

Walberton Neighbourhood Plan Review 2020 Regulation 14 Consultation

Representations on behalf of
Barratt David Wilson Homes

August 2020



1 Introduction

- 1.1 Henry Adams LLP act on behalf of Barratt David Wilson Homes in respect of Land north of North Pound and west of Tye Lane, Walberton (The Site).
- 1.2 These representations respond to the Regulation 14 Consultation version of the Neighbourhood Plan Review (2020). The Neighbourhood Plan is being reviewed to ensure that its Policies are aligned with the Arun District Local Plan that was adopted in 2018.
- 1.3 The consultation comprises a second Regulation 14 consultation, but limited changes have been identified in the draft documents, therefore our earlier comments, on behalf of the landowner still stand.
- 1.4 There are a number of modifications to previously made Policies in order to ensure they align with the Arun District Local Plan. The main modifications relate to five additional housing Allocations which would equate to the provision of an additional 68 dwellings. It is felt that there is limited objective evidence to demonstrate that the selected sites and overall housing numbers are appropriate. Within the following sections, we intend to set out our thoughts on this matter alongside the consideration of other policies within the Regulation 14 version of the Neighbourhood Plan.

2 Approach to new residential development - object

- 2.1 Paragraph 2.4 and 5.4 of the draft plan note that Walberton Parish have been advised that they may be required to allocate site (s) for up to 60 dwellings. This is likely to have been taken from a draft Strategy Paper in 2018, which was presented to the District Council's Local Plan Sub-Committee to inform a Non-Strategic Sites Allocation Document. The Strategy Paper has not resulted in the progression of a Non-Strategic Sites Allocation document by the District Council, and due to the lack of any formal publication or consultation, cannot be relied upon. At the time that the Strategy Paper was prepared, the Arun Local Plan (July 2018) was considered up to date, which is no longer the case. We are unable to locate any supporting note within the evidence base to the Neighbourhood Plan to inform this, nor the date at which this information was issued and agreed following public consultation.

Planning Practice Guidance

- 2.2 The National Planning Practice Guidance provides very clear advice on matters of housing numbers, where it states:

The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The

strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area.

*Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing. However, there is an expectation that housing requirement figures will be set in strategic policies, or an indicative figure provided on request. **Where the figure is set in strategic policies, this figure will not need retesting at examination of the neighbourhood plan. Where it is set as an indicative figure, it will need to be tested at examination** (our emphasis).*

(NPPG: Paragraph: 104 Reference ID: 41-104-20190509)

Where strategic policies do not already set out a requirement figure, the National Planning Policy Framework expects an indicative figure to be provided to neighbourhood planning bodies on request. However, if a local planning authority is unable to do this, then the neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves, taking account of relevant policies, the existing and emerging spatial strategy, and characteristics of the neighbourhood area. The neighbourhood planning toolkit on housing needs assessment may be used for this purpose. Neighbourhood planning bodies will need to work proactively with the local planning authority through this process, and the figure will need to be tested at examination of the neighbourhood plan, as neighbourhood plans must be in general conformity with strategic policies of the development plan to meet the 'basic conditions'.

(NPPG Paragraph: 105 Reference ID: 41-105-20190509)

- 2.3 It is clear that the adopted Local Plan does not set a clear defined figure for the Parish, nor an indicative figure. It is therefore a matter that must be tested at examination and should be informed by appropriate evidence.

Basic Conditions Statement & Local Plan

- 2.4 The Basic Conditions Statement, published March 2020, sets out within a table (paragraph 4.1) that the proposed housing allocations and housing numbers are based on a number of Policies contained within the adopted Arun Local Plan (July 2018). It then quotes specific Local Plan Policies against each of the proposed 'new' housing allocations in the draft Neighbourhood Plan.
- 2.5 In reviewing the Local Plan, it is clear that this does not set a specific figure or housing requirement for Walberton. Instead, it sets a minimum requirement for at least 1,250 homes to be allocated either through a Non-Strategic Sites Development Plan Document (allocations of less than 300 homes) or Neighbourhood Plan review. At this stage, Arun have not progressed any further work on a Development Plan Document. On the basis of the above, we would suggest that further consideration should be given to sufficiently demonstrate that draft Plan confirms with the Local Plan. At present, we would suggest that the Neighbourhood

Plan does yet demonstrate conformity with the Local Plan Strategy. Given that this is now likely to be considered out of date in any case, it is likely more appropriate for the Council to secure its own evidence on need.

- 2.6 Given the current District Housing Land Supply Calculations, it is clear that Arun District Council are currently unable to demonstrate a 3 year housing land supply, let alone the 5 years required by National Planning Policy. Whilst Walberton village may have taken additional dwellings in recent years, these are committed and will already be counting towards the housing land supply. Additional site Allocations will therefore be needed to make up this shortfall and boost the supply of housing, as required by National Policy.
- 2.7 Walberton comprises a sustainable settlement, with direct access to keys services and facilities, with the following facilities available in the local area within walking distance of the site:
- Walberton and Binstead C of E Primary School
 - Walberton Pre-School
 - Walberton Village Hall and sports pitches
 - Post office, newsagent, greengrocer, laundrette, hairdressers and dental surgery
 - Flintcroft GP Surgery
 - St Mary's Church
 - Walberton Baptist Church and Church Hall
 - The Holly Tree and the Black Horse Public Houses
 - Walberton Recreation Ground
 - Hooe Farm Industrial Park
 - Hilton Avisford Park Hotel and Golf Club
- 2.8 The nearest railway station is at Barnham which is 1.8 miles south west of Walberton with regular services to settlements throughout West Sussex and beyond to London, Portsmouth and Southampton, Bristol and Cardiff. This is accessible via dedicated off-road cycle route, which links Barnham and Walberton.
- 2.9 The Site's location means that it is well placed to support the services and facilities within the village, as opposed the proposed allocation under draft Policy HP18 2020 - Fontwell Field (National Trust Field), which seeks to allocate the only major housing Allocation away from the main services and facilities, which are in Walberton, and without direct connectivity to sustainable means of transport.
- 2.10 At this stage, the current Local Plan is considered out of date, so too its housing strategy, as the District Council are not meeting the housing delivery trajectory set out within the Local Plan. It is therefore highly unlikely, based on the current strategic housing Allocations and delivery rates, that the requirement to deliver 20,000 homes across the Local Plan period can be met given the current strategy. Reliance on Policies within the Local Plan, in terms of the

housing requirement for the Parish would not be informed by an up-to-date Local Plan and would therefore be unsound.

- 2.11 As set out above, appropriate evidence is required to support the Neighbourhood Plan housing requirements to ensure soundness when tested at Examination, which has not been prepared, or at least made publicly available for review.

Housing allocations and numbers

- 2.12 When considering the draft site Allocations, there are five new sites to be allocated for housing development. Only one of these sites comprises a major development proposal (Policy HP18 2020 Fontwell Field (National Trust Field NEW) that will provide benefits such as affordable housing, which is much needed within both the immediate area and district as a whole.
- 2.13 Policy HP16 2020 Sussex Business Park NEW, seeks to combine both commercial units and residential dwellings within one site proposal. However, there is no reference to the type of commercial use being provided and whether this would be compatible with a residential use. Considering this is currently a commercial site with a number of units being lost to residential, further clarity should be provided to ensure that there would not be any issues with retaining or creating appropriate commercial space to meet demand, when considered alongside residential amenity. The demand for commercial space and employment should be given priority on an existing commercial site.
- 2.14 Considering the above factors, a formal, updated response should be obtained from Arun District Council setting out the number of dwellings that need to be provided within the Parish. This should form part of the evidence base. If not forthcoming from Arun District Council, this should be prepared by the Parish Council to inform the headline figure, which does not appear to be evidenced at present. The Neighbourhood Plan should also be mindful that providing slightly larger development proposals as opposed to the sporadic allocation of minor proposals (less than 10 dwellings) could actually provide a number of benefits to the community whilst also addressing and supporting other aspirations and Policies within the Neighbourhood Plan.

3 The site and its Assessment (AECOM Report)

- 3.1 The Site is located to the north side of Walberton village and is largely enclosed on three sides by the existing settlement and existing residential properties.
- 3.2 The site currently comprises low grade agricultural land, in part used for equine purposes. The site is positioned to the west of Tye Lane and north of existing residential areas off The Street. The site is located on the north western side of Walberton.

- 3.3 Tye Lane is an unclassified local road, which runs north to south from the A27 Arundel Road. Tye Lane is subject to a 30mph speed limit to the south, but changes to 60pmh (derestricted) approximately 100m north of the junction with The Street.
- 3.4 The site's southern, eastern and western boundaries adjoin the settlement boundary. The northern boundary is well defined by a mature hedgerow, which would be retained. The eastern boundary also faces onto the development site east of Tye Lane, which will include pedestrian access. By locating the sites side by side, both can benefit one another with access to employment at Hooe Farm, avoiding Tye Lane, from east of Tye Lane and access to the school, local shops and recreation ground from development west of Tye Lane. This will of course encourage a greater number of trips by sustainable means of transport.
- 3.5 The site is not readily visible from public viewpoints. The only public vantage point, which allows a small glimpse of the site is taken from the junctions of The Street with North Pound and Field Close. Both North Pound and Field Close are private cul-de-sacs therefore any views taken from these roads are private, rather than prominent public views. Due to topography and a mature hedgerow, the equestrian use forming part of the site, together with associated paraphernalia is not readily visible from Tye Lane.
- 3.6 Included below at Figure 1 is an extract of the existing settlement boundary, with land west of Tye Lane outlined with a red edge site boundary. This provides a helpful context and demonstrates the positive relationship between the site and the existing settlement boundary.

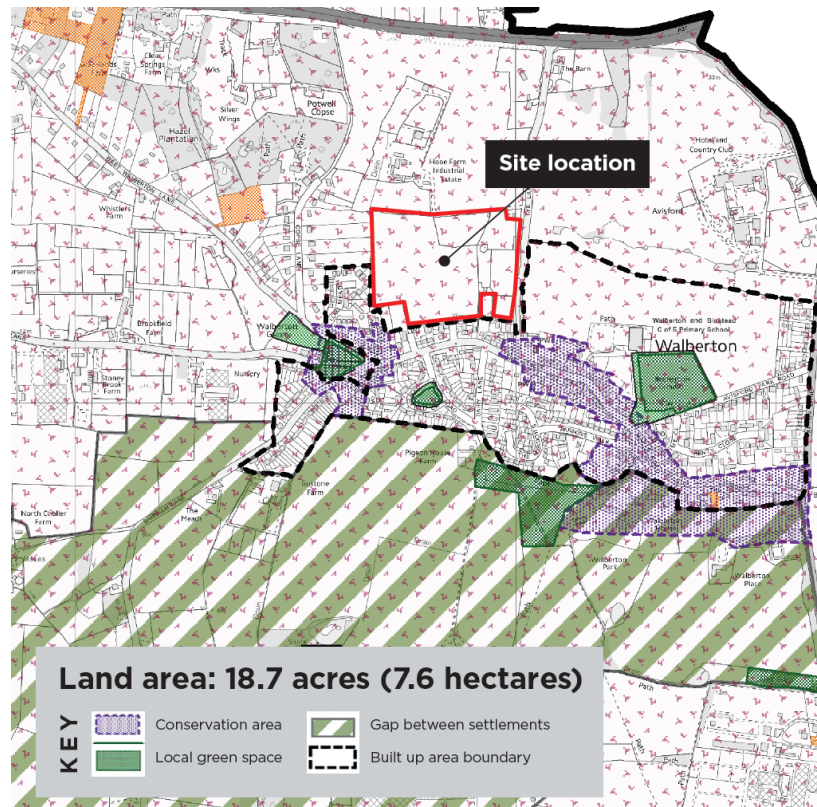


Figure 1: Site Context Plan

- 3.7 The site is uniquely placed to contribute to the existing village, rather than the sporadic form of Allocation sought within the Regulation 14 version of the Neighbourhood Plan. In addition, it is a sustainable location to accommodate a greater number of homes for the village, which responds to the requirement for the Parish to make a greater contribution towards housing land supply for the District. As set out above, this is falling significantly behind the Local Plan Trajectory.
- 3.8 The Neighbourhood Plan is supported by a report prepared by AECOM to inform site selection. This is an appropriate and supported method in principle, however, the conclusions of this report, which we assume should be prepared objectively, is inconsistent and should be reconsidered as an evidence base to the Neighbourhood Plan.
- 3.9 The Key purpose of a site assessment document is to consider the sites suitability against relevant National guidance and adopted Development Plan policies. This is confirmed within the Executive Summary of the report, where the following is stated:

This site assessment considers 26 potential development sites, taking into account policies in both Local Plans as well as national planning criteria to establish which, if any, of the sites are suitable, available and achievable for development.

- 3.10 The report then goes on to state at paragraph 1.18 the following:

1.18 *This assessment in itself does not allocate sites. It is the responsibility of the Neighbourhood Group to decide, guided by this report and other relevant information, which sites to select for allocation, to best meet the housing requirement and Neighbourhood Plan objectives.*

3.11 Notwithstanding the above, the report then goes on to assess potential sites in line with draft policies contained within the Regulation 14 version of the Neighbourhood Plan. This is contrary to the claims within the statement and its advice at paragraph 1.18 that it will be for Neighbourhood Plan Group to select sites that they feel appropriate.

3.12 In considering the AECOM report further, The Site appears to have been assessed on the basis of a desk top exercise and without relevant technical advice. On behalf of our clients, we have sought to make contact and provide appropriate evidence on matters such as access and landscape impacts and this offer remains. The AECOM reports states the following, which appears to be unsupported by evidence and contrary to Arun District Council's HELAA assessment:

The conclusions from the HELAA are not reasonable to be brought forward in the NP site assessment, as the scale of the site would detract from the village feel, there are significant constraints on the site (including access and falling within the proposed 'protected views' policy in the revised Neighbourhood Plan) and the Arun District Council would need to be consulted with to determine the sites conformity with local policy therefore, this site is considered potentially suitable for partial allocation. The developable area is limited to the south of the site.

3.13 There are currently no designations, environmental or otherwise, which constrain The Site. The above summary assessment states that there are 'significant' constraints on the site. The only site constraint highlighted and evident is that of the draft Policy (Policy VE: 13) of a protected view within the Regulation 14 version of the Neighbourhood Plan. To include this as part of the AECOM report assessment is inappropriate and contrary to the earlier statements within the report to rely on policies 'in both Local Plans as well as national planning criteria'. The assessment does conclude that the southern part of the site could be developed, but this is contrary to the incorrect findings within the 'Vistas and Views' evidence document.

3.14 As such, it is not felt that the AECOM report comprises an appropriately prepared and objective evidence document to inform the Neighbourhood Plan process.

Benefits of the sites allocation

3.15 As set out above, it is our view that further work is required to demonstrate an appropriate housing figure for the Neighbourhood Plan and in order to assist in meeting District wide housing need, that number should be significantly increased. The Site is well placed to accommodate the additional housing numbers, whilst protecting the rural character of the village.

- 3.16 The Allocation and development of this land would provide a number of benefits to the local community;
- The development will include a mix of high-quality homes, including affordable to meet the varying needs of the community;
 - The site is well-connected to local services and facilities, within walking distance of the corner shop, doctors surgery, school and village facilities;
 - Support the viability of local services and facilities;
 - Being located in close proximity to the village and with the provision of convenient walking and cycling routes in to the village and to the Walberton – Barnham link, this will minimise car use through the village
 - The site is not subject to any environmental designations or constraints and its development would not impact the South Downs National Park
 - Retention of existing boundary treatments alongside the provision of additional landscape features and open space will ensure net biodiversity gain and greater access to public open space;
 - Retention of the trees and mature boundary hedgerows, particularly on the frontage to Tye Lane will retain the rural setting together with green corridors through the site, which will be linked with the longer distance views from Field Close and North Pound; and
 - Improved footpath and cycle connectivity north The Street, alongside consented scheme east of Tye Lane;
 - The site is not constrained and does not rely upon significant infrastructure improvements in respect of delivery, however, it will ensure that where required contributions will be made to ensure sufficient capacity is maintained for local facilities.

4 Other Draft Policies

- 4.1 The following section seeks to respond to other policies that would be in the interest of our client and their landholdings.

Policy VE10 2020 Biodiversity Corridors NEW - Support

- 4.2 Policy VE10 seeks to ensure that proposals have a positive impact on the local ecology, in line with the environmental objectives set out within the NPPF.
- 4.3 Whilst the site does not fall within or adjacent to a proposed Biodiversity Corridor, given its current arable and equine use, it has limited biodiversity value. However, through the provision of appropriate green infrastructure as a result of its development, The Site, could significantly enhance the biodiversity value of the site.

Policy VE13 2020 Distinctive views and vistas – object in current form

- 4.4 Whilst not outlined as such, this is a new policy and is supported by a Vistas and Views Assessment. The purpose of the review is to update a current Neighbourhood Plan to accord with newly adopted National or Local Plan policy requirement and any up-to-date evidence that has become available which may affect the continuing relevance of the policies set out in the neighbourhood plan (NPPG: Paragraph: 103 Reference ID: 41-103-20190509).
- 4.5 Policy VE13 has not been highlighted as a new policy in the main NHP Document, however, such a policy is not currently in existence. The current NHP only discusses views in the context of Horticultural Development.
- 4.6 In reviewing the draft Policy wording, reference is made to *View 9: View across the fields from North Pound*. This report does not provide an accurate reflection of public views of The Site, which is a key part of its assessment, set out at paragraph 3.4 of the report. The point at which the assessment is made is from North Pound at its northern most point. North Pound is a private road and elevated from the High Street to the south, which is the public highway circa 40 metres south and set at a lower level.
- 4.7 Accordingly, the assessment of 'View 9' does not provide an accurate assessment of the actual public view. The view is of course a glimpse of the open countryside, when taken from the public domain and not from private land. Such views can and would be retained, should the site be developed. A green corridor can be created, ensuring that the sense of openness beyond North Pound would be preserved as part of any development proposals and such space would be publicly accessible.
- 4.8 Similarly, the evidence document includes views stating these are taken from Tye Lane. This is also incorrect as the view is taken from within our clients land, beyond a mature hedgerow. Whilst we would be happy to provide access and meet the parish on-site, this photograph has been taken after accessing private land. As above, it presents an unrealistic assessment of current public views of the site. However, it is helpful in that it shows the equine use of the site, and not arable land in its entirety as is concluded at point a) in the 'Vistas and Views' assessment.
- 4.9 Notably, the 'Vistas and Views' document, whilst still dated February 2020, appears to have been updated to include the incorrect view from Tye Lane, as well as on other sites. However, the report remains dated February 2020, which does not present a clear evidence base.
- 4.10 Given the misleading evidence base and what appears to be an inconsistency with its own methodology, we object to the inclusion of this Policy, in particular the inclusion of View 9.

Policy HP6 2020 Housing Mix and Construction NEW - suggestions

- 4.11 This Policy refers to a proportion of housing being required to meet the needs of the ageing population who wish to downsize, however, we would suggest that this is not prescriptive

enough. It is not clear as to what is an appropriate proportion alongside suitable evidence to support this. In addition, whilst small units can be provided, there is nothing to prevent these properties from being purchased by first time buyers or young couples wishing to enter the property market.

- 4.12 The second paragraph of this policy uses the phrase *'Any development proposal that includes measures...'* and this is misleading. This section should refer to the need to be in accordance with other policies in the development plan.

5 Summary

- 5.1 In summary, our client supports the Parish in their approach to devising a Neighbourhood Plan for the area and the opportunity to help address the acute housing needs for the District. However, we do not feel that the plan as a whole reflects the needs and opportunities of the area and would benefit from additional evidence in the absence of an up-to-date Local Plan for the District.
- 5.2 We are of the opinion that further evidence should be provided to justify the provision of only 68 new dwellings at a time when the District are falling significantly behind on housing delivery. In addition, the Plan proposes the Allocation of small, minor schemes only, which will provide limited benefits for the wider community.
- 5.3 The evidence base is frame around the proposed Neighbourhood Plan objectives, however, in order to demonstrate a sound Plan, we would suggest that further consideration should be given to these documents and how that should shape future iterations of the Neighbourhood Plan. We would suggest that the draft Plan would benefit from an additional evidence base in order to be found sound at examination.
- 5.4 In addition to housing provision, further consideration should be given to the views and vistas evidence document and Policy wording, which contradict one another and clearly appear to constrain, rather than manage development. The Neighbourhood Plan is therefore not positively prepared and appropriately flexible to respond to updated planning requirements. Further clarity should also be provided in respect of what would be an appropriate proportion of properties needed to meet the needs of the elderly population and how this provision would be secured.