

Planning application 20/03125/OUT Land South of Clappers Lane, Earnley, West Sussex.

East Wittering and Bracklesham Parish Council **OBJECT** to this application.

In the absence of an up-to-date Local Plan, the Parish Council believe that the application does not accord with the development criteria set out in the **Chichester District Council Interim Position Statement for Housing (November 2020)** for the following reasons:

1) The application breaches criteria 3 of the interim position statement as it will result in coalescence between the settlements of Earnley and East Wittering and Bracklesham. The proposed development site is the last open field between the relatively modern Bracklesham and the ancient settlement of Earnley, including the 12th Century Parish Church. The development would have a detrimental and material adverse impact upon the open and rural landscape that currently separates the two settlements and would negatively impact upon heritage and design of Earnley Conservation Area.

Planning appeal **APP/L3815/A/13/2200123, Land North of Keepers Wood, Lavant Road, Lavant** set a relevant precedent for refusal on these grounds, with the planning inspector noting that a proposed development within the Chichester-Lavant strategic gap would *“affect the perceived identity of the separated settlements...The proposal would significantly affect the clear space across the which the transitional nature of the landscape could be viewed...Such harmful effects would undermine the function of this strategic gap and impair the character of the landscape”*.

Similarly the more recent appeal **APP/L3815/W/17/3180078, Stable Field, Kirdford Road, Wisborough Green** is also relevant as it deals with a proposed development in a strategic gap and adjacent to a conservation area. In this case the inspector dismissed the developers appeal, noting that, *“...the appeal scheme would constitute a very high magnitude of change to the character of the site. Its landscape would change from that of an undeveloped field to a built development...While there may be scope to introduce new planting and enhance the existing boundary treatment, these factors would not materially alter the fundamental landscape change that would occur within the site. Irrespective of the potential to introduce new landscape features in association with the proposed buildings, the open and undeveloped rural landscape of the site would be lost permanently. This would amount to material landscape harm.”*

3. The impact of development on the edge of settlements, or in areas identified as the locations for potential landscape gaps, individually or cumulatively does not result in the actual or perceived coalescence of settlements, as demonstrated through the submission of proportionate evidence. Where a proposed development is environmentally significant (by virtue of its size, location or degree of prominence in the locality), development proposals must be accompanied by a Landscape and Visual Impact Assessment.

Relevant policies include:

- CLPKP Policy 47 Heritage and Design
- CLPKP Policy 48 Natural Environment
- LPR Policy S24 Countryside
- LPR Policy S26 Natural Environment
- LPR Policy DM28 Natural Environment

Relevant evidence includes:

- Landscape Capacity Study
- Landscape Gap Assessment

2) The application breaches criteria 4 of the interim position statement for the landscape and heritage reasons outlined above which will result in material harm to the character and appearance of the Earnley Conservation Area and will have a detrimental effect upon the settlement, effectively almost doubling it in size and totally transforming the character of the village.

We believe that the application also breaches criteria 4 as it does not accord with the findings of the latest Housing and Economic Development Needs Assessment (HEDNA, September 2020) and proposes too many properties for shared ownership (50% proposed vs. 30% required) and too few for affordable rent (50% proposed vs. 70% required). The proposed development also groups social and affordable housing into a concentrated area on the site, instead of pepper-potting them throughout the scheme, as required by Local Plan policies.

4. Development proposals make best and most efficient use of the land¹, whilst respecting the character and appearance of the settlement. The Council will encourage planned higher densities in sustainable locations where appropriate (for example, in Chichester City and the Settlement Hubs). Arbitrarily low density or piecemeal development such as the artificial sub-division of land parcels will not be encouraged.

Relevant policies include:

- CLPKP Policy 2 Development Strategy and Settlement Hierarchy
- CLPKP Policy 7 Masterplanning Strategic Development
- CLPKP Policy 33 New Residential Development
- CLPKP Policy 47 Heritage and Design
- LPR Policy S2 Settlement Hierarchy
- LPR Policy S32 Design Strategies for Strategic and Major Development Sites
- LPR Policy DM3 Housing Density

2) The application breaches criteria 6 of the interim position statement. The proximity of the development to the Medmerry Compensatory Habitat scheme will lead to intensified recreational use of the adjacent protected habitats (SPA-equivalent protection is afforded to this land) and will not be compliant with the Conservation of Habitats and Species Regulations (2017). It does not appear that sufficient surveys of overwintering birds have yet been conducted to allow a suitable Environmental Impact Assessment (EIA) to be completed and until a complete set of relevant data has been collected over a minimum three-year period and a full Habitat Regulations Assessment (HRA) has been conducted a precautionary principle should apply and the development should not be permitted.

The site has additionally been identified in the Ecological Mapping of Chichester District (LPR ref. 032 appendix 1) as of strategic importance for the following key species:

- Lapwing
 - Woodland Bat
 - Barn Owl
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- Water Vole

The development will cause disturbance to significant lengths of hedgerow, which currently provide cover for Woodland Bats and Barn Owls, and will result in significant loss of open farmland, which is vital for Lapwing, overwintering birds and also provides hunting grounds for Barn Owls. Site construction and the use of the proposed public open spaces, especially for dog walking purposes will result in considerable harm, specifically from construction and ongoing recreational disturbance to the riparian ditch network, adversely impacting the area-wide water vole population and severing vital wildlife corridor routes.

6. Development proposals in or adjacent to areas identified as potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper should demonstrate that they will not adversely affect the potential or value of the wildlife corridor.

Relevant policies include:

- *CLPKP Policy 49 Biodiversity*
- *LPR Policy DM29 Biodiversity*
- *LPR Policy S30 Strategic Wildlife Corridors*
- *LPR Policy DM31 Trees, Hedgerows and Woodlands*

Relevant evidence:

- *Strategic Wildlife Corridors Background Paper*
- *Local Biodiversity Action Plan*

3) The application breaches criteria 7 of the interim position statement as it fails to demonstrate how the necessary increases to capacity to the Waste Water Treatment works at Sidlesham will be secured and delivered to accommodate the increase in foul water and sewage. This is an ongoing problem in the area, with no compelling evidence or plan presented within the application to demonstrate how the requisite major infrastructure improvements will be delivered. Southern Water accept in their response to the application that “...initial study indicates that these additional flows may lead to increased foul flooding from the sewer network...”

7. Development proposals should set out how necessary infrastructure will be secured, including, for example: wastewater conveyance and treatment, flood mitigation and defence, affordable housing, open space, and highways improvements.

Relevant policies include:

- *CLPKP Policy 9 Development and Infrastructure Provision*
- *CLPKP Policy 12 Water Management in the Apuldram Wastewater Treatment Catchment*
- *CLPKP Policy 34 Affordable Housing*
- *CLPKP Policy 54 Open Space, Sport and Recreation*
- *LPR Policy S6 Affordable Housing*
- *LPR Policy S12 Infrastructure Provision*
- *LPR Policy S31 Wastewater Management and Water Quality*

Relevant evidence includes:

- *Infrastructure Delivery Plan*

- *Open Space, Sport Facilities, Recreation Study and Playing Pitch Strategy*
- *Approach to securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass SPD*
- *Surface Water and Foul Drainage SPD*
- *Joint Environment Agency and Southern Water Position Statement on Managing New Housing Development in the Apuldram (Chichester) Wastewater Treatment Works Catchment*

4) The application breaches criteria 10 of the interim position statement as it fails to provide sufficient improvements to vehicular, pedestrian and cycle access to the site. Clappers Lane is an unlit rural road with no pedestrian pavements or walkways reflecting the tranquil and undeveloped character of Earnley. Any proposals to install safe access features would have an adverse impact upon the rural nature of the settlement and the protected heritage and features of the Conservation area; providing safe access to the development whilst still respecting the existing character of the settlement are incompatible.

Should the development be permitted, significant improvements should be required to the local access network. Specifically, contributions and land should be made available to deliver a suitably surfaced and safely lit pedestrian/cycle access from Earnley to Bracklesham, as identified in the CDC Infrastructure Business Plan by both East Wittering and Bracklesham and Earnley Parish Councils and by the Green Links Across the Manhood Group (GLAM).

10. Development should be sustainably located in accessibility terms, and include vehicular, pedestrian and cycle links to the adjoining settlement and networks and, where appropriate, provide opportunities for new and upgraded linkages.

Relevant policies include:

- *CLPKP Policy 8 Transport and Accessibility*
- *CLPKP Policy 39 Transport, Accessibility and Parking*
- *LPR Policy S23 Transport and Accessibility*
- *LPR Policy DM8 Transport, Accessibility and Parking*

Relevant evidence includes:

- *Local Plan Policies Map*
- *Settlement Hierarchy Background Paper*
- *WSCC Walking and Cycling Strategy 2016-2036*
- *Chichester Local Cycling and Walking Infrastructure Plan*
- *Other relevant government guidance such as LTN 1/20 Cycle Infrastructure Design*

5) The application breaches criteria 7 and 11 of the interim position statement as it is **not** located in an area at low risk of predicted future flooding and **does not** detail how the necessary supporting infrastructure (e.g. raising of coastal sea defences) will be secured to meet the predicted flood risk of climate change induced sea level rise. The Environment Agency have issued advice to the developer that their current Flood Risk Assessment (FRA) does not currently take adequate account of future climate change impacts on the site flood risk and that until evidence can be provided to show that future risks can be adequately mitigated against, the application should be refused.

A recent judgement from the planning inspectorate, **Appeal Ref: APP/L3815/W/20/3250327** **Mayfield, Prinsted Lane, Prinsted, Southbourne PO10 8HS** refused an appeal in an area identified at risk of future climate change induced flooding on the grounds that: *“the appeal proposal would cause significant harm to the Council’s development strategy and settlement hierarchy, and to the Council’s and the Government’s flood risk strategy for housing development. I attach substantial weight to this harm.”* The same harms would be attached to this development, only on a much larger scale and as such it should be resisted as there is now an established precedent for refusal.

6) The application further breaches criteria 11 as it fails to detail how ongoing maintenance of the SUDS systems will be managed in perpetuity. If permission were to be granted for this outline planning application it should be a condition that this detail must be provided and independently verified as fit for purpose before an application for reserved matters can be approved.

11. Development is to be located in areas at lowest risk of flooding first, and must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the Council to undertake a sequential test, and where necessary the exception test, incorporation of flood mitigation measures into the design (including evidence of independent verification of SUDs designs and ongoing maintenance) and evidence that development would not constrain the effective function of the flood plain, either by impeding surface water/ flood flows or reducing storage capacity. All flood risk assessments and sequential and exception test processes should be informed by the most recent climate change allowances published by the Environment Agency.

Built development can lead to increased surface water run-off; therefore new development is encouraged to incorporate mitigation techniques in its design, such as permeable surfaces and surface water drainage schemes must be based on sustainable drainage principles.

Relevant policies include:

- *CLPKP Policy 42 Flood Risk and Water Management*
- *LPR Policy S27 Flood Risk Management*
- *LPR Policy DM18 Flood Risk and Water Management*

Relevant evidence includes:

- *Strategic Flood Risk Assessment Level 1*
- *HELAA*
- *Chichester Surface Water and Foul Drainage SPD*
- *WSCC Lead Local Flood Authority Policy for the Management of Surface Water*

7) The application breaches criteria 12 of the interim position statement as does not detail how it will prevent further foul water discharge events into the Solent water catchment area given the chronic lack of capacity in the local waste-water treatment network. As such it will fail to meet the requirements for nitrate neutrality in all new housing developments:

12. Where appropriate², development proposals shall demonstrate how they achieve nitrate neutrality in accordance with Natural England's latest guidance on achieving nutrient neutrality for new housing development.

Relevant evidence includes:

- *Advice on achieving nutrient neutrality for new development in the Solent Region, Natural England June 2020*

The Parish Council would like to add that the development will adversely impact both East Wittering & Bracklesham and Earnley, further extending the EWB settlement boundary, eliminating the strategic gap and diminishing the open and rural nature of the area. The development would also exacerbate existing issues around access to schools, medical treatment and services and contribute to over-capacity issues upon the local road network, which has been subject to numerous cumulative development impacts over the past 3-5 years.

Should the application be granted planning permission, we would request that the following items of community benefit be delivered as conditions of the scheme:

- Tarmac-surfaced glow in the dark pedestrian/cycle path from Earnley to Bracklesham Park (as listed by both EWB and Earnley Parish Councils in the CDC infrastructure business plan).
 - Community meeting hall/shop space provided within the development site for use by Earnley residents to reduce the need to travel to other facilities.
 - Improved street lighting and bus pull-ins on Bracklesham Lane to improve safety of residents (especially children) accessing the nearest public and school transport services.
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