

Mr Andy Pepler  
Parish Council Office  
The Pavilion  
The Street  
Walberton  
Arundel  
BN18 0BJ

14 August 2020  
Ref: BD/Let/P1393

Dear Sir / Madam

**Walberton Neighbourhood Development Plan 2019-2031 Reg 14  
Submission Plan Consultation**

**Land East of Wandleys Lane, Fontwell**

This representation has been prepared by ECE Planning on behalf Welbeck Strategic Land II LLP (Welbeck Land) regarding the above consultation, in support of the promotion of Land east of Wandleys Lane, Fontwell.

**The Site**

Land East of Wandleys Lane ('the Site') comprises 6.98 hectares of pasture land, immediately east of Wandleys Lane, Fontwell.

It is bounded by residential development to the east, north and west, and to the south is an area of ancient woodland with residential development beyond.

The Site is within close proximity to the centre of Fontwell, which is a sustainable settlement identified as being able to accommodate additional growth in the Arun Local Plan. Arun District Council further confirms the site as being sustainably located in their recent Housing and Economic Land Availability Assessment (HELAA).

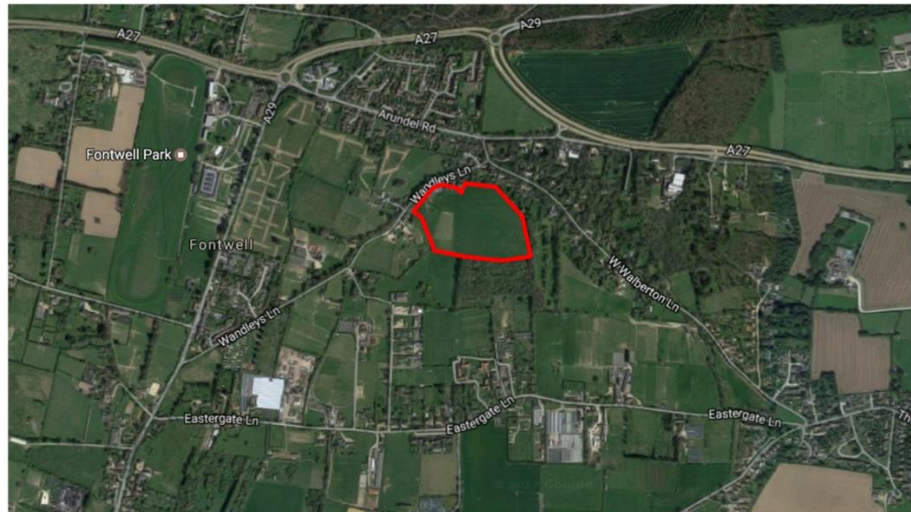
All services and facilities provided within the village are accessible from the Site without reliance on the use of a car. These include two restaurants, a public house, a garage and shop serving day to day needs, and the nearby Fontwell Racecourse.

The Site is also within walking distance to four bus stops along Arundel Road to the north with the closest of the four bus stops approximately 275m from the Site and the furthest of the four bus stops approximately 650m from it. These bus stops provide regular services to neighbouring settlements which demonstrates the sustainability of the locality.

**Directors**

Chris Barker MATP MRTPI Managing Director  
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**Figure 1: Site Location (Source: Google Maps 2018)**

The nearest train station to the Site is Barnham Train Station which provides regular, direct links to London Victoria (1.24-1.38 hours), Portsmouth (32 minutes – 42 minutes), Brighton (42 minutes – 50 minutes) and numerous other settlements in the South-East. Barnham Station is located approximately 2.3 km to the south and can be accessed from the Site by bicycle.

Fontwell village is bounded to the north by the A27 which offers excellent east-west connectivity to Worthing and Brighton in the east and Chichester and Portsmouth in the west.

The Site is located within walking distance (1 mile or 20 minutes) and cycling distance (1 mile or 4 minutes) from Eastergate roundabout (junction of the A29 Fontwell Avenue and the B2233 Barnham Road) and which includes a post office and convenience store and a range of additional community facilities at Westergate and Aldingbourne.

Figure 2 demonstrates the lack of physical constraints on the site, which largely comprises an expanse of pasture land, with the exception of a small area of hardstanding and outbuildings in the north-western corner used for agricultural purposes. The hardstanding area also accommodates a group of small derelict building and storage containers.

The Site is considered suitable to accommodate new residential development, contribute to the achievement of sustainable communities and help alleviate the significant demand within Arun District for new homes, including those to meet the needs of people over 55 years of age.

The Site is located in Flood Zone 1, as defined by the Environment Agency, which is recognised as having the lowest risk of flooding.

There are no specific on-site planning policy designations or physical constraints which would constrain residential development on the land.



Figure 2: The Site (Source: Google Maps, 2018)

The close proximity between the Site and the proposed Strategic Allocation east of Fontwell Avenue (site allocation SD6 in the Arun Local Plan Main Modifications document (2017) and known as the 'Dandara' site) is demonstrated in Figures 3 and 5. Upon the delivery of this mixed-use strategic site, Land East of Wandleys Lane (the Site) would immediately adjoin the built-up area of Fontwell.

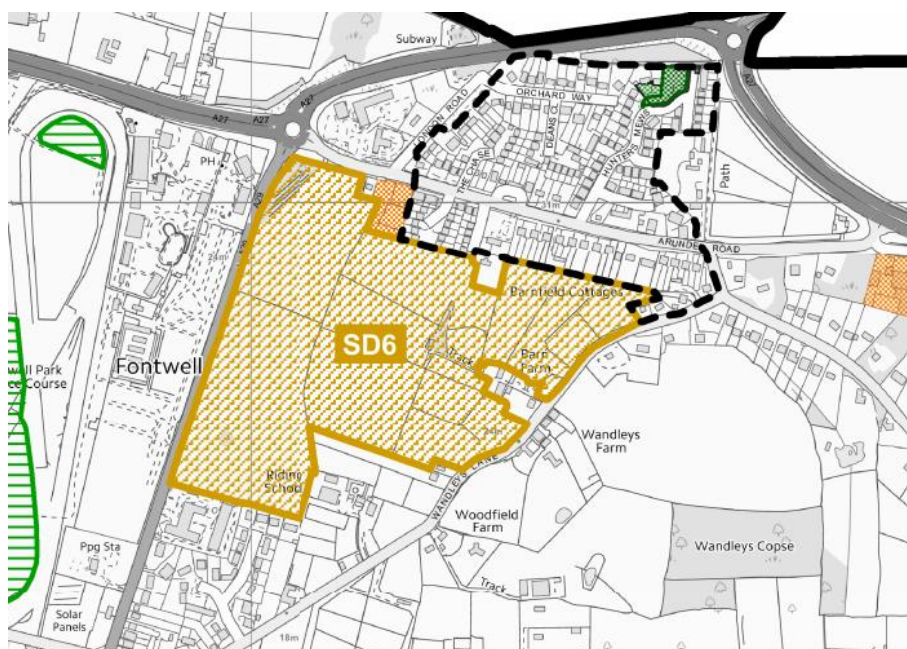


Figure 3: The Application Site in relation to the Strategic Allocation 'Fontwell' (SD6)

The implementation of the mixed-use Dandara development is proposed by Arun District Council in the adopted Local Plan and is considered to enhance the sustainability of the village, with up to 400 additional homes, 5,000sqm of new employment land, other non-residential floorspace (A1, A2, A3, D1 and/or D2) a community sports pitch, new play areas and various other public benefits. These additional services and facilities within this Strategic site would all be within walking distance from the Land east of Wandleys Lane site.

Following the grant of outline consent in July 2017, a reserved matters application (WA/48/19/RES) was submitted to the Council at the end of May 2019 and is still being determined. The Reserved Matters application shows a pedestrian and cycle path from the Dandara development onto Wandleys Lane, almost directly opposite the proposed access to the Land East of Wandleys Lane (the Site) (see figure 4).



Figure 4: Dandara Reserved Matter scheme (WA/48/19/RES)



Figure 5: Relationship between proposed development at Land east of Wandleys Lane and proposed Dandara development (outline scheme)

It is considered that residential development at Land East of Wandleys Lane would represent a natural extension to Fontwell on a suitable, available and unconstrained site. The proposal could make a valuable contribution to housing delivery either in the form of a retirement village or more traditional C3 housing in a sustainable location with a range of additional benefits including provision of formal and informal open space, access and environmental improvements, as well as improvements to pedestrian and cycle facilities along Wandleys Lane.

### **The Proposal**

There are two potential options for residential development on the site. These are as follows:

#### **Option 1**

The provision of C3 dwellings in the form of both market and affordable housing.

It should also be noted that the Council can only currently demonstrate a 2.9 year housing land supply (amended as a result of a recent appeal) despite their Local Plan being adopted as recently as 2018. Land East of Wandleys Lane is a suitable and sustainable site that could help to address the Council's housing shortfall.

#### **Option 2**

The provision of accommodation that is suitable for the aging population.

The need to provide a range of elderly housing has become more acute in recent years due to people living longer and this has been recognised in national planning guidance which increasingly emphasises the importance of providing housing for older people. National Planning Practice Guidance published on 26 June 2019 has also made clear that housing provided for older people should count against a Council's housing requirement so a retirement village type development could clearly be provided instead of, rather than additional to, open market housing.

Indeed, Arun's Updated Housing Needs Evidence (GL Hearn, 2016) is also quite clear on the need for elderly housing in the area and identifies a requirement for 113 specialist homes (C3 use) in the district per annum as well as 50 nursing/care home bed spaces per annum.

This Updated Housing Needs Evidence in respect of elderly provision has also informed the policies H DM1 (Housing mix) and H DM2 (Independent living and care homes) of the Arun Local Plan (2018) which strongly encourage elderly housing provision.

Looking specifically at the demographics of the Walberton Parish, nearly 25% of the population (approximately 540 people) are aged 65 and over, suggesting a clear need for high quality elderly housing in the Parish both now and in the future. Fontwell specifically has older residents than the Parish average. Having made some initial market inquiries regarding elderly housing in the immediate area, it is understood that there is a clear demand.

The additional benefits associated with provision of elderly housing and retirement villages include the fact that they allow older people to downsize and in turn free-up family homes helping to address housing needs more widely. Retirement villages with some on-site care can also help to relieve pressure on the NHS. Additionally, the need to provide homes for the elderly has also come to the forefront of everyone's mind during the current COVID19 crisis.

Both of the above options could provide a significant amount of open space in addition to a number of on and off-site enhancements which could include footpath/highway improvements, additional signage and improvements to local bus services including the potential for a new standalone bus service to and from the site.

Welbeck Land would welcome the opportunity to discuss the above options with Walberton Parish Council in order to provide a product that would be most beneficial to the local community.

### **Walberton Neighbourhood Plan Development Plan 2019-2031 Regulation 14 Consultation Version**

We have a number of significant concerns regarding the Regulation 14 consultation version of the Neighbourhood Plan. These are set out below.

#### **Housing Need**

One of our key concerns relates to the additional allocation of 68 houses through the Neighbourhood Plan review. Nowhere in the Plan is it clear how this figure of 60 additional homes has been derived. As you will be aware, whilst earlier drafts of the Arun Local Plan allocated a specific number of houses to Neighbourhood Plan areas, this approach was not taken forward in the adopted Local Plan.

In light of Walberton having no specific housing requirement from Arun District Council, the Neighbourhood Plan would be expected to justify before an independent examiner, the figure of 68 additional dwellings. However, no housing needs work is included in the supporting documentation for the Regulation 14 Plan so it is therefore assumed that the additional 68 dwellings has not been informed by any such work. The last Housing Needs Survey for Walberton was undertaken in 2015 and therefore needs to be reviewed and updated.

The justification for this additional housing allocation therefore needs to be more transparent so it can be understood where the figure came from. This is particularly important given that policies for the supply of housing in the Arun Local Plan are already out of date due to the Council only being able to demonstrate a 2.9 year housing land supply. The Government are currently consulting on an updated standard method for assessing housing numbers in strategic plans and for setting binding housing requirements on local authorities. This is clearly intended to come into force in the coming months and early indications are that this method will have a significant impact on the District's housing requirements, potentially to over 2,000 dwellings pa (against current Local Plan requirement of 1,000 pa and current delivery of only 647 dwellings pa on average).

Arun District Council clearly need to increase their housing supply significantly and Neighbourhood Plans are essential to helping the Council do this. It is considered that the Walberton Neighbourhood Plan could do a lot more to help Arun address its housing shortfall. An additional allocation of 68 dwellings is unlikely to make any meaningful contribution.

We therefore consider that Land east of Wandleys Lane should be allocated in the Neighbourhood Plan. Arun District Council have now accepted that the Site is in a sustainable location and have included the site (HELAA Ref: NEWWA13) as 'deliverable' within the next 5 years within their Housing and Economic Land Availability Assessment (HELAA). This is in direct conflict with the AECOM Site Assessment report submitted as part of the evidence base for the Neighbourhood Plan which concludes that the site is not suitable for residential development. The AECOM report is assessed in further detail below.

### **AECOM Site Assessment Report**

We question the accuracy and robustness of this report. The approach within the assessment of only carrying out an assessment (using a pro forma as at Appendix A) where no HELAA assessment has been carried out is in itself flawed.

The HELAA assessments were carried out by the District Council. The AECOM assessment makes subjective comments and assessments of the remaining sites which is particularly inconsistent in a number of areas as discussed below. There is no scoring mechanism or adequate explanation of the conclusions of the assessments carried out for each site, with the summary of justification often not evidenced and subjective.

### ***Site 13 Land East of Wandleys Lane***

Land East of Wandleys Lane is included as Site 13 in this report and receives a red rating, concluding that the site is not suitable for large scale residential development.

The Report includes a site summary table at page 18 onwards which includes 'HELAA Conclusions'. The summary finds these to be 'N/A' for Site 13 which is entirely incorrect. As above, Site 13 has been found within the latest Arun District HELAA to be in a sustainable location and 'deliverable' within 5 years. This must be corrected within the AECOM report prior to Examination. There is no suitable basis for this to be excluded from the AECOM list of '*seven potentially suitable sites*'.

We will address each point raised in the AECOM report in turn within the Pro Forma Sire Assessment at Appendix A:

**Accessibility** – the distances to community facilities and services scoring is incorrect as follows:

*Town / local centre / shop* is shown at (greater than) >1200m. The actual distance is less than <850m to the nearby shops and services in Fontwell.

*Bus / Tram Stop* – scored at 400-800m. The actual distance is 275m to the nearest bus stop from the site or <400m.

**Planning policy constraints** – the assessment finds that 'yes' the site would result in neighbouring settlements merging into one another, which is considered purely subjective and inaccurate. The site is adjacent to the Built up area boundary (BUAB) and distant from the BUAB at Walberton.

### **Summary of justification for rating**

The summary at page 145 includes a number of inaccurate and subjective comments, addressed in turn:

*'There is current vehicular access however, there is no current pedestrian access, and this would be difficult to provide given the width of Wandleys Lane.'*

The planning application for this site (WA/73/17/OUT) proposed a highway upgrade including the provision of a 1.8m wide footpath from the Site running north-east towards Walberton Lane. Evidence submitted both with the planning application for this site and the withdrawn planning appeal demonstrated that a footpath could be provided within the existing highway land with almost no impact on the trees that run along Wandleys Lane.

The Arboricultural Impact Assessment (PJC, March 2018) of works to Wandleys Lane concluded the following:

*'The proposals for the improvements to Wandleys Lane take into account the existing tree stock. They have been designed to have the minimum possible impact on trees, with particular regard to third party specimens such as the veteran oak in the garden of 25 Wandleys Lane, and the mature specimens at the west end of the road that make a significant contribution to the character of the road and could not be replaced with trees of equal size or value for many years.'*

*Due to abundance of existing trees along the road it will not be feasible to completely avoid all root protection areas, however the works proposed within root protection areas have been kept to a minimum, and engineered solutions to further reduce the arboricultural impacts to an acceptable level are proposed in this report'*

PJC's arboricultural work was then reviewed by Aspect Arboriculture in June 2018 who confirmed the findings of the PJC report in respect of the minimal impacts on trees along Wandleys Lane as a result of the proposed road widening. This report also confirmed that the extent of the new hardsurfacing to be introduced within the RPAs of the retained trees along Wandleys Lane is below the 20% threshold for acceptability detailed within Clause 7.4.2.3 of BS5837:2012. The Arboricultural Impact Assessment and report by Aspect Arboriculture are attached to this representation at Appendix 1.

It should be noted that the design of the highway improvements and footpath was prepared as part of detailed discussions with West Sussex County Council who supported it in principle.

Therefore, contrary to the AECOM report, a pedestrian access could be provided along Wandleys Lane. The Site Assessment report needs to be amended accordingly.

The AECOM Report goes on to state:

*The impact of traffic from the new strategic allocation at Fontwell would also need to be considered at this location.'*

The impact of traffic as a result of the proposed development was assessed as part of the planning application through the production of a Transport Assessment which concluded that the proposed development would have no harmful impact on the highway network. These conclusions were agreed by the Highway Authority, subject to mitigation works on the A27.

The AECOM Report then states the following:

*'The site is located within a SSSI Risk Impact Zone although this would not prevent residential development. The site is within the Fontwell Upper coastal plain which is characterised as gently undulating enclosed by woods with numerous hedgerows with a view to the higher ground of the Downs to the north, the site is likely to have low landscape and visual sensitivity, although there is no specialist landscape report available at the time of writing.'*

We largely agree with this paragraph of the AECOM report but must clarify that a full Landscape & Visual Impact Assessment was produced in support of the planning application for this site which confirmed that the proposed development would have no harmful impacts on the landscape. In addition, further landscape work was undertaken in the form of a Landscape Statement of Case and supporting Landscape Enhancement and Mitigation Plan to support the planning appeal (subsequently withdrawn). Both documents are attached to this representation at Appendix 2.

The next paragraph in the AECOM report states:

'A previous planning application of 180 dwellings was refused and at appeal the applicant withdrew. The site is greenfield therefore is not in conformity with the NP policy on prioritising brownfield land and would increase coalescence between Fontwell and Walberton.'

It should be noted that the previous planning application referred to was for 157 units. Whilst development on the site is not currently in conformity with the adopted Neighbourhood Plan and Arun Local Plan, this could obviously be resolved by allocating the Site in the emerging Neighbourhood Plan review. Both the Neighbourhood Plan and the now out of date District Local Plan will need to be updated to allocate greenfield land for housing in the absence of available/suitable brownfield sites and this should not be used as an 'in principle' case against this site. The site is not within a designated 'Gap Between Settlements' area which are specifically designated in the Arun Local Plan to prevent coalescence between settlements. In addition, that part of Walberton Lane that is adjacent the site has continuous development along it so the coalescence argument cannot be justified and has never previously been raised an issue by either the Parish or District Council.

The AECOM report concludes with the following paragraph:

'The site is not suitable for this scale of residential development. It is not a natural extension to the BUAB. In addition, it would increase coalescence between Fontwell and Walberton and there is limited potential to create a footpath between the site and the local amenities therefore it is not suitable for allocation in the NP.'

As demonstrated above, all the reasons given for not allocating the site in the Neighbourhood Plan do not stand up to robust justification. The site would clearly form a natural extension to the Built Up Area given that it immediately adjoins residential development to the north and is directly adjacent the Dandara development. We would therefore request that the AECOM report is reviewed and corrected accordingly.

Further to the assessment of Site 13 we have assessed the AECOM Report assessment of the other sites identified, in particular the list of 'seven potentially suitable sites' which through identification as 'Amber' sites on the RAG rating system carried out, now assume greater status than those marked 'Red' for future allocation. It is noted that the 'Amber' sites are not proposed to be allocated in this Reg 14 version of the NP but it is our view that the housing allocations are insufficient to meet required needs and additional housing land will need to be allocated. Therefore the AECOM Assessment requires additional scrutiny as in our view the assessment of sites is not robust. We have the following comments:

### **Site 3 Sussex Business Park**

This site is clearly remote from any surrounding villages and not in a sustainable location. The justification for its inclusion as one of 'seven potentially suitable sites' cannot be suitably justified.

Should the buildings on site be capable of conversion for residential or mixed uses under the permitted development regime then this is not sufficient justification for a development plan site allocation. The likelihood of residential development coming forward is to be determined through a suitable application via the General Permitted Development Order.

The justification for recommending allocation also relates to an anecdotal comment that the District Council had indicated support for a mixed-use development albeit with no evidence presented. This is also insufficient justification for recommendation for a development plan allocation.

### ***Site 11 Land to east of Yapton Lane, Walberton***

The Assessment finds that:

*The site is greenfield therefore is not in conformity with the NP policy on prioritising brownfield land and it would impact the village character. The scale of the proposed development is larger than the housing requirement and is therefore not necessary to meet the requirement. Development in this location would extend the settlement into open countryside and elongate the built up area further. It would compromise the gap between Walberton and Binsted and there are no natural defensible boundaries beyond Yapton Lane to the east and there would be a risk of further encroachment into open countryside. The views across the site will fall within in the 'protected views' policy in the revised Neighbourhood Plan which may limit the development or the extent of the developable area.*

The assessment goes on to state that the site 'has not been ruled out as unsuitable..' and that,

*Significant constraints to development but potential for a small area of development limited to the western edge of the site.*

It cannot be justified that against the significant constraints identified that this site should still be found suitable (against better located sites such as Site 13 with lesser impacts).

Furthermore, the NP Steering Group have carried out a *Walberton, Binsted and Fontwell NDP Views and Vistas Assessment February 2020* which is a key part of the evidence base supporting the Reg 14 consultation. The Views and Vistas Assessment identifies significant constraints to development in this location on the east side of Yapton Lane:

*View 2 – Looking East from Yapton Lane and views from Yapton Lane across open fields and the golf course*

The assessment found (in part) that:

*'Developers have proposed a housing site on these fields – a proposal quite unacceptable to residents. Such development would shut off the end of the village from the farmland and have a serious impact on the village environment. The visual impact of housing here would be brutal.'*

View 6 – View from Barnham Lane across the golf course and Binsted Valley

The assessment found (in part) that:

*‘This is virtually the mirror image of View 2. Binsted Valley is of exceptional interest as a key landscape and wildlife feature and culturally it separates the neighbouring villages of Walberton and Binsted. Binsted Brook is the focus of a key biodiversity corridor’*

In conclusion, Site 11 has been found to have significant constraints to development, particularly in terms of landscape impact, character and coalescence and its ‘Amber’ rating cannot be robustly justified against other more suitable sites such as Site 13.

**Site D Land north of North Pound and West of Tye Lane**

The *Walberton, Binsted and Fontwell NDP Views and Vistas Assessment February 2020* (a key part of the evidence base supporting the Reg 14 consultation) identifies significant constraints to development in this location:

View 8 – View across the fields north of North Pound and west of Tye Lane

The assessment found (in part) that:

*‘The landowner has asked more than once if housing could be acceptable. The residents see this as a key green site which must not be yielded. The land rises sharply from North Pound and development there would dominate the houses along The Street and would drastically change the mood of the village.’*

Site D has been found locally to have significant constraints to development, particularly in terms of its current contribution as a ‘key green site’ and locally important views and vistas. Its ‘Amber’ rating cannot be robustly justified against other more suitable sites such as Site 13.

**Site E Land south of Walberton**

The AECOM assessment identifies that development in this location would be contrary to the Arun District Local Plan (2018) *Policy SD SP3 Gaps Between Settlements*. The policy identifies a gap between the settlements of Barnham and Walberton which must be protected prevent coalescence and retain their separate identities. Site E cannot be robustly justified against other more suitable sites such as Site 13, with no such strategic gap policy constraint.

**Site F Choller Estate, Land South of Eastergate Lane**

The Views and Vistas Assessment (a key part of the evidence base supporting the Reg 14 consultation) identifies significant constraints to development in this location:

View 4 – Choller Farm – a view looking south west from the recently established cycle

The assessment found (in part) that:

*'These fields form part of the Barnham/Walberton Gap between settlements which has been enshrined in local planning policy for many years. It is not a large gap and must be defended. Seeing Barnham in the distance in a way defines Walberton village and its rural self.'*

*'This land is valuable in its own right – not just as a gap. The farmland is providing a living for a number of families and, moreover, is crossed by wildlife-rich biodiversity corridors which would be seriously compromised by housing development. The recently established cycle track is very well used and the setting in open farmland makes it a particularly valued asset to the community.'*

The assessment also identifies that development in this location would be contrary to the Arun District Local Plan (2018) *Policy SD SP3 Gaps Between Settlements*. The policy identifies a gap between the settlements of Barnham and Walberton which must be protected prevent coalescence and retain their separate identities. Site F cannot be robustly justified against other more suitable sites such as Site 13, with no such strategic gap policy constraint.

### **Site P Walberton House The Street**

The Arun District HELAA finds the site 'not suitable' due to restricted access, arboricultural impacts and the impact on adjacent listed buildings, conservation area within which part of the site lies and the setting of heritage assets. The site also lies within the Arun District Local Plan (2018) *Policy SD SP3 Gaps Between Settlements* area.

The AECOM assessment however, on the basis of very limited commentary with Appendix B, that the site can be developed. This is not justified or openly and transparently assessed and should not stand up to scrutiny, should the site be assessed at a later stage of plan preparation. Site P cannot be robustly justified against other more suitable sites such as Site 13, which has no such heritage, access or strategic gap policy constraints.

### **Conclusion**

In conclusion, we have significant concerns regarding the Neighbourhood Plan and the lack of a robust evidence base to support it. There is no clear evidence to support the additional allocation of 60 homes which, in light of Arun's housing land supply issues, appears to be far too low. Additionally, there are a number of errors and factual inaccuracies in the AECOM Site Assessment in respect of Site 13 (Lane east of Wandleys Lane). Furthermore, the report favours a number of 'Amber' sites that are subject to significant environmental and technical constraints or have been found unsuitable by the District Council, and do not stand up to scrutiny against Site 13.

Given that the Neighbourhood Plan is not adequately evidenced, we do not believe that Plan meets the basic conditions of paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 in that it conflicts with basic condition a) which states the following:

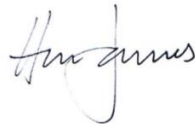
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*'having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).'*

We would therefore advise that the Plan should be amended to provide more information about how its housing numbers have been derived and how it will help the wider district improve its housing land supply position. The AECOM Site Assessment should also be reviewed and corrected as set out in this representation. The Land east of Wandleys Lane (Site 13) should be identified within an amended Plan as an allocation for residential development of up to 157 homes.

If you have any further queries or require further information please contact me on 01903 248777.

Yours sincerely  
ECE Planning

A handwritten signature in black ink, appearing to read 'Huw James', written in a cursive style.

Huw James MRTPI  
**Director**  
**Encs.**

Appendix 1 - Aspect Arboriculture Report

Appendix 2 - Landscape & Visual Impact Assessment and Landscape Enhancement and Mitigation Plan