverable housing sites in any event.

7.10 In favour of this proposal in broad terms are the following:

- Sustainable Development location
- Presumption in Favour applies
- Boost Housing Supply - especially affordable housing
- Well -designed – creating a beautiful/ safe place in compliance with Arun Design Guide
- Designed to blend with the local context of Yapton and respect the local heritage
- No significant effects on protected areas/ species with proposed mitigation
- Biodiversity enhancements that would otherwise not be achieved
- No significant landscape or heritage harms
- Economic benefit from construction

7.11 Given the presumption in favour of development substantial weight must be given to delivery of 140 dwellings in the high-quality scheme that respects the context both in terms of townscape and landscape, and complies with the new Arun Design Guide and achieves substantial biodiversity net gain. The site's location within easy walking and cycling distance of facilities including school and local shops and primary healthcare deliver significant environmental and social benefits. There would be no harm to highway safety, infrastructure capacity or flood risk as a result of careful design and mitigation that can be secured by conditions. The proposal also meets the requirements of the interim housing position statement to boost housing delivery and in particular the social benefit of 30% affordable housing whilst mitigating all potential harmful effects. The application should therefore be granted planning consent without delay.

Appendix I

Draft Heads of Terms s106

Affordable Housing (AH)

1. Affordable Housing and Market Housing Mix
2. Affordable Housing at 30% of total
3. Mechanism for delivery of AH

Transport and Highways – Development specific highway requirements

4. Specific Junction Improvements contribution and triggers for implementation
5. Travel Plan implementation
6. Traffic Calming Gateway feature -Bilsham Road
7. Contribution to footway/ cycleway improvements (if required in conjunction with CIL payments)

Other Issues

8. Education (expected to be covered by CIL)
9. Healthcare (if deemed necessary by CCG)
10. Public Open Space and Play Facilities on site + Maintenance
11. SUDS management and maintenance
12. On site open space provision, management and maintenance of open spaces and planting (including for biodiversity)