



Public Document Pack

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5 January 2024

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber, at Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Wednesday 17 January 2024 at 2.00 pm** and you are requested to attend.

Members: Councillors Hamilton (Chair), Wallsgrove (Vice-Chair), Blanchard-Cooper, Bower, Kelly, Lury, McDougall, Northeast, Partridge, Patel and Woodman

PLEASE NOTE: Where a member of the public wishes to attend the meeting or has registered a request to take part in Public Speaking physically at the Planning Committee, they are to enter the Civic Centre via the front reception and then make their way up to the Council Chamber on the second floor and take a seat in the Public Gallery [the Blue Room].

For further information on the items to be discussed, please contact Committees@arun.gov.uk.

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE

PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION ONLINE AT www.arun.gov.uk/planning

A G E N D A

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officer should make their declaration by stating:

- a) the application they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest
- d) if it is a prejudicial or pecuniary interest, whether they will be exercising their right to speak to the application

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process as set out in the Council's adopted Planning Local Code of Conduct for Members and Officers at Part 8 of the Constitution. A copy of the Planning Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

(Pages 1 - 16)

To approve as a correct record the Minutes of the meetings held on 13 and 14 December 2023.

5. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

DEFERRED ITEM

6. P/139/22/RES CHURCH BARTON HOUSE, HORNS LANE, PAGHAM

(Pages 17 - 40)

7. P/153/21/RES LAND SOUTH OF SUMMER LANE AND WEST OF PAGHAM ROAD, PAGHAM

(Pages 41 - 68)

PLANNING APPLICATIONS

8. **LU/278/23/HH 19 DAVITS DRIVE, LITTLEHAMPTON BN17 6RU** (Pages 69 - 74)
9. **WA/111/23/PL BROOKFIELD FARM, EASTERGATE LANE, WALBERTON BN18 0BA** (Pages 75 - 92)
10. **COMMITTEE REPORT RAMPION 2 JANUARY 2024** (Pages 93 - 168)

PLANNING APPEALS

OFFICER REPORT UPDATES

Will be circulated ahead of the meeting if there are any.

BACKGROUND PAPERS

In the case of each report relating to a planning application, or related matter, the background papers are contained in the planning application file. Such files are available for inspection/discussion with officers by arrangement prior to the meeting.

Members and the public are reminded that the plans printed in the Agenda are purely for the purpose of locating the site and do not form part of the application submitted.

Contact Officers:

Neil Crowther (Ext 37839) email neil.crowther@arun.gov.uk

Daniel Vick (Ext 37771) email Daniel.Vick@arun.gov.uk

David Easton (Ext 37698) email david.easton@arun.gov.uk

Note: Reports are attached for all Members of the Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager.

Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

Note: Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – [PART 8 - CP - Section 5 Filming Photographic Protocol](#)

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Agenda Item 4

Subject to approval at the next Planning Committee meeting

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PLANNING COMMITTEE

13 December 2023 at 2.00 pm

Present: Councillors Hamilton (Chair), Wallsgrove (Vice-Chair), Blanchard-Cooper, Bicknell (Substitute for Bower), Kelly, Long (Substitute for Woodman), Lury, McDougall, Northeast, Partridge and Patel

Councillors were also in attendance for all or part of the meeting.

Apologies: Councillors

460. APOLOGIES

Apologies were received from Councillors Bower and Woodman.

461. DECLARATIONS OF INTEREST

Councillor Bicknell declared a personal interest in Item 10 [A/39/23/PL LAND WEST OF BROOK LAND AND SOUTH OF A259, ANGMERING, BN16 3JL] as a resident of Angmering.

Councillor Long declared a personal interest in Item 10 [A/39/23/PL LAND WEST OF BROOK LAND AND SOUTH OF A259, ANGMERING, BN16 3JL] as a member of Littlehampton Town Council and its Planning and Transportation Committee who had previously considered this application. She then stated that she would be keeping an open mind when considering this application.

462. MINUTES

The minutes of the previous meeting held on 15 November 2023 were approved and signed by the Chair.

463. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

There were no urgent items for this meeting.

Planning Committee - 13.12.23

464. CM/48/21/RES - LAND TO THE WEST OF CHURCH LANE AND SOUTH OF HORSEMERE GREEN LANE, CLIMPING

No Public Speakers.

Approval of reserved matters following the grant of CM/1/17/OUT for the erection of 300 No dwellings & a building within use class E, together with public open space, LAPs, LEAP & ancillary works, including car parking & drainage arrangements, with access off Church Lane & Horsemere Green Lane. This application may affect the setting of listed buildings & is in CIL Zone 4 (HSP2) & is not CIL Liable.

The Strategic Development Team Leader presented the report with updates.

Members raised the following points during debate, concern regarding ensuring delivery of the Fitness Trail, were there commuted sums within the S106 agreement set aside for the inside of the Community Centre building and drainage concerns.

Officers provided answers and advice to all points raised during the debate and the recommendation was then proposed by Councillor McDougall and seconded by Councillor Bicknell.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY.

465. P/153/21/RES - LAND SOUTH OF SUMMER LANE AND WEST OF PAGHAM ROAD, PAGHAM

4 Public Speakers

Councillor Peter Atkins, Pagham Parish Council
James Weston, Objector
Jon Gateley, Agent
Councillor David Huntley, Ward Member

Approval of reserved matters (appearance, layout, landscaping and scale) following outline planning Permission P/140/16/OUT for the erection of 350 No. dwellings, together with public open space, play space, drainage, parking and associated infrastructure, landscape, ancillary and site preparation works, with access off Pagham Road. This site may affect a Public Right of Way.

The Principal Planning Officer presented the report with updates that detailed a number of minor changes that had been made to the layout and landscaping details in accordance with comments received by West Sussex County Highways.

After public speakers had been heard the Principal Planning Officer was invited by the Chair to address any comments made by those who had spoken, where it was confirmed that drainage controls and mitigations were still needed to be known at this stage. The Strategic Development Team Leader confirmed that the design of the main spine road had been agreed as acceptable access for the Primary School and in addressing the comments made in relation to animals being able to go through the dry SUDS features and out onto the agricultural fields to disturb the Brent Geese habitat the officer confirmed that these had been discussed in detail, however this matter was not material to the consideration of a reserved matters application.

Members raised the following points during debate, the application was stated not to be in keeping with the Pagham Design statement, the location of the site was in flood zone one, concerns regarding the height of the development so as not to dwarf the Church and the views that were currently available. It was noted that the developers had made some changes however, they were not deemed to be enough. Flooding concerns were discussed in detail where it was confirmed that the council's drainage engineers would require additional information at the next stage (through a discharge of condition application), however at the outline stage of the application the details they had were deemed satisfactory. It was also confirmed that the developers would require a drainage design to be approved before any building commenced for the development. In addressing the concern that no mitigation land had been provided it was stated that this had been identified through the S106 agreement, however the developer would need to submit evidence in order to address the matter. It was also acknowledged that that whilst the Brent Geese mitigation site chosen did flood, it was the developer's responsibility to address and resolve these concerns ahead of commencing. Officers confirmed that they would require evidence showing the site could be sufficiently drained and that reassurance and a deliverability plan needed to be provided to ensure it met the requirements.

The discussion then returned to the concerns raised regarding the height of the buildings where it was asked if officers could confirm they had been reduced as had been requested during the consultation stages and by how much they had been reduced. It was confirmed that this information would need to be provided outside of the meeting given the number of individual house types and variations in height, however specifically relating to the listed buildings to the south of the development the outline permissions were assessed that that the harm identified was less than substantial. The Principal Planning Officer explained that this application dealt with the specific harm identified and ensures that any harm established was then dealt with at outline stage. It was confirmed that for this application the harm established had not exceeded the initial assessment. Members continued to debate this matter before putting the officer recommendation to the vote.

Planning Committee - 13.12.23

The recommendation was proposed by Councillor Wallsgrove and seconded by Councillor Northeast, upon the vote being taken the recommendation was not approved.

Members then turned to discussing reasons for refusal specifically relating to not knowing the specific height of the buildings within the development. Councillor Lury then proposed that the application be DEFERRED until the impact of the height of the buildings could be confirmed. This was seconded by Councillor McDougal.

As members continued their debate on the deferral reason, it was also suggested that additional reasons for deferral be added to the proposal, these were drainage concerns and the lack of additional infrastructure in place to prevent future flooding and further mitigations needed in relation to the Brent Geese. The Group Head of Planning provided strong advice to members that these were already addressed by planning conditions imposed on the outline and therefore were not required to be specifically outlined in their deferral reasoning.

The Committee

RESOLVED

That the application be DEFERRED until the clarification of the impact of the height of the buildings on the St Thomas a Becket Church could be understood.

Those voting FOR were Councillors Blanchard-Cooper, Hamilton, Long, Lury, McDougall, Northeast and Wallsgrove. No Councillors voted AGAINST. Those voting to ABSTAIN were Councillors Bicknell, Kelly, Partridge and Patel.

Due to the decision to defer this application it was suggested by the Group Head of Planning that a short adjournment was taken to allow officers to speak with the applicant as the next application was inextricably linked to this application. Members agreed and the meeting was adjourned at 15:20.

466. P/139/22/RES - CHURCH BARTON HOUSE, HORNS LANE, PAGHAM, PO21 4NZ

(The meeting readjourned at 15:31.)

Public Speaking on this item was deferred.

Approval of reserved matters following P/25/17/OUT for the provision of 65 dwellings, access roads, landscaping, open space and associated works. This application affects a Public Right of Way.

The Group Head of Planning confirmed that officers would now be recommending that the application be deferred due to its linkage to the last application. He advised and recommended that Members still may want to make comments on the application in order to assist officers in resolving these concerns when both applications are brought back to another meeting of the Committee.

The Chair then confirmed with Officers and the Public Speakers in attendance at the meeting that public speaking on this item would be deferred until the application is brought back to the committee. The Principal Planning Officer provided members with a shortened presentation and Members were then invited to make any comments that they would like officers to consider before the application returned.

Upon a short discussion it was agreed that the height of the development was the main concern for the committee.

The recommendation was proposed by Councillor Wallsgrove and seconded by Councillor Lury. The Committee unanimously then voted to;

The Committee

RESOLVED

That the application be DEFERRED.

467. AL/102/23/PL - LAND NORTH OF NORTHFIELD FARMHOUSE, FONTWELL AVENUE, EASTERGATE

1 Public Speaker

Sarah Hocking, Agent

Development of 3 dwellings with associated landscaping and infrastructure. This application is a Departure from the Development plan, is in CIL Zone 3 and CIL Liable as new dwellings, and a dual parish application with Barnham & Eastergate Parish Council.

The Principal Planning Officer presented the report with updates.

Members raised the following points during a short debate, given the outline approval for the site next door to this application it was commented that a reason for refusal could not be considered. The Vice-Chair asked officers for clarification regarding the access to the site and was the access road a private road where it was confirmed it was unknown if the road was private, however there was a right to pass.

The recommendation was proposed by Councillor Lury and seconded by Councillor Bicknell.

Planning Committee - 13.12.23

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY.

468. A/39/23/PL - LAND WEST OF BROOK LANE AND SOUTH OF A259, ANGMERING, BN16 3JL

(Councillors Bicknell and Long redeclared their personal interests in the item.)

2 Public Speakers

Simon Ulrich, Objector
Charlie Merry, Agent

Demolition of existing structures on site and the erection of an employment park for Use Class E(g)(ii) and B8 floorspace with ancillary offices and structures, delivering the enabling works phase, public right of way diversion, associated access, reptile re-location, drainage and landscaping scheme, followed by the delivery of each development parcel via severable phases. This application is in CIL Zone 4 (zero rated) as other development.

The Strategic Development Team Leader presented the report with updates and confirmed that the recommendation was now requesting delegated authority to approve the application subject to no objection being received from the Council's Drainage Engineers. He confirmed that should any comments require additional conditions these would be added, and this would be done in consultation with the Chair or Vice-Chair.

During the debate initial comments of support for the application were expressed. The Chair then invited non-committee member Councillor Gunner to address the committee where he raised concerns regarding the pedestrian crossing, he stated that he was not in agreement with the figure of 5 that had been documented, he believed that it only accounted for assumed employee movement. He also made reference to the lost appeal regarding Rusting Golf Course and one of the reasons was due to the crossing. The Strategic Development Team Leader advised that all work had been completed by the developer in consultation with Network Rail and the Council had no reason to dispute the information provided. In response to a query raised regarding the dual carriage way speed limit he confirmed that comments had been received from West Sussex County Council Highways where it was stated there was no objection and the design was considered to be acceptable. It was then asked if the Group Head of Planning would provide members with any additional advice, where it was confirmed, his advice was documented within the report.

Subject to approval at the next Planning Committee meeting

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Planning Committee - 13.12.23

The recommendation was proposed by Councillor Bicknell and seconded by Councillor Partridge.

The Committee

RESOLVED

That the application that delegated authority be given to approve the application subject to no objection being received from the Council's Drainage Engineers.

(The meeting concluded at 4.17 pm)

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PLANNING COMMITTEE

14 December 2023 at 2.00 pm

Present: Councillors Hamilton (Chair), Wallsgrove (Vice-Chair), Bicknell (Substitute for Bower), Gunner (Substitute for Patel), Kelly, Long (Substitute for Woodman), Lury, McDougall, Northeast, Partridge and Warr (Substitute for Blanchard-Cooper)

469. APOLOGIES

Apologies were received from Councillors Bower, Blanchard-Cooper, Patel and Woodman.

470. DECLARATIONS OF INTEREST

Councillor Long declared a personal interest in Item 5 [LU/246/23/PL - LITTLEHAMPTON SEAFRONT, EAST OF HARBOUR PARK AND SOUTH OF SOUTH TERRACE, LITTLEHAMPTON, BN17 5LH] as a member of Littlehampton Town Council and its Planning and Transportation Committee who had previously considered this application. She then stated that she would be keeping an open mind when considering this application.

471. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

There were no urgent items to be discussed at the meeting.

472. LU/246/23/PL - LITTLEHAMPTON SEAFRONT, EAST OF HARBOUR PARK AND SOUTH OF SOUTH TERRACE, LITTLEHAMPTON, BN17 5LH

(Councillor Long redeclared a personal interest in Item 5 [LU/246/23/PL - LITTLEHAMPTON SEAFRONT, EAST OF HARBOUR PARK AND SOUTH OF SOUTH TERRACE, LITTLEHAMPTON, BN17 5LH] as a member of Littlehampton Town Council and its Planning and Transportation Committee who had previously considered this application. She then stated that she would be keeping an open mind when considering this application.)

3 Public Speakers

Planning Committee - 14.12.23

Richard Groom, Objector
Mrs Lees, Objector
Helen Kent, Agent

Application under Regulation 3 of the Town & Country Planning Act (General Regulations) 1992 for the regeneration and transformation of Littlehampton Seafront to provide improved facilities and spaces for sport, arts and recreation. This application may affect the setting of listed buildings, may affect the character and appearance of the Littlehampton Seafront conservation area and is in CIL Zone 5 (Zero Rated) as other development.

The Interim Head of Development Management present the report with updates. After public speaking the officer was invited to respond to any points raised where he addressed the comments made regarding a 'loss of open space', explaining that there would still be large areas of open space available. In addressing comments made regarding the viewpoint, it was stated that the enhancement of the facilities the application would bring would encourage more and new visitors to the area. In summing up it was confirmed that there would be specific coach parking spaces that would be allocated.

Members raised the following points during the debate, additional comments were made regarding Coach Parking specifically the configuration of the road layout on Banjo Road and the number of parking spaces that would be available. Drainage and flooding concerns were raised. Statements were made regarding the importance of ensuring that maintenance of trees planted were kept in high standard to ensure that a 'green screen' was not created that would inhibit the sea views for any residents or business owners. The Interim Head of Development Management then provided detailed responses to each point raised.

The recommendation was then proposed by Councillor Gunner and seconded by Councillor Bicknell.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY.

473. WA/67/23/PL - LAND AT WEST WALBERTON LANE, WALBERTON, ARUNDEL, BN18 0QF

2 Public Speakers

Matt Allsopp, Applicant
Jeremy Gardiner, Agent

Construction of 25 No dwellings together with associated access from Eastergate Lane, parking, public open space and landscaping (resubmission following WA/32/21/PL). This application may affect the setting of listed buildings, may affect the character and appearance of the Walberton Green Conservation Area, is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

The Interim Head of Development Management presented the report with updates.

Members raised the following points during the debate, a request was made that a 'Grampian Condition' be attached to the application, to ensure that all off-site work was completed prior to any new development being undertaken. This was requested as a direct result of the drainage and flooding concerns raised. Discussion was had regarding the conservation officers comments detailed on page 27 of the report. It was asked who owned the open spaces to the east of the green, where it was advised that the space would be managed through a management company. Concern was raised that comments from Southern Water were missing and it was commented that this made it difficult for some to come to a determination on the application.

It was then proposed by Councillor McDougall that the application be deferred in order to wait for a full response back from Southern Water regarding the sewage provisions and connections. This was seconded by Councillor Gunner.

The Committee

RESOLVED

That the application be DEFERRED until a full response from Southern Water had been received and could be considered by the Committee.

474. APPEALS LIST

Members noted the appeals list.

475. SCHEME OF DELEGATION

The Group Head of Planning presented the report, he outlined that the changes detailed in the report were a 'tidying up' process that would impact a small number of applications, which would no longer be required to be brought before Committee.

There was a short debate where it was made clear by the committee, that they were not in favour of approving the changes detailed in the report.

Planning Committee - 14.12.23

The recommendations were proposed by Councillor Wallsgrove and seconded by Councillor McDougall. Upon the vote being taken, members voted **against** the recommendations in the report.

The Group Head of Planning then asked members to provide a clear narrative as to why they were unhappy to approve the changes as detailed in the report. It was confirmed that members did not want to increase delegations to officers, this was because as elected members they should be the decision makers. It was stated that public perception was that members 'don't do enough' and approving the changes in this instance was felt to feed that narrative. The Group Head of Planning responded to the comments made, where he stated that the report was first presented to Committee at its November 2023 meeting and since then members had, had two briefings where it had been outlined the changes were minor and would impact a small number of applications. However, the concerns expressed at the meeting had not been raised previously. In summing up he confirmed that members would need to consider that not approving the changes detailed would mean that these instances would continue to impact officer and member time, finances and impact the timeframe to make decisions on these applications.

476. DECISION ON Y/52/23/PL

The Group Head of Planning presented the report, where he outlined that there was a need for members to consider the additional wording that had been detailed in the report in order to strengthen their refusal reasoning for the application in order to ensure the decision of the committee could be defended should the applicant appeal the decision of the committee.

Members were in agreement with the proposed changes detailed within the report. There was a request from one member to split the vote out due to the member participating in this meeting as substitute and having not attended the original meeting where the decision had originally been made. Advice was then sought from the Legal Services Manager regarding the vote, where it was advised that anyone acting as a substitute at the meeting could abstain. Discussion on this matter continued as there was contention in relation to advice received therefore a 10-minute adjournment was agreed and taken at 16:05.

The meeting was readjourned at 16:20, where the Chair explained that members were now clear on the advice that had been given and were now ready to move to the vote on the item.

The recommendations were proposed by Councillor McDougall and seconded by Councillor Lury. The vote was taken in three parts as requested with recommendations (i), being voted on first, then recommendation (ii), and finally recommendation (iii).

The Committee

RESOLVED

2.1 That Planning Committee confirm the following by way of clarification in respect of the decision made on Y/52/23/PL.

- i. Reasons for refusal 1 & 2 are withdrawn.
- ii. Reason for refusal 3 is withdrawn.
- iii. Reason 4 should have read.

The design of the proposed houses would be incongruous with the established character of this semi-rural edge of settlement location which forms a buffer to the hamlet of Bilsham. They would introduce an urban built form to the edge of settlement location and not reflect the established character of the area. This would result in substantial harm to local character in conflict with Arun Local Plan policies D DM1 & LAN DM1, and policy H4 of the Yapton Neighbourhood Development Plan 2011-2031. The harm identified clearly and demonstrably outweighs the benefits of the application including its contribution to the Councils Housing Land Supply shortfall.

iv. Additional reasons for refusal should have included In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the NPPF and policy AH SP2 of the Arun Local Plan.

In the absence of a signed Section 106 agreement, the development will not provide the highway improvements necessary to deliver the development & mitigate any residual harm to the local and strategic road network and is thereby contrary to ALP policies T SP1, T DM1 and the NPPF.

In the absence of a signed Section 106 agreement, the development will not provide the contribution required to mitigate the additional cost of transporting to secondary school pupils to the nearest school and is thereby contrary to ALP policy INF SP1 and the NPPF.

477. BUTLINS - LOCAL DEVELOPMENT ORDER

The Group Head of Planning asked members if given the current time members would be minded for items 10 and 11 to be taken together as they were the same decision. Members were in agreement, so he then presented the reports this item and the University of Chichester.

Planning Committee - 14.12.23

The recommendations were proposed by Councillor McDougall and seconded by Councillor Lury.

The Committee

RECOMMENDED TO FULL COUNCIL that

2.1 the amended Local Development Order for the Butlins Complex, Bognor Regis be adopted.

478. UNIVERSITY OF CHICHESTER - LOCAL DEVELOPMENT ORDER

The recommendations were proposed by Councillor McDougall and seconded by Councillor Lury.

The Committee

RECOMMENDED TO FULL COUNCIL that

2.1 the amended Local Development Order for the University of Chichester, Bognor Regis Campus be adopted.

479. FITZALAN ACOUSTIC BARRIER

The Group Head of Planning presented the report.

Members raised the following points during their debate, clarity was sought as to why the recommendation was to defer the item and what had prompted the report to be presented to members at this time. It was confirmed that the previous report presented to Committee recommended that the Council ceased exploring options, however members did not accept this recommendation at the time. As officers had not been able to progress matters further since then, it was felt that given the work due to be completed for the Lyminster Bypass this could provide a change in circumstances and it was therefore worth members being provided the opportunity to re-review once this new section of road had been opened for a period of time. There was agreement expressed stating that should a decision be made now to lower the acoustic barrier without considering the potential future noise impacts that could be in place once the road had been opened would be a mistake.

The recommendations were proposed by Councillor Wallsgrove and seconded by Councillor Long.

The Committee

RESOLVED

2.1 That the Committee resolve to defer further consideration of this matter until the northern section of the Fitzalan Link Road is opened (currently scheduled for Autumn 2024).

480. Q2 PERFORMANCE REPORT FOR THE KEY PERFORMANCE INDICATORS (KPI'S) WHICH FORM PART OF THE COUNCIL'S VISION 2022-2026

Members raised the following points on the report, CP33 what steps were being taken to improve this indicator, it was explained that one application, Land North of the Academy in Littlehampton had been with the council a long time due to ongoing work with S106 agreements for affordable housing. The Group Head of Planning explained that any application that was received by the council with a s106 agreement attached to it, would not be completed within the 13-week timeframe due to the level of work involved with these specifically. A further question was raised regarding why the target was showing as significantly worse in quarter 2 and would considering a change to the process for applications with s106's attached help improve this. It was confirmed that the second appendix to the report, detailed 'rolling' figures and that these needed to be considered over a 6-month timeframe to truly see if there were trends due to specific variations. In addressing the process change suggested it was stated that there had been a number of applications that had been deferred previously and more recently in order to wait for s106 agreement to be received and reviewed prior to any determination being made. However, the last thing that anyone wants as an outcome would be abortive work being completed, if officers spent months working on the s106 agreement and the application was then refused, the work and time put into this has been wasted.

The recommendations were proposed by Councillor McDougall and seconded by Councillor Wallsgrove.

The Committee

RESOLVED

2.1. that the Committee notes the contents of this report and provides any questions or comments on the indicators relevant to this Committee to the Policy and Finance Committee on 8 February 2024.

(The meeting concluded at 4.45 pm)

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Report following a request for further information, negotiations or consultation

REF NO: P/139/22/RES

LOCATION: Church Barton House
Horns Lane
Pagham

PROPOSAL: Approval of reserved matters following P/25/17/OUT for the provision of 65 dwellings, access roads, landscaping, open space and associated works. This application affects a Public Right of Way.

This application was presented to the Planning Committee on 13 December 2023, and members agreed to defer the application at request from the Group Head of Planning during the meeting. This was due to the fact that the proposed access relies on a connection to the internal estate road provided on an adjacent application site (P/153/21/RES, Summer Lane) which was deferred during the Planning Committee meeting.

Members briefly debated this application and deemed that the overall height of the development was the primary concern. Dwelling heights are referenced and assessed within the officers report, however, for reference all dwelling ridges are between 5.3m to 8.3m. Lower height buildings, particularly bungalows, are located towards the boundary of the development in order to provide a transition with the countryside.

Since the application was presented to committee, the NPPF September 2023 has now been revised to NPPF December 2023, and therefore some paragraph numbers within the officer report have changed. Where reference is made to the NPPF as a whole or as a particular paragraph, the relevant wording is unchanged or does not impact upon the recommendation by officers.

REPORT UPDATE

Application No: P/139/22/RES

Reason for the Update / Changes

The applicant provided amended plans to address comments from Ecology regarding the lack of SUDs planting details, amendments to the consistency of the boundary treatments. A number of house type plans were also amended to ensure that habitable rooms windows were relocated to avoid overlooking.

1. UPDATED CONSULTATION RESPONSES:

Natural England: No objection. Advised that they concur with the conclusions of the Appropriate Assessment undertaken by the Council.

Ecology: No objection. Advised that the plant species for the wetland areas has been provided and is acceptable.

Greenspace: No objection. Advised the soft landscaping details are acceptable, however further minor amendments required of the play provision. Advised that all play details will be reviewed as part of the obligations secured as part of the Section 106 agreement obligations.

2. UPDATED REPRESENTATIONS:

Two further objections have been received, however no new materials considerations have been raised.

3. CONDITION UPDATE:

Condition 1 has been updated to reflect the amended plans. Condition 4 has been updated to reflect a new revision number for the Access Plan. The new Access Plan Rev C now refers to the most up to date layout proposed for the adjacent Summer Lane site.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

PLANNING APPLICATION REPORT

REF NO: P/139/22/RES

LOCATION: Church Barton House
Horns Lane
Pagham
PO21 4NZ

PROPOSAL: Approval of reserved matters following P/25/17/OUT for the provision of 65 dwellings, access roads, landscaping, open space and associated works. This application affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This application is for reserved matters relating to (a) Access; (b) Layout; (c) Scale; (d) Appearance; and (e) Landscaping, for 65 dwellings.</p> <p>The outline permission (reference P/25/17/OUT) established the principle of residential development, and the construction of up to 65 No. dwellings.</p>
SITE AREA	Approximately 4.15 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 15.66 dwellings per hectare (dph) taking the entire site. However, using just the developable area (2.8 hectares) the density would be 23.25dph.
TOPOGRAPHY	The site is predominantly flat.
TREES	There are a number of trees on the site and immediately surrounding the site. A large shelterbelt of trees are present to the north-western corner of the site, and a linear group sit within the northern part of the site. There are individual trees scattered around the existing drainage ditch.
BOUNDARY TREATMENT	<p>Parts of the northern, western and eastern boundaries of the site feature mature shelterbelt tree lines of poplars. Wooden electricity pylons run alongside the southern boundary and one crosses the application site north to south.</p> <p>The site has a number of prominent tall trees which are visible in long distance views, and several groups of tall trees which are located outside of the application boundary.</p>
SITE CHARACTERISTICS	The application site measures approximately 4.15 hectares and is currently used as an outlying paddock associated with Church Barton House. The site is bounded to the west and south by Horns Lane with Summer Lane situated to the north.
CHARACTER OF LOCALITY	<p>The character of the locality is predominantly semi-rural, with open countryside to the west of the site. Existing residential development is present along Pagham Road to the east. To the northeast there is relatively newly constructed residential development (under P/58/15/OUT) which is somewhat visible form the site. To the south there is existing built development, which is separated by fields from the site and appreciable in views from the site.</p> <p>Development around the site consists primarily of sporadic farm buildings which are accessed by tracks, and public footpaths which connects the rural landscape to the edge of the built-up settlement of Pagham.</p> <p>Pagham Rife is located to the west of the application site and connects to the Pagham Harbour to the south.</p> <p>There are a number of listed buildings in the wider locality. The closest, 600m to the south of the application site are The Parish Church of St Thomas a Becket, Millstone Cottage and</p>

The Old Cottage. The tower of The Parish Church of St Thomas a Becket is visible from within the application site.

RELEVANT SITE HISTORY

P/25/17/OUT	Outline application with all matters reserved - Erection of up to 65 No. dwellings, access roads, landscaping, open space & associated works.	App Cond with S106 05-09-19
P/81/22/DOC	Approval of details reserved by condition imposed under ref P/25/17/OUT relating to Condition No 6 - Design Code Masterplan.	DOC Approved 04-08-22

Noted.

REPRESENTATIONS

Pagham Parish Council - Objection on the following grounds

- Lack of access.
- Concerns around drainage.
- Master planning in relation to infrastructure with adjacent sites.
- Lack of clarity and consultation with Pagham and Aldwick Advisory Group.

A total of 35 public objections were received. Material considerations are summarised as follows:

- No access plans included within application.
- Access through Horns Lane, and then Summer Lane are unsuitable.
- PROW would be compromised.
- Propose provision for safe pedestrian and cycling travel.
- Design of dwellings lack rural aesthetic.
- Density is too high and is considered over development.
- Light, noise and vehicle pollution.
- No emergency vehicular access between the two proposed development parcels.
- Insufficient parking and no provision for larger vehicles.
- Increased footfall/dogs will be cause problems to the Pagham Harbour.
- Design of properties lack rural aesthetic.
- Density is too high.

Many objections raised points which are not a material to this planning decision, as either they are not material reasons or they were considered as part of the outline permission and do not form part of the Reserved Matters remit and scope. The points raised were as follows:

- Concern that the sewerage plans are not credible (potential for sewerage tankering until infrastructure is upgraded).
- Highways cannot cope with the additional vehicles.
- Congestion from additional vehicles.
- Insufficient supporting infrastructure.

- Over development.
- No surface water drainage.
- Insufficient services such as GP surgeries, dentists.
- Lack of capacity within the schools (infant, primary and secondary).
- Loss of habitats and impacts to wildlife.
- Mitigation fields for Brent Geese needed.
- Access has not been agreed by adjacent developer to allow access through Summer Lane.
- Propose provision for safe pedestrian and cycling travel.
- Results in additional flooding.
- Flood Risk Assessment is inadequate.
- Land is not suitable for housing or any drainage due to London clay cap.
- Loss of land for Pagham Ponies.
- Pagham unable to absorb further housing.
- Outside Built Up Area Boundary.
- Loss of agricultural land - proper assessment of the loss and impact is needed.
- The site is too close to the Nature Reserve.

COMMENTS ON REPRESENTATIONS RECEIVED:

The representations are noted in full and are considered within the report where relevant.

It is noted that the Parish do not feel that there has been any consultation. However, the Council did not receive any prior engagement or pre-application to provide information on prior to the submission. As a result, the Parish were consulted on the planning application, and it the applicants presented their scheme to members of the Pagham and Aldwick Advisory Group on 13 December 2022. A further Advisory Group on 19 September 2023 was held and a further update was provided on the applications status.

Highways impacts, foul water, surface water, flooding, loss of agricultural land have all been addressed as part of the outline permission, and conditions have been imposed where relevant.

Additionally, financial contributions have already been secured via Section 106 agreement which include Education, Healthcare, Highways, Footpath, Fire and Rescue, Library, Sustainable Transport, Sports pitches, Swimming Pool and more. Therefore, comments in relation to infrastructure have been addressed within the outline application.

With reference to emergency access, no comments have been raised in relation to safety of the internal roads.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Sussex Police - No objection, advice received.

National Highways - No objection - satisfied that the proposals will not materially affect the safety, reliability and/or operation of the strategic road network.

Environmental Health - No objection subject to securing details for EV charging.

Conservation Officer - No objection with the harm of the proposals on nearby designated heritage assets

identified as less than substantial.

WSCC Lead Local Flood Authority - No objection and no comments.

WSCC Highways - Further information required and are summarised below:

- Highlighted concern with footpaths only being provided on one side of road.
- Shared surfaces could be considered and materials for all will be needed.
- Confirmed that access within the site for service vehicles (fire fighting, refuse) was acceptable.
- The footpath between the two development parcels should be widened.

The site appears to be reliant on access from phases of the adjacent development to the north and east. In the absence of suitable connections for users of the development to and through the adjacent site to serve the development, the occupation of the development under this planning proposal would need to be delayed until suitable access is demonstrated.

WSCC Fire and Rescue - No objection but requested condition to ensure that dwellings are within 150m of a fire hydrant.

Archaeology - Condition 25 imposed on the outline permission will secure a written scheme of investigation and no further comments are made.

Greenspace Officer - No objection subject to securing further detail on the LEAP, LAP provision through the S106 process. Advised the Soft Landscaping plans are now acceptable. Better provision of accessible equipment is supported. The quantum of play space is now policy compliant and acceptable. Still raised concerns regarding open bins, equipment age range and missing details. However, satisfied that this detail can be secured at the Section 106 stage.

Soft landscaping proposals were considered generally acceptable, however, no updated planting plans have been submitted with the amended application.

Drainage Engineers - Holding objection due to insufficient evidence that the design would be able to accommodate a policy compliant design.

Tree Officer - Objection based on lack of arboricultural information and detail, and therefore insufficient information to inform decision making process in relation to trees. Trees within/adjacent to the application site boundary would qualify for a tree protection order due to their prominence within the wider landscape.

Ecology - No Objection as the planting plans are acceptable and provide wildlife friendly species. Further details of SUDs planting are required, along with minor recommendations to species for internal formal hedge planting. The Biodiversity Net Gain calculations are acceptable.

Natural England - Required a costed management plan at the RM stage. Have been consulted on the Appropriate Assessment and their response is awaited.

NHS - Comments received regarding financial requirements.

COMMENTS ON CONSULTATION RESPONSES:

In response to Natural England's comments regarding a Costed Management Plan, this was secured within the S106 and will be provided prior to commencement and therefore not relevant to this

application. Furthermore, a financial contribution to SAMM mitigation has been secured under the S106 agreement. Natural England have not yet responded to the request to review the Appropriate Assessment, however subject to no objection being raised to the Councils Appropriate Assessment the proposals would be acceptable.

WSSC Fire and Rescue requested a condition relating to fire hydrants, however this falls within the remit of Building Regulations and therefore is not considered necessary.

Drainage conditions were imposed on the outline permission and are not considered as part of the reserved matters. It is noted that if the drainage conditions are unable to be discharged due to the layout, a new reserved matters application will be required.

Environmental Health requested conditions for contamination and EV charging, however this has already been secured as a condition under the outline permission.

Financial contributions for the NHS were secured as a S106 obligation under the outline application.

POLICY CONTEXT

The development is located within the Arun Local Plan Strategic Housing Allocation SD1: Pagham South.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
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NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan. On 25th February 2021 Arun District Council received an instruction from Pagham Parish Council to withdraw the Pagham Neighbourhood Plan, and therefore there is no relevant Neighbourhood Plan.

The development is located within the Arun Local Plan Strategic Housing Allocation SD1: Pagham South.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that (2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**INTRODUCTION**

Following submission concerns were raised by the Local Planning Authority and the scheme was amended. Further amendments to the scheme in relation to the landscaping details and play area provision. Amendments were also made to the layout of the car parking, depths of properties and elevational treatments.

The application was originally presented to Pagham and Aldwick Advisory Group on 13 December 2022. Comments received were largely based around access requirements and the need for the application to be joined-up with the adjacent Summer Lane development. Some members commented their support for

dwellings to be lower in height to respect the wider countryside. A further update was provided by the Council to the Pagham and Aldwick Advisory Group on 19 September 2023 and no substantive feedback or comments were provided.

PRINCIPLE OF DEVELOPMENT

The site forms part of a Strategic Housing Allocation under policy SD1 of the Arun Local Plan. The site forms part of the Pagham South Strategic Allocation under Policy H SP2a of the Arun Local Plan (ALP). The site benefits from outline planning permission (reference P/25/17/OUT), granted 5 September 2019, which established the principle of residential development on the site.

The following conditions were imposed on the outline permission which allows for various matters to be resolved prior to commencement and/or occupation of the development:

- Condition 2 - Employment and Skills Plan
- Condition 5 - Materials
- Condition 9 - Tree Protection Plan and Arboricultural Method Statement
- Condition 10, 11, 12, 13 - Foul and Surface Water Drainage
- Condition 15 - Ecological Management and Mitigation Plan and Ecological Schedule of Works
- Condition 16 - External Lighting
- Condition 17 - Construction and Environment Management Plan (CEMP)
- Condition 22 - Renewable Energy provision to 10%
- Condition 24 - Travel Plan
- Condition 25 - Archaeology
- Condition 26 - Electric Vehicle (EV) Charging

This application relates only to the matters reserved, which are access, layout, landscaping, scale and appearance.

DESIGN AND LAYOUT

Arun Local Plan (ALP) policies D DM1 and D SP1 are relevant in respect of design and character. The National Design Guide (NDG) is also material consideration in the determination of this application, as well as the Arun Design Guide (ADG).

Condition (6) imposed on the outline permission required that a Design Code Masterplan setting out key high level design principles for the site be approved prior to the submission of the Reserved Matters application. The Design Code in relation to the site was approved under reference P/81/22/DOC and the proposed development as amended is in full accordance with the Design Code.

The principle of the layout with the development divided into two parcels with a green space running through the middle was shown indicatively at outline stage under the Masterplan and reflects the design principle of the remainder of the SD1 allocation to the east as well as the principles established through the Design Code.

The proposed layout has dwellings facing outwards to address the countryside adjacent to the site as well as the neighbouring Summer Lane site. A number of dwellings have been designed to positively address corners and provide natural surveillance to the open spaces. The proposals identify the materials distribution within the scheme with flint being present on key "feature buildings" in accordance with the details agreed through the Design Code (Rev C, Page 35) which secures a coherent and strengthened sense of place and character.

The development has adopted a mixed scale with the lowest buildings situated on the edge of the development adjacent to the countryside. This approach is supported by the Arun Design Guide. The development incorporates bungalows as well as 1.5 storey dwellings in order to provide a transition in scale between countryside, lower built form, and two storey development within the remainder of the development.

Dwellings along Pagham Road are fairly consistent in height and are identified as being between approximately 6.5m - 8m in height. The height of the proposed dwellings ranges from 5.3m to 8.3m and this is considered an appropriate response to the established character of the locality. Therefore, the scale of the proposed development is acceptable and is a positive response to the sites location.

The proposals incorporate a range of elevational treatments for the dwellings showing render, brick quoining as well as flint and brick detailing to add interest. The use of flint and brick detailing is characteristic of the wider locality of Pagham and given the smaller number of dwellings proposed on the site is considered an appropriate response.

The roofs are of an appropriate scale for the dwelling sizes, and do not appear overly dominant for the dwellings. Dropped eaves and dormers are used within the scheme to add interest and complement the existing character of Pagham Road. Overall, the dwelling designs incorporate positive design cues which are influenced by the existing character of Pagham.

Materials are conditioned under the outline approval and details of the specific materials to be used in construction will need to be formally approved prior to the commencement of development. The design principles in the approved Design Code identified the following broad principles for materials:

- Brown/red roof tiles
- Rustic coloured brickwork (red/brown)
- Tile hanging/ flint/ quoining/chimney's/render

Officers raised concerns regarding the inclusion of grey roofs, buff bricks, and weatherboarding, which deviate from the approved Design Code, and as a result these have been removed from the proposal.

The proposed palette of materials offers two types of roof materials (red and brown), two brick types (red multi, and Red/Brown Multi), along with render and flint. Tile hanging has not been included within the proposed scheme, however the materials are substantially in accordance with the approved Design Code.

Proposed internal boundary treatments consist of a mixture of hedgerows, close boarded fencing, brick pier fencing and low level brick walls. Details of the hard landscape boundary treatments are acceptable. A condition has been imposed securing the details of the boundary treatments and ensure their delivery.

During the application officers raised a number of concerns with the parking arrangements, such as the prominence of parked cars within the development and the inclusion of a parking court which benefitted from little overlooking, minimal functional relationship to dwellings and was generally a suburban solution not suited to the sites location.

The applicants sought to overcome these issues with the parking court by rearranging the layout which resulted in better overlooking from nearby dwellings and the street. The position of dwellings were also amended to better utilise buildings as screening for parked cars within the development. Additional landscaping and the use of low-level boundary walls provide some enclosure which in combination with other design matters result in an appropriate car parking layout.

In light of the above the proposed development in terms of layout and design is considered to be a positive response to the character of the wider locality and would positively respond to the edge of settlement character of the site in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

ALP policy D DM1 and policy QE SP1 requires development to contribute positively to the quality of the environment and protect residential amenity for both occupiers and neighbours. The Arun Design Guide aims to provide further guidance on how to protect privacy and amenity.

There are a couple of gardens which are marginally below the recommended 10.5m minimum garden depth. In these cases the gardens are larger corner plots with ample garden space to achieve a high standard of amenity for future occupiers. In these cases neighbouring properties do not feature any windows on the side elevations and are one storey in height and as such do not give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts.

The layout accords with the minimum Back-to-Back distance described in the Arun Design Guide. However, there are a small number of instances where there are minor deviations from the recommended distances, specifically, back/front-to-side distances which should be 14m; and front-to-front distances between habitable rooms which should be 16m.

However, in these instances windows are either omitted from the relevant elevations or are obscurely glazed. In addition, most back/front-to-side deviations occur between bungalows, resulting in no possible overlooking from second storey windows.

The Arun Design Guide is just guidance and is not a set of limitations on what is and is not acceptable. These matters must be considered on their own merits and the level of harm if any that would result. In this case whilst there are a small number of deviations from the recommended distances there would be no adverse harm to the privacy and amenity of occupants and as such the development would accord with D DM1 and QE SP1 of the ALP.

VEHICLE AND CYCLE PARKING

Arun District Council Parking Standards Supplementary Planning Document (SPD) requires development within this location, Zone 2, to provide for 2 allocated parking spaces for all 1, 2 and 3 bedroom dwellings and 3 allocated parking spaces for every 4 bedroom dwelling. In addition, visitor parking provision should be 20% of the total number of units (specifically 13).

The quantum of allocated parking proposed is 137 allocated parking spaces, which meets the allocated parking provision required by the SPD. 14 visitor parking spaces are proposed, and this would result in an overprovision of 1 visitor parking space, which would be acceptable.

In relation to parking dimensions, all standard parking dimensions are proposed to be 2.5m x 5m, as per the ADC Design Guide (pg. 77). Disabled and Accessible homes also meet the required dimensions.

The Arun Parking SPD identifies that 5% of all parking spaces should cater for disabled provision. This would equate to 7.55 spaces for this development. The proposed layout include 14 allocated on plot disabled parking spaces to serve the M4(2) or M4(3) compliant dwellings and this overall provision is acceptable.

The ADC Design Guide part I.01 recommends that parking solutions should be varied, and sensitively located to minimise their presence within the street scene. Parking should also avoid being placed to the

front of dwellings at the detriment of front gardens and overbearing dwelling frontages. As the site is located adjacent to the open countryside, there is also a need to ensure that cars are hidden within views of the new settlement edge.

Parking is generally proposed on plot, typically to the sides of dwellings, which is an acceptable approach which reduces the impact of cars upon the streetscene. The proposals use building lines, soft and hard landscaping to further screen cars from views and is therefore supported.

No details of cycle parking have been provided within the submission but it is anticipated that cycle parking would be provided within gardens. There is adequate rear garden access to all plots and so this approach would be considered acceptable and could be satisfactorily conditioned to ensure that cycle parking is provided for each of the dwellings.

Therefore, the proposal deliver satisfactory levels of car and cycle parking which are appropriately located. Car parking provision accords with Policy T SP1 of the Arun Local Plan, Arun Parking Standards SPD and the Arun Design Guide.

HERITAGE

The principle of development has been established through outline planning permission, P/25/17/OUT, through which heritage impacts were assessed in accordance with the NPPF, Arun Local Plan, and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. At outline stage, impacts on heritage were found to be less than substantial in accordance with the NPPF.

Paragraph 194 of the NPPF requires the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The Local Planning Authority (LPA) should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development which may affect the setting of a heritage asset), taking into account any available evidence and necessary expertise in line with Paragraph 195 of the NPPF.

Paragraph 197 of the NPPF states that in the determination of planning applications the LPA should take account of the desirability of sustaining and enhancing the significance of a heritage asset; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed buildings or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

There are no designated, or non-designated built heritage assets within the boundary of the site. However, a Scheduled Ancient Monument (located approximately 650m to the south of the site boundary), Non-Designated Heritage Assets (both approximately over 420m from the site) and Listed Buildings (the closest, White Rock, is located approximately 400m from the site) are found in the wider locality.

A Heritage Assessment Addendum was submitted alongside the reserved matters application to ensure the layout and proposed built form align with the conclusions made at outline stage. The Conservation Officer has confirmed that there is no harm to the overall significance of most Listed Buildings due to the separation distances between the application site and the heritage assets. However, there are some

minor setting impacts upon Listed Buildings, specifically the Parish Church of St Thomas a Becket, Millstone Cottage and The Old Cottage.

Approximately 600m to the south of the application site is St Thomas a Becket, a Grade I listed medieval church which was restored in 1837. The tower is a landmark visible in long distance views. Immediately adjacent to the church is Old Cottage, an 18th Century thatched cottage which together with the church forms a picturesque grouping. Millstone Cottage is located to the west of the churchyard and there are limited views from the application site.

The Conservation Officer confirms that Millstone Cottage and The Old Cottage, both located approximately 600m south of the development are of architectural and historic significance. The development forms part of the wider rural setting, but intervening vegetation results in the inability to fully appreciate the buildings architectural interest. The planting to the south of the site is important in helping to reduce the visual impact of the development on their setting. The level of harm identified is therefore minor and would cause less than substantial harm in accordance with the NPPF.

The fields to the north of the Parish Church of St Thomas a Becket contribute towards the understanding and appreciation of the rural origin of the church and historic core of the village. However, the application site forms part of the wider rural setting, and makes limited contribution to the historic and architectural interest of the listed building, but would not impact on the immediate setting of the church.

Limited views are possible from within the site whilst some views are possible from Footpath 101 which runs adjacent to the development site. As a result of development, there would be a loss of some views of the church and a reduction in the wider rural setting. Therefore, the level of harm identified would be less than substantial in accordance with Paragraph 202 of the NPPF (2023).

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal. The outline permission weighed the substantial contribution to the housing land supply of Arun District and deemed the development would outweigh the less than substantial harm identified to the setting and significance of the nearby designated heritage assets. The Conservation Officer confirms that there is no change in harm over and above what has been considered and approved at outline permission stage.

Therefore, the application continues to be in accordance with paragraph 202 of the NPPF the proposal is deemed to be acceptable and would accord with policies HER SP1, HER DM1 and HER DM4 of the Arun Local Plan.

HIGHWAYS AND ACCESS

This application seeks to approve the reserved matter of access. In order to agree details of access, the applicant is required to provide details on how a vehicular link will be provided between the development and an existing highway. An indicative access plan has been provided showing the two proposed accesses for each development parcel on the eastern boundary which will link into the internal road network on the adjacent site.

Policy H SP2a Greater Bognor Regis Urban Area states that this development consists of a number of parcels of land, and therefore "it is imperative that individual areas are aligned with neighbouring parcels of land."

WSCC Highways had no objection to the access arrangements into the site, but did identify the need for the adjacent Summer Lane development to come forward in advance of first occupation in order to

secure safe and appropriate access to the development. Therefore, a condition will be imposed to ensure that the timing of first occupation aligns with access being available and fully operational. WSCC have also confirmed that the layout provides adequate space for emergency and refuse vehicles.

Subject to the approval of P/153/22/RES, the proposed access arrangements would be acceptable and would accord with Policies H SP2a and T SP1 of the Arun Local Plan.

ACCESSIBLE DWELLINGS

Arun District Council have published the Accommodation for Older People and People With Disabilities guidance document to assist in the interpretation of Policies D DM1 and D DM2. This document is not an SPD, however it does form a material consideration to ensure that housing in Arun addresses the needs of a wider range of the population. The guide suggests that development should provide 50% of units designed to M4(2) standard, whilst a development of this size would be required to contribute 4 M4(3) standard dwellings.

The accommodation schedule indicates 10no. 2-bed dwellings would be built to M4(2) standard and 13no.1&2-bed dwellings are proposed to be built to M4(3) standard. The quantum of units proposed would exceed the minimum requirements identified through guidance and as such is acceptable.

As identified above the parking dimensions for the M4(2) and M4(3) dwellings on site are all in line with policy and guidance and as such are acceptable. Most of the parking is on plot, and the distance between the front door and parking space meets the recommendations of the Arun District Design Guide and is therefore acceptable.

The provision of M4(2) standard dwellings and M4(3) standard dwellings is therefore acceptable and would accord with Policy D DM1 and D DM2 of the Arun Local Plan.

HOUSING MIX AND AFFORDABLE HOUSING

Policy H DM1 (Housing Mix) of the ALP requires developments to seek a mix of dwelling types and sizes in general accordance with the latest Strategic Housing Market Assessment (SHMA).

The proposal seeks to provide the following housing mix:

- 1 Bedroom: 7 units (11%)
- 2 Bedroom: 21 units (32%)
- 3 Bedroom: 30 units (46%)
- 4 Bedroom: 7 units (11%)

The proposed mix results in an overprovision of 3 bed dwellings, and subsequently an under provision of both 1 and 2 bed dwellings. The site has various constraints, including its sensitive rural setting which results in the need to deliver a looser grain of development in order to achieve an appropriate transition from the built up area to the countryside. In addition to this, the applicant is delivering a larger number of dwellings to meet the needs of older people and those with disabilities, which are typically bungalows. Whilst policy would seek to secure a higher provision for 1 and 2 beds properties, given the sites specific constraints the overall mix is acceptable.

The mix of affordable dwellings proposed is: 15 Affordable rented (2 x 1 bed; 10 x 2-bed; 3 x 3 bed); and 5 Shared Ownership (3 x 2-bed; 2 x 3-bed).

There is an overprovision of 2 bed affordable intermediate units, and an under provision of 1 bed affordable intermediate units, however given the small number of shared ownership units required (5),

this is considered acceptable. Likewise, there is an overprovision of 2 bed affordable rented units, and an under provision of 1 bed affordable rented units.

However, 5 affordable rented units would be bungalows designed to M4(3) standard, making them accessible for people with disabilities, and therefore addresses identified demand for older people and people with disabilities. The overall split (75:25) of affordable rented and shared ownership tenures aligns with the S106 agreement as well as policy AH SP2 of the Arun Local Plan.

The proposed locations of the affordable units (rented and shared ownership) are distributed appropriately throughout the site as small clusters avoiding any overconcentration of affordable units.

The S106 requires an Affordable Housing Scheme to be submitted for approval which will secure details of the affordable housing in perpetuity. However, the details as provided in support of this application are acceptable and as such the affordable housing proposals would accord with Policy AH SP2 of the ALP.

SOFT LANDSCAPING

The NPPF and Arun Local Plan (ALP) policies D DM1, ENV DM5 and LAN DM1, the Arun Design Guide, and the National Design Guide requires developments to consider landscaping, to ensure a high-quality scheme is achieved using soft and hard landscaping which reflects the established character of the local area. The NPPF emphasises that trees make an important contribution to the character and quality of their environment.

The Arun Landscape Capacity of Strategic Sites in Arun District (2017, HDA), advises of improvements that would be encouraged in any proposals on the allocation site:

- 4.1 With limited vegetative boundary structure across the site a comprehensive strategy of planting along historic boundary alignments, including hedgerows, trees and grass margins, should be developed to recreate a network of green links across any developed areas.

- 4.2 The current filtered settlement edge would need to be recreated along the interface between any new development and the rural landscape to the west, to limit views of built form from the rural landscape beyond, including from public footpaths within the adjacent rife and harbour landscapes. However, a new landscape structure would take significant time to establish and would need to be mature enough to offer significant screening to views.

Individual planting plans have been provided to supplement the Landscaping General Arrangement Plan (DD585L01 Rev F) which provides suitable detail and is confirmed as acceptable by the Council's Greenspace Officer.

Formal tree lined streets as per NPPF requirements are a very suburban response and are not considered an appropriate response to the edge of settlement character of the site. Instead, proposed trees are provided on irregular pockets of open space throughout the site. Appropriate soft landscaping, including trees, shrubs and dense hedgerows along the boundaries are also proposed within the Public Open Space. The strong boundary planting will ensure that the site is sufficiently screened and the planting within the site is characteristic of the wider setting.

The issues raised by the Council's Ecologist in relation to missing wetland planting details and internal formal hedgerow mix have been passed through to the applicant who intends to provide updated plans in response to these issues. Therefore, once these amendments have been received they will be presented to Members as part of a report update

The soft landscaping proposals provide some screening in wider views and within the streetscene.

Therefore, subject to confirmation of the wetland planting details and formal hedgerow mix the proposals are in accordance with Policy D DM1 and LAN DM1 of the ALP.

BIODIVERSITY AND PROTECTED SPECIES

Mandatory Biodiversity Net Gain (BNG) of 10% under the Environment Act has not become been enacted yet, and therefore the policy most relevant is ENV DM5 of the Arun Local Plan.

This policy stipulates a requirement for development to deliver a Biodiversity Net Gain and that proposals should seek to protect habitats on site. The NPPF 2023 states that development should contribute to and enhance the natural and local environment by minimising impacts and providing measurable net gains for biodiversity (Paragraph 174, d). NPPF Paragraph 180 states that "d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."

A Biodiversity Metric has been provided and updated based upon the latest soft landscaping proposals which show a Net Gain for Biodiversity both for habitats (1.89%) and hedgerows (170%).

The planting plan (Landscape General Arrangement Plan Rev F) shows many trees located within private front gardens, and it has been confirmed that these have been excluded for the purposes of BNG calculations. A condition was imposed on the outline to ensure that any trees or plants that fail to establish or die within 5 years must be replaced, and a management plan for their upkeep secured within the Section 106 agreement. Therefore, the proposals would result in a biodiversity net gain in accordance with policy ENV DM5.

The Ecology Officer confirms that a Phase 2 Bat survey has been carried out which is acceptable. A bat roost is present within the existing dwelling and therefore a European Protected Species Mitigation Licence for bats will be required from Natural England.

In addition, the time since the outline application the grassland has become less vigorously managed, for which a precautionary reptile capture is recommended (EcoSupport, 14th July 2022). However, Condition 15 imposed on the outline approval (P/25/17/OUT) requires the submission of an Ecological Management and Mitigation Strategy prior to commencement or any preparatory works. Therefore, the condition will ensure that the LPA will be able to secure details of a precautionary capture process for reptiles.

The Ecology Officer also raised the need for a biodiversity enhancement plan, however this was secured via condition imposed on the outline permission (P/25/17/OUT).

Subject to conditions, the Local Planning Authority would ensure the protection and mitigation of protected species under its duties of the Conservation of Habitats and Species 2017 (as amended), the Wildlife & Countryside Act 1981 as amended, and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats and species).

In addition, the development secures adequate Biodiversity Net Gain (BNG) and accords with policy ENV DM 5 of the Arun Local Plan, Chapter 15 of the NPPF, National Design Guide, and Part E.03 of the Arun District Design Guide.

TREES AND HEDGROWS

The relevant policy consideration in relation to trees is policy ENV DM4 of the ALP which seeks to prevent the loss of trees which contribute to amenity.

The Landscape General Arrangement Plan (Rev F) indicates where trees and hedges are proposed to be removed. Alongside the outline application document Tree Constraints Plan, the following are shown to be removed:

- Approximately 35 individual trees (mainly category C);
- Category C hedgerow to the northern part of the site; and
- A group of Grey Poplars Category B trees (number of individual trees unknown - but approximately 27 trunk points shown).

The Council's Tree Officer states that while the design is largely acceptable in terms of removal of internal trees to accommodate the proposals, the linear group of poplar trees TL03 should be retained. No current TPO exists for the site or any trees within or adjacent to the site. The outline permission established the principle of development within the site and no fundamental objections were received regarding the indicative plans which would have resulted in the loss of this group of trees (TL03). The proposed layout accords with the approved Design Code which was based upon the indicative masterplan (Masterplan - FS06 - Rev. C - January 2017) considered by the Council through the determination of outline application P/25/17/OUT.

The Council's Tree Officer recommended that the existing hedgerow on the northern boundary of the site is retained. However, the layout as proposed results in its loss. In order to mitigate this removal, the proposed planting scheme will secure a triple staggered native hedgerow that extends around the site providing a joined up habitat and as such is judged to be a suitable replacement.

The Tree Officer has also noted the lack of specific plans relating to trees, such as an Arboricultural Method Statement and Tree Protection Plan. However, these are required to be provided and approved by the Local Planning Authority prior to the commencement of development as part of tree condition imposed on the outline permission.

Policy ENV DM4 of the Arun Local Plan identifies that development should seek to replace trees where they are required to be removed. The application proposes the planting of 121 no. new trees on the site, which is marginally less than two trees for every one tree to be removed. The trees are a mixture of sizes but include extra heavy standards throughout the site. Once matured these trees will make a meaningful contribution to the site in terms of amenity, biodiversity and carbon storage.

Therefore, the proposed loss of trees would be adequately mitigated and would be in general accordance with ENV DM4 of the ALP.

HRA / PAGHAM HARBOUR AND PEDESTRIAN LINKS

Policy ENV DM2 of the Arun Local Plan (ALP) requires that development within Zone B of the Pagham Harbour (part b, ii) creates easily accessible new green spaces for recreation within or adjacent to the development site to accommodate the predicted increases in demand for local walking, including dog walking. In addition to providing recreational walking routes for occupiers and dog walkers for the benefit of the Pagham Harbour, layouts should also encourage walking and cycling both to and from the development and within it, to support healthy lifestyles and sustainable travel in accordance with paragraph 92 of the NPPF and policies HWB SP1 and T DM1 of the ALP.

The Council considered that the applicant's avoidance and mitigation strategy (Habitats Regulations Appropriate Assessment, By Lizard LLD1531-ECO-REP-001 Rev 00) within the outline permission was

robust and met the tests of the Appropriate Assessment and Natural England agreed with this assessment and the mitigation measures identified and secured at outline stage.

The applicants HRA provided a mitigation / avoidance strategy which comprised four key elements. It stated:

"Firstly; on site provision for recreation activities including dog walking; secondly; a package of measures aimed at alleviating existing and future pressures from visitor numbers on the SPA / RAMSAR site itself. Thirdly; the site boundaries of the development area would be strengthened with extensive new planting and stock fencing in order to buffer the retained farmland to the west potentially used by Dark-bellied Brent Geese from built form and movement of vehicles and people / dogs within the development. Fourthly; a bespoke package of measures is proposed which deliver long term mitigation / enhancements for Brent Geese."

A financial contribution has been secured via Section 106 agreement towards the Pagham Harbour Strategic Access, Management and Monitoring (SAMM) which seeks to manage and mitigate visitor pressure within the Harbour.

The development proposes a quantum of POS which would consist of 0.86ha of useable Public Open Space which would exceed the requirement identified within the original Appropriate Assessment and as such this is acceptable.

A self-binding gravel footpath is proposed to connect the two residential parcels, which have pavements aligning most of the highways. There is also a footpath access to the Summer lane development via a footbridge connection to the southeast. A range of circular walks for recreation and dog walking can therefore be achieved within the site as well as through the neighbouring Summer Lane development.

The HRA described the required mitigation planting as dense new tree planting to the site boundaries, significantly bolstering existing tree line and hedgerows along with adequate fencing to act as visual and physical deterrent to the Pagham Harbour. The Landscape General Arrangement Plan Rev F shows the boundaries of the site adjacent to the open countryside are to be planted with triple staggered native hedging. A 1.2m timber post and rail fence with stock proof mesh would be proposed to the southern, western and northern boundaries of the site, connecting to the fencing provided at the adjoining Summer Lane development.

Other detail such as timing of delivery of the fencing and vegetation to ensure that the mitigation has maximum impact during the construction phase will be secured through an appropriately worded condition.

An Appropriate Assessment has been undertaken which concluded that the development would encourage users to remain within the site and restrict dogs having direct access into the harbour and as such would not result in any likely significant adverse impacts on the Pagham Harbour SPA. Natural England have been consulted on the Appropriate Assessment, and subject to confirmation that they have no objection to the conclusion of the assessment, the development would be in accordance with Policy ENV DM2. The proposed layout would also provide sufficient circular routes to encourage healthy lifestyles in accordance with Policy HWB SP1 and T DM1 of the ALP as well as paragraph 92 of the NPPF.

PUBLIC OPEN SPACE (POS) AND PLAY SPACE

The Public Open Space (POS) required for the site is 4,576sqm. Of this, a minimum of 787sqm of play space in the form of 1 Locally Equipped Area for Play (LEAP) and 1 Local Area for Play (LAP) are

required to be delivered.

The proposal provides approximately 787sqm of play space and 8,600sqm of POS, for which the useable meaningful POS provision exceeds the policy requirement and as such the total level of provision is deemed acceptable. Whilst not included within the Open Space quantum, the development would provide for pockets of irregularly shaped public open space within the developed parcels, which have been discounted from the total POS provision but which contribute towards the softening of the built form and parking.

The locations of the play areas provide opportunities for natural surveillance from surrounding dwellings and would be acceptable in principle. The Public Open Space Supplementary Planning Document (SPD) requires that LEAPs provide a 20m minimum buffer between the activity zone and dwelling facades. The proposed LEAP is located approximately 17.90m from the nearest dwelling's facade (plot 60). However, proposed planting within the play area will ensure that the activity zone and equipment is sited than 20m from the dwelling's facade in accordance with the Open Space SPD.

Amendments were made throughout the lifetime of the application, to include more accessible equipment which is positive. The Greenspace Officer still has concerns with some of the proposals, regarding open top bins, undefined play pieces, and equipment target age range. However, the Section 106 Legal Agreement secured for the site includes an obligation to agree play area details with the Council and the Greenspace Officer has confirmed that they are content that it is appropriate to secure this detail through the Section 106 agreement.

Overall, the play provision is sufficient, and would accord with the Arun Open Space SPD and Policy HWB SP1 of the Arun Local Plan (ALP).

DRAINAGE

ADC Drainage Engineers have raised a holding objection to the application, as insufficient information has been provided to demonstrate a policy compliant drainage scheme. Further information was provided by the applicant in response to this point but has not currently been reviewed by the Council's Drainage Engineers.

However, Conditions 10, 11 and 12 imposed on the outline planning permission (P/140/16/OUT) relate to surface water drainage and require details to be submitted for approval prior to the commencement of development. Therefore, as drainage was considered at outline stage and these pre-commencement conditions were imposed there is no requirement to approve drainage details alongside this reserved matters submission.

This application and layout was proposed by the applicant at their own risk and should it not be possible for an appropriate drainage scheme to be accommodated alongside the proposed layout then the applicant will not be able to implement the permission. Given the inclusion of pre-commencement conditions to secure detailed drainage design this reserved matters application can be determined without the full support of Drainage Engineers and as such it is not necessary to demonstrate compliance with policy W DM3 at this time.

CONCLUSIONS

The amendments made to the application have overcome the original concerns raised by the Local Planning Authority and statutory consultees. Following amendment the proposals are now in accordance with relevant development plan policies. In the absence of any material considerations contrary to this it is recommended that the application is approved subject to the below conditions.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in strict accordance with the following approved plans:

- Site Layout (Coloured) PL-2-02 Rev H
- Tenure Layout PL-2-03 Rev F
- Bedrooms Layout PL-2-03
- Building Materials Layout PL-02-05 Rev G
- Boundary Materials Layout PL-02-06 Rev G
- Parking & Bins & Cycle Storage Layout PL-02-07 Rev F
- Landscape General Arrangement Plan DD585L01 Rev G
- Detailed Planting Plan_Sheet 1 of 5 DD585L03 Rev D
- Detailed Planting Plan_Sheet 2 of 5 DD585L04 Rev D
- Detailed Planting Plan_Sheet 3 of 5 DD585L05 Rev D
- Detailed Planting Plan_Sheet 4 of 5 DD585L06 Rev D
- Detailed Planting Plan_Sheet 5 of 5 DD585L07 Rev D
- 1 Bed Bungalow - Type A - Semi (Brick) PL-HT-1A_S-01
- 1 Bed Bungalow - Type B - Detached Plans PL-HT-1B_S-01
- 1 Bed Bungalow - Type B - Detached (Brick) PL-HT-1B_S-02
- 1 Bed Bungalow - Type B - Semi (Brick Quoin & Flint) PL-HT-1B_S-03
- 2 Bed Bungalow - Type A - Detached Plans PL-HT-2A_D-01
- 2 Bed Bungalow - Type A - Detached (Brick Quoin & Flint) PL-HT-2A_D-02

2 Bed Bungalow - Type A - Detached (Brick Detailing) PL-HT-2A_D-03
 2 Bed Bungalow - Type A - Semi Plans PL-HT-2A_S-01
 2 Bed Bungalow - Type A - Semi (Brick Quoin & Flint) PL-HT-2A_S-01
 2 Bed House - Type A - Semi (Brick Quoin & Flint) PL-HT-2B_S-01
 2 Bed House - Type A - Semi (Brick Quoin & Render) PL-HT-2B_S-02
 2 Bed House - Type A - Semi (Brick) PL-HT-2B_S-03
 2 Bed House - Type A - Semi (Brick Detailing) PL-HT-2B_S-04
 2 Bed House - Type A - Terrace (Brick Detailing) PL-HT-2B_S-05
 3 Bed House - Type A - Semi (Brick Quoin & Flint) PL-HT-3A_S-01
 3 Bed House - Type A - Semi (Brick Quoin & Render) PL-HT-3A_S-02
 3 Bed House - Type A - Semi (Brick) PL-HT-3A_S-03
 3 Bed House - Type B (V1) - Detached (Brick Detailing) PL-HT-3B_D-01
 3 Bed House - Type B (V2) - Detached (Brick Detailing) PL-HT-3B_D-02
 3 Bed House - Type B (V3) - Semi (Brick Quoin & Flint) PL-HT-3B_S-01
 3 Bed House - Type B (V3) - Semi (Brick Quoin & Render) PL-HT-3B_S-02
 3 Bed House - Type B (V3) - Semi (Brick Detailing) PL-HT-3B_S-03
 3 Bed House - Type C - Semi (Brick Quoin & Flint) PL-HT-3C_S-01
 3 Bed House - Type C - Semi (Brick) PL-HT-3C_S-02 Rev A
 3 Bed House - Type C - Semi (Brick Detailing) PL-HT-3C_S-03 Rev A
 3 Bed House - Type D - Semi (Brick Detailing) PL-HT-3D_S-01
 4 Bed House - Type A (V1) - Semi (Brick Detailing) PL-HT-4A_S-01 Rev A
 4 Bed House - Type A (V1) - Terrace (Brick Detailing) PL-HT-4A_T-01 Rev A
 4 Bed House - Type A (V2) - Semi (Brick Quoin & Flint) PL-HT-4A_S-02 Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies LAN DM1, D SP1, and D DM1 of the Arun Local Plan.

- 2 Prior to occupation of any dwelling hereby permitted, details of the cycle storage and bin storage shall be submitted to and approved in writing by the Local Planning Authority. No individual dwelling shall be occupied until the bin storage and cycle storage have been provided in accordance with the approved detail for that respective dwelling. The spaces provided shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 3 Prior to the occupation of any dwelling, the footpath and footbridge connection to the adjacent development site (Summer Lane) must be implemented and operational. The footbridge shall be maintained in perpetuity.

Reason: To ensure adequate circular walks and routes in line with the mitigation for the Habitats Regulations Assessment (HRA) Appropriate Assessment (AA) in accordance with Policy ENV DM1 of the Arun Local Plan.

- 4 The development shall not be occupied until the access to the site as per the Access Plan PL-02-09 Rev C has been implemented and is fully operational and gives access to Pagham Road.

Reason: To ensure that occupants have adequate vehicular access to the highway.

- 5 No individual dwelling hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through the water calculator has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with policies ECC SP1 and W DM1 of the Arun Local Plan.

- 6 Prior to the commencement of the development, a Mitigation Landscape Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable of when planting (hedging and trees) and fencing on the northern, western and southern boundaries is to be implemented in relation to the commencement of development and pre-construction activities and details showing the measures to protect and maintain the works during the construction phase. The approved detail will be implemented in full.

Reason: To ensure adequate mitigation planting in order to comply with the approved Habitats Regulations Assessment (HRA) Appropriate Assessment (AA) in accordance with Policy ENV DM1 of the Arun Local Plan.

- 7 Prior to the occupation of any dwelling, details of all signage and Homeowner Information Packs pertaining to the education of the Pagham Harbour site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the locations, appearance and contents of the signage and Information Packs, and shall also be in line with the messaging guidelines of the Pagham Harbour Strategic Access Management and Monitoring Plan. The approved details shall be implemented in full prior to the occupation of any dwelling and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

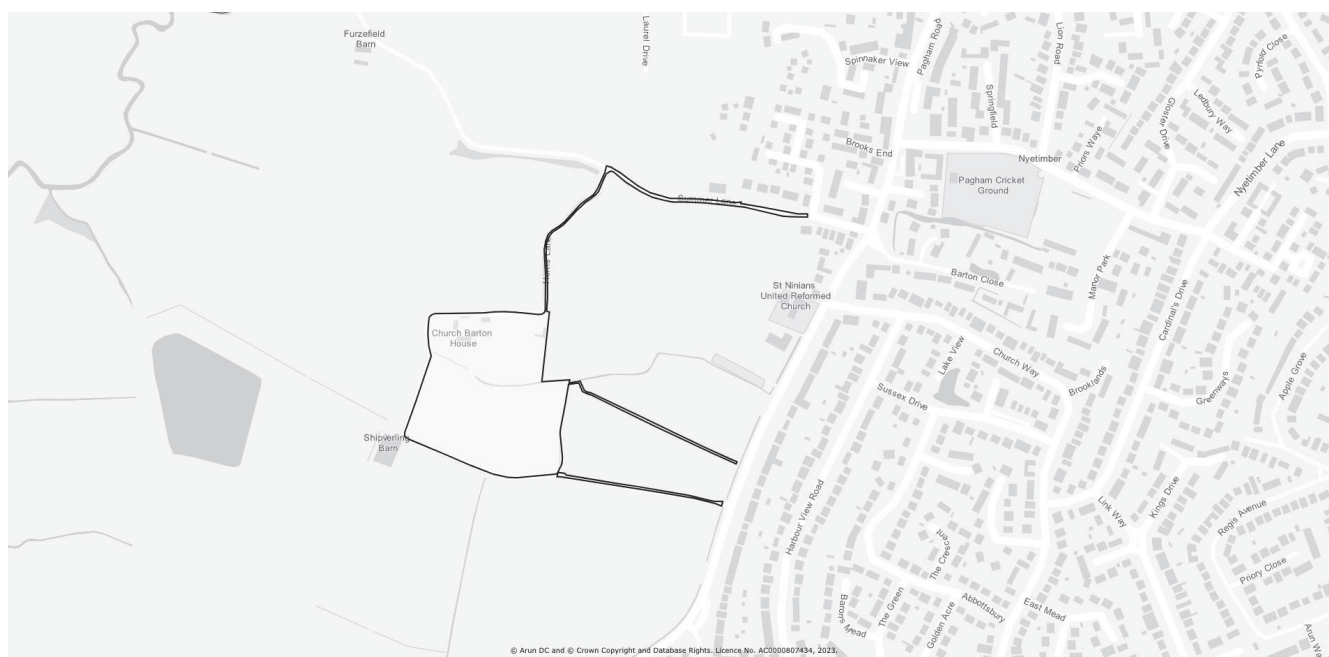
Reason: To ensure adequate mitigation planting in order to comply with the approved Habitats Regulations Assessment (HRA) Appropriate Assessment (AA) in accordance with Policy ENV DM1 and ENV DM2 of the Arun Local Plan.

- 8 INFORMATIVE: Note that the Precautionary Reptile measures specified within the updated Ecology Note, Ecosupport October 2022 shall be included within the submission for Condition 15 of the P/25/17/OUT (relating to an Ecological Management and Mitigation Plan and Schedule of Works).

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

P/139/22/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Report following a request for further information, negotiations or consultation

REF NO:	P/153/21/RES
LOCATION:	Land South of Summer Lane and West of Pagham Road Pagham
PROPOSAL:	Approval of reserved matters (appearance, layout, landscaping and scale) following outline planning Permission P/140/16/OUT for the erection of 350 No. dwellings, together with public open space, play space, drainage, parking and associated infrastructure, landscape, ancillary and site preparation works, with access off Pagham Road. This site may affect a Public Right of Way.

This application was presented to the Planning Committee on 13 December 2023. Members resolved to defer the application in order to secure clarification as to the height of the proposed dwellings and the impact this would have on the setting of St Thomas a Becket Church.

Officers understood that the concerns related to the height of the dwellings and the impact this would have on views, specifically from the PROW, towards St Thomas a Becket Church. Therefore, the application is unchanged, however further informative material has been provided by the applicant in order to visually demonstrate the height of the dwellings and the impact the development would have on views of the church.

The ridge height of the two storey dwellings within the southern parcel measure between 8.4m and 9m with an eaves height of 4.7m and 5.2m. The ridge height of the one and half storey dwellings, which are located adjacent to Pagham Road to the southeast, measure between 6.5m and 8m with an eaves height of between 2.45 and 2.9m.

The Council's Conservation Officer had already provided comments on the reserved matters application, but it was verbally confirmed that these comments had taken into account the height of the dwellings as part of the assessment.

Since the application was presented to committee, the NPPF September 2023 has now been revised to NPPF December 2023, and therefore some paragraph numbers within the officer report have changed. For clarity, paragraph 202 was directly quoted within the officer report, and is now paragraph 208 with no change to the wording of said paragraph. Where reference is made to the NPPF as a whole, the relevant paragraphs do not impact upon the recommendation by officers.

REPORT UPDATE

Application No: P/153/21/RES

Reason for the Update / Changes

The applicants have provided a number of minor changes to the layout, and landscaping details in accordance with comments received by WSCC Highways.

1. FURTHER REPRESENTATIONS:

A further 7 (no.) objections, and 1 (no.) comment have been made. The following additional matters have been raised:

- Oppose the exit point of the footpath from the estate being located opposite an existing property - there is already a path outside the property built by Drew Smith. With no street lighting there will be potential for anti-social activity.
- Clumped social housing.

2. UPDATED CONSULTATION RESPONSES:

Natural England: No Objection. Natural England have reviewed the proposals alongside the Council's Appropriate Assessment (Habitats Regulation Assessment). They concur with the results of the Council's AA, and as a result had no objection to the proposals as with mitigation they would not result in a likely significant adverse effect on the status or qualifying features of the Pagham Harbour SPA.

WSCC Highways: No objection subject to conditions. The majority of comments have been addressed, and request that appropriate conditions are included to secure details in relation to bicycle storage, and the provision of parkin in line with occupation.

Greenspace Officer: No objection. Soft landscaping details are appropriate to the location and sufficiently detailed. With regards to play provision they do not recommend approval of the submitted plans. However, it has been confirmed that they are comfortable for these details to be secured through the Section 106.

Ecology Officer: No objection. Soft landscaping details are acceptable.

3. CONDITION AMENDMENTS

Condition 1 has been amended to include the relevant drawing numbers and Condition 2 has been added to restrict occupation until such time as vehicular access has been provided to serve the adjoining development.

Condition 11 has been added to secure details of the boundary treatment for the allotments.

Officer Comments on report updates:

1. The footpath will provide connection between existing development and the application site. This is acceptable and would not result in unacceptably adverse impacts on residential amenity or be likely to generate additional anti-social behaviour. The proposed affordable housing is considered to be

appropriately distributed across the site in accordance with policy AH SP2 of the Arun Local Plan.

2. Comments from WSCC Highways are noted and the conditions are appropriate and as such have been incorporated as part of the recommendation (Condition 3 and 4).

3. No comments.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

PLANNING APPLICATION REPORT

REF NO: P/153/21/RES

LOCATION: Land South of Summer Lane
and West of Pagham Road
Pagham

PROPOSAL: Approval of reserved matters (appearance, layout, landscaping and scale) following outline planning Permission P/140/16/OUT for the erection of 350 No. dwellings, together with public open space, play space, drainage, parking and associated infrastructure, landscape, ancillary and site preparation works, with access off Pagham Road. This site may affect a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The description of development was amended during the life of the application with the total number of units being reduced from 375 to 350 dwellings.
SITE AREA	Approximately 19.43 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 18 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The eastern boundary of the site adjacent to Pagham Road features mature hedgerow and tree planting measuring between 2m and 5m in height. The western, southern and northern boundaries of the site features low planting of between 0.5m and 1.5m in height.
SITE CHARACTERISTICS	The existing land use is a greenfield site in agricultural use, adjacent to the built up area boundary of Pagham. The application site is situated to the west of Pagham Road. Further agricultural land is situated to the west of the application site, with the Pagham Harbour situated approximately 614m to the south-west.

Summer Lane is situated to the north of the application site

and is identified as a Public Right of Way (PROW). A PROW also crosses the site from east to west which leads towards the Pagham Harbour. Adjoining the western boundary of the application site is Church Barton House which is currently the subject of a reserved matters application (P/139/22/RES) for the erection of up to 65 dwellings under planning reference P/25/17/OUT.

The vast majority of the site is identified by the Environment Agency as falling within Flood Zone 1. However, an area of the site measuring approximately 0.82 hectares is identified as Flood Zone 3 and an even smaller portion of the site (measuring approximately 0.44hectares) is identified as falling within Flood Zone 2. Various drainage ditches are present which cross the site and run along the boundaries.

A portion of the site measuring approximately 548.1m² is identified as falling within 500m of the Pagham Harbour SSSI with the remainder of the site falling within the 5km zone from Pagham Harbour. Pagham Harbour is also designated as a Special Protection Area (SPA) and Ramsar Site.

CHARACTER OF LOCALITY

The locality of the site is predominantly rural in character. However, development is present to the east of Pagham Road which is characterised predominantly by two storey dwellings and chalet bungalows of various designs and styles which are set back from the highway. Further two storey development is situated to the north of the application site (to the west of Pagham Road).

Bus stops are situated to the east of the site along Pagham Road and the application site will surround Pagham Village Hall which is situated to the west of Pagham Road. White Rocks (21 Pagham Road) which abuts the eastern boundary of the site is a Grade II Listed Building.

RELEVANT SITE HISTORY

P/155/21/RES	Approval of reserved matters (layout, scale, appearance and landscaping) following outline consent P/140/16/OUT for the 'local centre' parcel which comprises of retail, community and commercial uses, 20 No residential apartments and a 70 bed care home.	ApproveConditionally 31-05-22
P/140/16/OUT	Outline application for access only - mixed use development comprising of up to 400 dwellings, a care home with up to 70 beds, a Local Centre comprising up to 2000sqm of A1/A2/A3/D1/sui generis floorspace, provision of land for a 1FE primary school (with sufficient space to ensure that it is expandable to 2FE), provision	App Cond with S106 22-11-18

of land for a scout hut, safeguarding of land to help link the site to the Pagham Harbour Cycle Route & other community uses including public open space & allotments with some matters reserved.

Outline planning permission was granted for the erection of up to 400 dwellings under reference P/140/16/OUT. A subsequent reserved matters relating to the local centre was approved under reference P/155/21/RES.

REPRESENTATIONS

PAGHAM PARISH COUNCIL - Objection for the following reasons:

- Views of St Thomas A Becket Church and Chichester cathedral are not respected.
- Standard of design of properties were poor - dwellings were boxy and roof heights too high.
- Insufficient character detail and too much red brick.
- No frontages to dwellings.
- Overdevelopment and cramped layout.
- Lack of respect for Village Design Statement.
- Land raising by 1.5m will have further landscape impacts.
- No bungalows in the development.
- Insufficient detail of the allotments.
- Brent Geese mitigation plan unreliable.
- Wider spine road needed due to traffic from school and residents/paring etc.
- Development needs to provide a cycle route.
- Drainage information insufficient.

Further consultation was requested after amended plans, which the PC have added further comments to their objection, in addition to those above:

- Drainage arrangements have not been planned with neighbouring developments.
- Footpath is shown which crosses the SUDS area, which may become submerged at times.
- Footpath is accessed via Summer Lane, which there is no footpath or lighting on this side and is dangerous.
- No connectivity to the POS to be delivered as part of the Summer Fields development.
- Insufficient visitor parking.
- Layout does not accommodate refuse trucks.
- Landscaping could be improved (large amounts of hardstanding).
- Access is shown for the proposed Church Barton development and does not support access for an up to an additional 65 units through the spine road.
- Play equipment lacks imagination. Further detail is required to ensure no areas where anti-social behaviour could be encouraged.

73 letters of objection were received to the application.

Ecology and Biodiversity (Brent Geese)

- Lack of screening within the landscape plans along western boundary, which will affect birds due to disturbance.
- Landscape plans adversely impact bats.
- Concern that dogs can go through dry SUDS features and out onto agricultural fields to disturb Brent

Geese habitat.

- Impacting upon natural beauty of area.
- Inadequate parking both within and outside of development.
- The layout does not accommodate any space either side of the public right of way, which is needed as compensation for the loss of countryside.
- Consideration of public right of way walking environment has not occurred.

The following matters have been raised which are not material to the consideration of a reserved matters application having been considered through the determination of the outline consent where the principle of development was established..

Infrastructure and public services

- Lack of infrastructure, hospitals doctors, dentists, schools, police and services etc.
- Shortage of school spaces in local schools.
- Need the school site and sports pitches within outline to progress at the same pace.

Drainage and Flooding

- The surface water drainage plan is not sustainable.
- No consideration of existing soakaways during building work undertaken. Impacts of land waste on areas within the site altering ability of land to drain.
- Local Road Network unable to cope with current flooding.
- No capacity for foul water.
- The location is at high risk from flooding due to rising sea levels.
- The site has recently been flooded.
- New build development in the area is causing flooding.

Roads and Parking

- Congestion will be exacerbated.
- Concern over road safety with additional traffic.
- Lack of money towards services and infrastructure.
- Increase in housing will damage attractiveness of Pagham to tourists, which help the area financially.
- Delays due to roadworks to facilitate developments.
- Increase in children needing to be taken to schools outside of catchment, increasing vehicular traffic, pollution.
- Construction disruption to residents and road users.
- Current traffic through village is dangerous, and more vehicles will exacerbate this.
- No school nearby which has capacity - children will need to be transported to school.

Economy

- No local jobs for the number of new residents.
- More houses may damage the attractiveness of the area for holiday makers.

Ecology and Biodiversity (Brent Geese)

- Southern Water are unable to handle the increased foul water volume and there is an increased risk of sewerage overflows into Pagham Harbour.
- Dwellings close to Nature Reserve so shouldn't be allowed.
- Loss of agricultural land.
- Need to protect Arun's assets which include Pagham Harbour, SPA etc.
- Loss of biodiversity.
- Loss of habitats for wildlife.
- Nature reserve will be at threat due to increased footfall.

- Increased vehicular levels leading to increased nitrate levels.
- Concern over lack of progress in developing mitigation plans to compensate for loss of Brent Geese foraging habitat.
- Concern that mitigation strategy (monitoring site for Brent Geese for five years) is insufficient.
- This reserved matter is premature in relation to the mitigation that is recommended for the Brent Geese. Brent Geese mitigation surveys show that it is not working.

- Loss of Pagham's semi-rural character as a "quiet village".
- Cycle parking required.
- Electric bike and car charging points needed.
- The site requires active travel and all user paths across the site/ Route needs to be created across summer lane to Honer Farm.
- No local jobs, so resident will have to commute up to the A27, which does not have a foot or cycle path.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and will be considered further in the conclusion to this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

GREENSPACE - Recommend approval of soft landscaping proposals, however LAP, LEAP, ELEAP proposals are inadequate and would object to these.

SOUTHERN WATER - Advice provided. Recommends that no discharge of foul sewerage from the site is discharged to public system until offsite drainage works have been completed to provide sufficient capacity.

NATURAL ENGLAND - Require further information on whether the application provides sufficient certainty that the on-site mitigation measures agreed as part of P/140/16/OUT can be delivered.

ENVIRONMENT AGENCY - No objection, and requested conditions.

WSCC LEAD LOCAL FLOOD AUTHORITY - Original consultation response raise no objection and no comments. A subsequent consultation response was submitted which objected on the basis of insufficient information.

WSCC HIGHWAYS - Initial comments have been addressed. A further consultation response has raised queries in relation to the siting of turning heads, footway provision and merits of traffic calming measures. The consultation identifies that some of the issues are not planning related but would have implications for the potential adoption of the roads in the future.

ENVIRONMENTAL HEALTH - Requested further information on the potential noise impact arising from traffic on Pagham road and Summer Lane. Proposed conditions in relation to contaminated land, lighting, EV, Internal noise levels, CEMP, Occupancy before development completed.

SUSSEX POLICE (Designing out Crime) - General advice provided (sufficient overlooking of POS, security measures etc).

WSCC FIRE AND RESCUE - No objection, provided condition to provide fire hydrants prior to

occupation.

NATIONAL HIGHWAYS - No objection as there would be no material affect on the safety, reliability and/or operation of the Strategic Road Network.

DRAINAGE ENGINEERS - Holding Objection due to further information needed.

ECOLOGY - No objection subject to delivery of biodiversity mitigation and enhancement measures secured by conditions on outline consent.

- Satisfied that there is sufficient ecological information available for determination of this application.

AFFORDABLE HOUSING - Objection as whilst the provision of affordable housing is supported, the current distribution of affordable homes is not supported as this would result in large areas of affordable homes.

HISTORIC ENGLAND - No comments to add. Consultation with the Council's specialists should be sought where relevant.

CONSERVATION OFFICER - The development will not impact on the setting of most of the listed buildings with the exception of The Parish Church of St. Thomas a Becket and The Old Cottage. The level of harm identified to the two aforementioned assets can be described as less than substantial harm. The level of harm to these two assets is on the lower end of the scale.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
OSRSP1	OSR SP1 Allotments
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way

TSP1 T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPDG National Design Guide
 NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

PDS Pagham Parish Council's Village Design Statement by PaghamPC
 SPD11 Arun Parking Standards 2020
 SPD8 Areas of Special Character

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it results in a development of an appropriate scale, layout and appearance which is not harmful to the character and appearance of the area, the amenities of existing residents or the existing road and public footpath network.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

The proposal affects the setting of nearby Grade II Listed Buildings and section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with section 66 (1) and this has been considered in further detail in

the conclusion below.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

The application seeks to secure reserved matters approval for appearance, landscaping, layout and scale. These are the only matters for consideration through the determination of this application. All other matters were considered through the granting of permission P/140/16/OUT with conditions included in relation to the following matters which will require discharge prior to the commencement of development:

- Materials and Finishes (Condition 5);
- Arboricultural Method Statement and Tree Protection Plan (Condition 9);
- Surface Water Drainage (Condition 10, 11 and 12);
- Foul Drainage (Condition 13);
- Ecology (Condition 15);
- Construction Management Plan (Condition 17);
- Employment and Skills Plan (Condition 20);
- Climate Change and Renewable Energy (Condition 24);
- Travel Plan (Condition 26);
- Archaeology (Condition 27);
- Electric Vehicle Charging (Condition 29); and
- Pagham Harbour SPA (Condition 30).

PRINCIPLE

The principle of the proposed development has been established by outline permission P/140/16/OUT which granted planning permission for up to 400 dwellings, a care home with up to 70 beds, a Local Centre comprising up to 2000sqm of A1/A2/A3/D1/sui generis floorspace with two points of access from Pagham Road. The outline planning permission established the principle of development and considered matters of flood risk, impact on wildlife, loss of agricultural land, countryside location, foul drainage, flood risk and the provision of affordable housing, public open space, children's play and other related infrastructure.

This outline approval relates to the Pagham South Strategic Allocation with this application relating to the remainder of the allocation following approval of P/155/21/RES in relation to the local centre.

COMPLIANCE OF THE PROPOSAL WITH OUTLINE CONDITIONS

Condition (3) states that development shall be carried out in accordance with approved plans which consist of;

Location Plan - dwg no. DLA.1731.L003.03;
 Red Line Boundary - DLA.1731.L003.01;
 Proposed Northern Site Access - 1616/01 Rev L; and
 Proposed Southern Site Access - 1616/02 Rev K.

In this case the development accords with the plans approved under reference P/140/16/OUT in so far as it relates to the proposals.

Condition (6) required that a Design Code Masterplan be approved prior to the submission of the

Reserved Matters application and that the development then be prepared and carried out in accordance with the approved details. The Design Code in relation to the site was approved under reference P/83/21/DOC. The proposed development in this case accords with the Design Code.

Condition (7) required any Reserved Matters application to be accompanied by details concerning landscaping and layout particulars in relation to trees. The proposed application accords with the requirements with Condition (7) and this will be considered in more detail later in the report.

LAYOUT, APPEARANCE AND SCALE

Arun Local Plan policies D DM1, D SP1 and LAN DM1 are relevant in respect of design and character. In addition Policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that layouts avoid large clusters of affordable dwellings.

The National Design Guide (NDG) is a material consideration in the determination of this application as well as the Arun Design Guide. The application has been prepared in accordance with the Design Code, approved through the discharge of Condition 6, which was itself prepared and assessed against the requirements of the Pagham Village Design Statement, NDG and Arun Design Guide as well as the parameter plans approved through P/140/16/OUT.

The design code in respect of the residential development identifies 4 character areas with variation between two of the character areas between the northern and southern parcels of the site. Each character area has defining principles and in this case the proposed development is deemed to be in accordance with these details. The character areas and defining principles are as follows:

Park View (CA 1)

- Grand homes with verdant landscaping.
- Built form faces the village green or avenue.
- Georgian inspired architecture.
- Prominent key buildings.
- Green link through site.

Rural Edge North (CA 2a)

- Traditional farmyard workers terraced cottages.
- Built form faces outwards to surrounding countryside.
- Rural vernacular.
- Landscaped parking to hide cars.

Rural Edge South (CA 2b)

- Tile hung housing.
- Built form faces outwards to surrounding countryside.
- Rural vernacular.

Community Streets (CA 3)

- Simple architecture.
- Inward looking perimeter blocks.
- Occasional views to wider realm.
- Vistas and key building create passive way-finding.

Transitional Perimeter South (CA 4a)

- Architecture to match immediate context.
- Build form faces outwards.
- Adjacent to enhanced natural buffer along Pagham Road.

Transitional Perimeter North (CA 4b)

- Architecture to match immediate context.
- Build form faces outwards.
- Adjacent to enhanced natural buffer along Pagham Road.

Following the initial submission of the application in November 2021 the proposals were presented to the Aldwick and Pagham Advisory Group on 9 December 2021. Comments were made by the Advisory Group in relation to the scale of development; the uniform height and repetitive nature of the street scenes; and that materials proposed were too urban (specifically the use of red brick).

In early 2022 feedback was also provided by the Local Planning Authority (LPA) on the proposals with concerns being raised with the development being car dominated; that house types were repeated and often clustered together with little to no variation; a lack of green infrastructure or planting; and the proposed increase in site levels of 1.5m on a significant proportion of the site. The developer was then provided with an opportunity to amend the proposals in order to overcome these issues.

The revised proposals (following meetings between the Planning Officer and developer) were presented to the Aldwick and Pagham Advisory Group on 28 June 2022. In response to this the Advisory Group stated that they were grateful that the developers had listened to the concerns of residents to create a more village feel with the Advisory Group concluding that the revised proposals drastically improved the aesthetics of the development adjacent to Pagham Road.

Further amendments were then made by the developer to address the final outstanding issues with the revised proposal and ensure that all comments from the advisory group had been fully addressed in the revised submission. The revised proposals were then submitted to the LPA in September 2022 for re-consultation and determination.

The revised proposals addressed the initial concerns with the layout insofar as they related to the design of dwellings and parking arrangements with the amendments addressing the dominance of cars. Where parking had a presence within the street scene planting has been incorporated to break this up and soften its presence. In addition, to this some buildings have been re-orientated to provide screening and further mitigate the dominance of car parking in views within the site.

The house types have also been reviewed with a minimisation of the same building type appearing next to each other and varied roof heights and designs in order to provide greater variation to the street scenes. In order to address comments from the Advisory Group more bungalows have been included and materials have been amended to exclude those identified as insensitive to Pagham (specifically black weatherboarding and red brick).

The proposed house types are an appropriate response to the local context and development adjacent to Pagham Road which reflects the established character of the locality whilst providing an appropriate transition between existing built form and the wider application site. The parking layout has also been amended to address the dominance of car parking within the street scene and this in conjunction with street planting results in a development which is not dominated by cars.

However, despite these positive amendments concerns remained in relation to the provision of open space within the site. This matter carries significant weight given that the open space provision on site was one of the measures considered as necessary to mitigate the impact of the development upon the Pagham Harbour SPA/Ramsar site through the Appropriate Assessment (AA) undertaken as part of the outline application (P/140/16/OUT).

The proposals as submitted in September 2022 secured a total on-site provision of open space of just 2.589ha and this included a significant amount of incidental spaces and narrow spaces which would not be viewed as usable by the LPA. Excluding these small, narrow open spaces the total provision was approximately 1.8ha. This fell significantly below the open space provision of 5.36ha identified through the outline planning permission and considered through the AA.

It was also concerning for the LPA that the open spaces lacked any significant interconnectivity and did not provide adequate or appropriate opportunities for on-site recreation in order to adequately mitigate the impact of the development upon Pagham Harbour SPA/Ramsar Site. This resulted in a development which was also in conflict with the conclusions of the AA.

Following these concerns being highlighted by the LPA and further discussions between the parties, the developer requested additional time to review and revise the proposals in order to overcome these concerns. The fully revised proposals were submitted to the Council on 1 August 2023.

Following further revision the proposals now provide a total on-site provision of 5.37ha of public open space with 3.29ha to be provided as usable semi-natural green space. In addition to this the development provides 0.21ha of equipped play areas resulting in a total on-site provision of 5.58ha. The applicant has identified a total provision of 0.47ha of incidental open space consisting of verges and other incidental non-recreational spaces.

However, as identified above it is necessary for the open space provision to provide adequate opportunities for on-site recreation. As proposed the open space provision would consist of a larger central space which extends from the northern parcel through to the southern parcel measuring a combined area of 2.29ha. An area of open space measuring 1.39ha is shown to the south of the site alongside allotment provision. An area of open space measuring 0.96ha is provided along the eastern boundary of the site adjacent to the southern parcel. A central open space measuring 0.15ha is featured centrally within the northern parcel with the remaining open spaces around the periphery of the site consisting primarily of narrower areas which contain drainage features.

Some of the open spaces feature footways running through them but along the eastern boundary of the southern parcel and the western boundary of the northern parcel pedestrian routes run adjacent to the internal roads.

The application also provides allotment provision measuring 0.2ha which is a significant reduction from the 1.629ha area originally identified through the outline approval. The amended application proposes that 1.429ha of the previous allotment land is instead utilised as open space provision. However, through the outline approval this area of the site was shown as either being for allotment or provision of the new scout hut. With the replacement scout hut being provided at the Sefter Road site there is no requirement for the scout hut to be delivered on this site.

On-site allotment provision was not requested at outline stage by Greenspace, with the site falling below the threshold for on-site provision, but it was included within the description of development. Based upon the scale of development proposed by this proposal and taking into account the Local Centre (20 dwellings) which were previously approved under P/155/21/RES the allotment provision meets the requirements established through the Open Space and Recreation SPD. The proposed allotment provision is deemed to be acceptable and would not conflict with the outline approval under P/140/16/OUT.

Following the amendments the layout, appearance and scale of the proposed development is considered appropriate with the development responding positively to the established character of the locality whilst reflecting the key principles established through the Design Code. Therefore, the proposals are in

accordance with policies D DM1, D SP1 and LAN DM1 of the Arun Local Plan as well as the Pagham Village Design Statement.

PUBLIC OPEN SPACE AND PLAY

ALP policy OSR DM1 and HWB SP1 are relevant. The Council's supplementary planning document (SPD) 'Open Space, Playing Pitches, Indoor and Built Sports Facilities' (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

As identified above the indicative masterplan which accompanied the planning application identified a total open space provision on site of 5.36ha which exceeds the requirements for a development of this size as set out within the Council's Open Space, Playing Pitches, Indoor and Built Sport Facilities SPD, Jan 2020 by approximately 2.15ha. This open space provision was deemed acceptable and would ensure that sufficient open space was provided on site to encourage future residents to walk/exercise within the development rather than accessing the neighbouring Pagham Harbour Special Protection Area (SPA).

The public open space (POS) provided, following amended of the proposals, aligns with the requirements of the outline planning approval and accords with the numerical requirements tested through the Appropriate Assessment (AA). A detailed assessment of the layout of the open space provision has been undertaken as part of the layout section above.

The outline approval (under reference P/140/16/OUT) secured the provision of 8 Local Areas of Play (LAP), 1 Local Equipped Area of Play (LEAP) and 1 enhanced Local Equipped Area of Play (ELEAP). Whilst details of play provision are to be secured through the S106 agreement details have been provided as part of this application.

The play provision has been the subject of consideration by the Council's Greenspace Officer who has raised an objection on the basis that the information provided for the LAP Play Trail contained insufficient detail and specification; similarly with the northern LEAP it has been advised that the equipment appears limited in terms of experiences offered; and in relation to the ELEAP it has been advised that the design appears inadequate in terms of accessible play provision as required by the Arun Design Guide. Equipment between the LEAP and ELEAP is repetitive and fails to deliver an exciting and challenging play offer. It has also been identified that across all play areas the indicated grass play mounds have no contour or height detail or detail of how these would interface with the adjacent fencing. There is also a lack of detail to demonstrate what is proposed in terms of pathway connection and surfacing to public open space (POS) areas, the application shows self-binding gravel which would potentially result in maintenance issues in high traffic areas especially when seeking all-weather accessibility and to meet the needs of wheeled users.

Given the issues with the proposed play provision and that these details were originally intended to be secured through the S106 Agreement it has been recommended by the LPA that the play provision is removed from the submission with the details to be submitted in line with the S106 requirements for approval by the Local Planning Authority (LPA) in consultation with the Greenspace Officer.

On this basis the proposals are acceptable and would accord with the requirements of policies OSR DM1 and HWB SP1 of the Arun Local Plan as well as the requirements of the 'Open Space, Playing Pitches, Indoor and Built Sports Facilities' (January 2020) SPD.

LANDSCAPING AND TREES

ALP policies D DM1, LAN DM1 and D SP1 are relevant to the consideration of landscaping and trees. A Tree Preservation Order (TPO) is present on the site under reference TPO/P/3/19 and relates to trees which are located adjacent to Pagham Road (G2) as well as a Pedunculate Oak (T1) sited in the south-

western corner of the southern parcel.

A drainage feature is shown in close proximity to G2 and it is unclear from the detail provided in support of the application if this is a new or existing feature, but it appears to fall within the root protection areas (RPA) for the trees which form G2 under tree preservation order TPO/P/3/19. Any new feature in this location would not be supported by the Planning Authority who would expect to see a 3m buffer between any tree and any new drainage feature. However, this will be considered in more detail through the discharge of the drainage conditions.

In relation to T1 a footpath is shown on the revised layout which appears to run in close proximity to the TPO tree and may intersect with the RPA of the protected tree. However, Condition 9 imposed on P/140/16/OUT requires the submission of an Arboricultural Method Statement and Tree Protection Plan and it is anticipated that this submission will need to consider this matter with a no dig solution implemented as required to minimise any disturbance within the RPA.

Whilst no formal comments have been submitted the above assessment has been discussed with the Council's Tree Officer who has confirmed their support of officer's conclusions on these matters and as such the impact of the proposals upon trees are considered acceptable.

Revised landscaping details have been provided in support of the planning application. The Appropriate Assessment (AA) undertaken at outline stage identified that dense tree planting should be present along the western boundary of the site in order to mitigate disturbance from the development upon Brent Geese foraging on fields neighbouring the development. The landscaping details submitted in support of the application show that hedgerow planting will be present adjacent to the eastern boundary of the site and this is identified as consisting of a mix of native species such as field maple, dogwood, hazel, hawthorn, blackthorn and dog rose which is an appropriate mix. This is considered an appropriate mix of species but it is identified that this will consist of whips measuring between 60-80cm in height. However, some of the areas of the hedgerow planting proposed are identified as featuring additional tree planting of heavy and extra heavy standard to ensure adequate screening.

Landscaping adjacent to the western boundary of the southernmost open space is identified as providing 'Native Woodland Planting'. Given this is one of the largest open spaces on site as well as accommodating the allotments it is considered essential that adequate planting is provided to avoid disturbance associated with use of this land for recreational purposes. The woodland mix is considered to be appropriate as proposed but again this is identified as consisting of whips measuring between 60-80cm. Given the species mix it is likely that this will take between 4 and 5 years for the tree planting to reach a height of approx. 2 metres.

In order to address this issue it has been identified by officer's that the planting on the western boundary of the site should be provided at the earliest opportunity during development to provide an opportunity for this planting to mature and provide adequate screening of the development prior to occupation. In addition to this fencing is to be provided along the western boundary and this would consist of a 1.1m high post and rail fence which would feature dog proof mesh. This is considered an appropriate feature given the edge of settlement location of the site whilst restricting access to the functionally linked habitat to the west by dogs being exercised off lead.

The only other outstanding matter in relation to the developments impact upon the Pagham Harbour SPA/Ramsar Site is the requirement to provide signage to inform and discourage access to the protected site by future residents. The plans submitted in support of the application do not provide any locations or details of signage, however it is appropriate for this detail to be secured via a suitably worded planning condition. The condition would require input from the Strategic Access Management and Monitoring (SAMM) plan to ensure consistent messaging.

The above conclusions on these matters are reflected in the Appropriate Assessment (AA) which is currently the subject of consultation with Natural England. Once comments have been received from Natural England on the AA these will be reported to Members as a written update prior to the Planning Committee meeting.

However, subject to no objection being raised by Natural England to the conclusions of the AA the proposed development would accord with policies D DM1, LAN DM1 and D SP1 of the Arun Local Plan.

HERITAGE

ALP policies HER SP1, HER DM1 and HER DM4 are relevant to the consideration of impacts of the development upon heritage. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant to the consideration of the proposals.

The heritage impacts of the development were considered at outline stage where it was concluded that the development of the site would preserve the setting of nearby listed buildings. It was also identified by the Council's Conservation Officer that given the limited inter-visibility between the application site and the Barton Close Area of Special Character (ASC) that the proposed development would have little impact upon its locally distinctive qualities.

However, given that detailed design has now been provided for the development it is necessary to undertake a further assessment of the impact of the development upon nearby heritage assets. The application is accompanied by a Heritage Statement (January 2022) which concludes that the proposed development would preserve the significance of the listed buildings. This conclusion is consistent with the conclusions on the outline consent under reference P/140/16/OUT.

A consultation response from the Council's Conservation Officer has confirmed that the proposals would not give rise to any harm to any of the nearby listed buildings with the exception of St Thomas a Becket and The Old Cottage. It is then identified that the proposal would result in less than substantial harm on the lower end of the scale. Therefore, in accordance with paragraph 202 of the NPPF this harm must be balanced against the benefits of the development.

In this case the benefits of the development would consist of;

- Provision of 350 homes which contribute towards the Council's current housing land supply shortfall;
- Provision of new affordable housing;
- Provision of contributions and other infrastructure improvements as set out in the S106 Agreement for application P/140/16/OUT;
- Either create new construction jobs or help to maintain existing ones during development; and
- Result in additional spending by new residents on goods and services including within the local area.

The public benefits are of a level that the identified 'less than substantial harm' to The Parish Church of St. Thomas a Becket and The Old Cottage can be outweighed and as such the proposals are in accordance with the NPPF guidance and compliant with the relevant development plan policies insofar as the impact on Listed Buildings is concerned.

The Barton Close Area of Character (AOC) is located to the north-east of the application site. It is identified that upon entering Barton Close, a single track is bordered by grass verges, with a semirural enclave created. Established hedges, cleft oak fencing and the grass verges are distinguishing features of the rural character, with the pond in the grounds of Barton Granary being an attractive focal point.

The impact of development upon the AOC was considered through the determination of P/140/16/OUT

where it was identified that there would be little intervisibility between the site and the AOC. Policy HER DM4 relates to development within the AOC and as such is not applicable to the determination of this application. However, the impact of the development upon the AOC has been reviewed and there will be no harm to the setting or significance of this non-designated heritage asset.

In respect of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, whilst the setting of the Parish Church of St. Thomas a Becket will be subject to less than substantial harm, this harm can be outweighed by the strength of the public benefits. Furthermore, no harm has been identified to any non-designated heritage assets. Therefore, the proposed development will accord with policies HER SP1 and HER DM1 of the Arun Local Plan.

HOUSING MIX AND AFFORDABLE HOUSING

ALP policy H DM1 provides for a mix of housing to meet local needs and requires that all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA). The SHMA seeks to achieve the following market dwelling distribution:

- 1 bed dwelling - 5-10%
- 2 bed dwelling - 40-45%
- 3 bed dwelling - 25-40%
- 4 bed dwelling - 10-15%

The application following amendment proposes a total of 350 dwellings (a reduction of 25 dwellings), this reduction in the number of dwellings was to meet the open space requirements identified through the outline approval. The application as amended proposes the following dwelling mix for market housing:

- 1 bed dwelling - 0 (0%)
- 2 bed dwelling - 69 (28.2%)
- 3 bed dwelling - 137 (55.9%)
- 4 bed dwelling - 39 (15.9%)

The proposed mix deviates from what would be a SHMA compliant mix result in an under-provision of between 5-10% for 1 bed dwellings and 11.8-16.8% 2 bed dwellings with an overprovision of between 30.9-15.9% for 3 bed dwellings and 5.9-0.9% for 4 bed dwellings.

This deviation is largely as a direct response to the developments location on the edge of settlement with the layout of the proposals seeking to provide a transition between the existing edge of Pagham and the rural countryside further to the west. Therefore, larger dwellings by their nature allow for a looser grain of development which can enhance the transition and soften the settlement edge.

The applicant in their covering letter in support of the amended proposals has identified that they (Pagham Homes) have entered into a contract with Vivid (the housing association) for 114 of the market units to be delivered as affordable tenures resulting in an overall affordable housing provision of 62.6%, an additional 32.6% beyond that secured through the S106. This results in a total market provision of 37.4%. However, these homes are not 'affordable dwellings' secured in perpetuity for the purposes of policy consideration as they are to be sold on the open market and would not be defined as affordable dwellings for the purposes of the S106 agreement signed under reference P/140/16/OUT.

It should also be noted that this application alongside the previous approval under reference P/155/21/RES for the local centre make up the full allocation. The previous approval for the local centre (P/155/21/RES) delivered 2 x 1 bed units and 18 x 2 bed units. Taking these dwelling into account brings

the 4 bed provision in line with the SHMA requirements, and increases 2 bed provision to 32.8% whilst reducing 3 bed dwellings to 51.69% of the overall mix. Whilst, this still remains contrary to the identified SHMA mix the mix as proposed is an appropriate response to the character of the site and its edge of settlement location adjacent to the countryside.

As identified above the housing mix will be identified on a site by site basis and in this case the proposed mix leans slightly towards three and four bed dwellings which is deemed acceptable. This mix will ensure that lower density development is present along the south-western boundaries of the site with the open countryside. Therefore, the proposed housing mix is deemed to be acceptable and ensure the provision of housing which will meet local needs whilst respecting the setting of the site in accordance with policy H DM1 of the Arun Local Plan.

In terms of affordable housing the following mix is proposed:

	Affordable Rent (AR)	Intermediate (I)
1 bed dwellings -	31 (36.9%)	2 (9.5%)
2 bed dwellings -	36 (42.9%)	11 (52.4%)
3 bed dwellings -	13 (15.5%)	7 (33.3%)
4 bed dwellings -	4 (4.8%)	1 (4.8%)

The majority of the affordable housing provision accords with the SHMA with some minor under provision of less than 0.5% for 4 bed (AR) and 1 bed (I). There is also a minor overprovision of 2.9% for 2 bed (AR) and 3.3% for 3 bed (I). Therefore, the mix as proposed is deemed to be acceptable and would substantially accord with the SHMA and would be in accordance with policy AH SP2 of the Arun Local Plan.

AH SP2 also identifies that affordable housing should be visually indistinguishable from market housing and large clusters of single tenure dwellings should be avoided. The affordable units in terms of their design are deemed acceptable whilst the distribution throughout the site is appropriate and avoids large clusters of affordable units.

Therefore, the layout and design of the affordable units is acceptable in accordance with policy AH SP2 of the Arun Local Plan.

RESIDENTIAL AMENITY

ALP policies D DM1 and QE SP1 are relevant. The Council's Design Guide sets out guidance on interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- There are no standards for either side to side or front to back.

A review of the amended layout has revealed the following examples where the separation distances are insufficient:

- Plots 5-7 (12m back to side);
- Plots 89/90/91 - 87 (11.5-13m back to side);
- Plots 209-210 (11.5m back to side);
- Plots 306/307/308-309 (11.5-12.5m back to side); and
- Plots 334/335/333-336 (11.5-13m back to side).

A review of the proposed gardens has revealed a number of examples where the minimum 10.5m garden depth has not been achieved. However, in the majority of cases this is only marginally short and the 21m back to back separation distances have been achieved meaning that the residential amenity of future occupiers are not adversely impacted upon. However, three examples have been found where the garden depth is more than 1m below the 10.5m minimum which is considered an unacceptable shortfall.

Plot 279 - 9.4m average (max 10.5m)

Plot 163 - 9.2m average (min 8.6m - max 10m)

Plot 191 - 9.5m average (min 8.9 - max 9.75m)

The above issues were raised with the agent who has amended the layout to address these conflicts which ensures that the proposals accord with the Council's Design Guide criteria. Following these amendments the proposed garden depths are acceptable as are the separation distances which ensures that the proposed development does not give rise to any unacceptably adverse impacts to amenity for future or nearby occupiers of the site.

The Council's Environmental Health Officer in their consultation response identified that no information had been provided assessing the potential noise impacts arising from traffic on Pagham Road and Summer Lane. Whilst it was recommended that a report addressing these impacts was provided it was noted that Summer Lane is a residential cul-de-sac subject to a 30mph speed limit, Pagham Road is similarly subject to a 30mph restriction and features residential development along the eastern side of the road. The introduction of residential dwellings set back from the highway with mature planting screening the development is not unusual and is unlikely to result in any unacceptably adverse harm to residential amenity which could not be adequately managed through standard mitigation measures. Therefore, in this case a suitably worded condition to secure confirmation of the acoustic impacts of the road on future occupiers has been incorporated and this approach has been verbally agreed as appropriate with the Environmental Health Team.

Therefore, the proposal is in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

PARKING, ROADS AND PUBLIC FOOTPATHS

Arun Local Plan policies T DM1 and T SP1 are relevant although they carry reduced weight due to the adoption of the Arun Parking Standards SPD. Following the amendments to the layout of the development an additional consultation response has been received from WSCC requesting further information in relation to the siting of turning heads, footway provision and merits of traffic calming measures. The consultation from WSCC identifies that some of the issues identified in their response are not planning issues but would rather have implications for any potential adoption of the roads in the future.

The issues raised by WSCC have been passed through to the applicant who intends to provide updated plans in response to these issues. Therefore, once these amendments have been received they will be presented to Members as part of a report update.

Details of access to the site were approved by the outline planning permission and as such are not the subject of further consideration as part of this reserved matters submission. Therefore, in terms of highway safety the proposal are in accordance with policies T DM1 and T SP1 of the Arun Local Plan.

The application proposed a total parking provision of 826 parking spaces (70 of which are visitor bays) this exceeds the requirements of the Arun Parking SPD which identifies a total requirement of 813 spaces. Therefore, the level of parking proposed is acceptable and would not result in overspill car

parking within the development or the surrounding roads. Details of secure cycle parking provision for dwellings which do not benefit from a garage will be secured through an appropriately worded condition.

The submission is silent on the provision of disabled car parking spaces. The Arun Parking SPD identifies that proposals should accord with Manual for Streets which requires 5% of all parking spaces to be designed to meet these requirements. Further details have been requested from the applicant in relation to this element of the proposals and will be reported to Members of the Planning Committee as a report update once confirmation on this matter is received.

Road widths are in accordance with the principles of road hierarchy established through the Design Code which are as follows;

Primary Roads and Streets - 5.5m-7.3m wide with footways present.

Secondary Streets - 5m - 6.1m wide with at least one footway.

Tertiary Streets - Shared surface streets measuring 4.1m - 6m.

Quaternary Streets - 3.7m - 4.8m wide.

The proposal incorporates adequate recreational routes throughout the site and will not adversely impact upon pedestrians or cyclists. Given that the site layout respects and enhances existing public rights of way and provides new foot and cycle paths as part of the development the proposals are deemed to accord with Policy T DM1 as well as the Parking Standards SPD.

SURFACE WATER DRAINAGE

A holding objection has been raised by the Council's Drainage Engineers and an objection has also been raised by the Lead Local Flood Authority. However, Conditions 10, 11 and 12 imposed on the outline planning permission (P/140/16/OUT) relate to surface water drainage and require details to be submitted for approval prior to the commencement of development. Therefore, as drainage was considered at outline stage and these pre-commencement conditions were imposed there is no requirement to approve drainage details alongside this reserved matters submission.

Should it not be possible for the drainage scheme to be accommodated alongside the proposed layout then the applicant will not be able to implement the proposed layout. On this basis, this reserved matters application can be determined without the full support of Drainage Engineers and as such it is not necessary to demonstrate compliance with policy W DM3 at this time.

BIODIVERSITY AND ECOLOGY

The application was accompanied by an 'Ecological Survey Summary Report 2021' and has been the subject of consultation with the Council's Ecologist who has advised that there is sufficient ecological information available for the determination of this application. It was identified at the time of the original review by the Council's Ecologist that details of Biodiversity Net Gain (BNG) had not been provided.

However, BNG details were subsequently provided which demonstrated that the development would achieve in excess of 10% to each of the metrics which would accord with policy ENV DM5 of the Arun Local Plan which requires that development achieve a net gain in biodiversity. A number of conditions were imposed on the outline approval which pertained to ecological matters and these will need to be discharged prior to the commencement of development and would be subject to further scrutiny and assessment post determination of this reserved matters submission.

As identified earlier in the report it was necessary to undertake an Appropriate Assessment (AA) for this application. However, the measures which are for consideration as part of this application relate to the

provision of open space (for recreational purposes) and boundary screening in order to minimise disturbance of Brent geese foraging on functionally linked habitat to the west of the application site. More specific mitigation measures relevant to Brent geese will be considered through the determination of Condition 30 which pertains to land outside of the application site.

Therefore, the proposals as submitted are acceptable and would accord with policy ENV DM5 of the Arun Local Plan.

SUMMARY

The applicant has made a number of amendments to the application in order to overcome the concerns raised by the LPA and statutory consultees. Following amendment the proposals are now in accordance with the Arun Design Guide as well as the site specific Design Code as well as relevant development plan policies. As such, it is recommended that the application is approved subject to the below conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan - 21.003.01

Site Plan - 21.129.02 Rev T

Block G (CA1) Floor Plans and Elevations - 21.129.03 Rev C

House Type Av Floor Plans and Elevations- 21.129.04 Rev B
House Type B Floor Plans and Elevations- 21.129.05 Rev D
House Type C (CA1) Floor Plans and Elevations - 21.129.06 Rev C
HT D Floor Plans and Elevations- 21.129.07 Rev C
HT G (CA1) Floor Plans and Elevations- 21.129.09 Rev C
Block B Floor Plans and Elevations- 21.129.10 Rev B
Block K Floor Plans and Elevations- 21.129.12 Rev D
Block R Floor Plans and Elevations- 21.129.13 Rev B
HT A Floor Plans and Elevations- 21.129.14 Rev C
HT B Floor Plans and Elevations- 21.129.15 Rev C
HT F Floor Plans and Elevations- 21.129.17 Rev C
Block B Floor Plans and Elevations- 21.129.18 Rev C
Block C Floor Plans and Elevations- 21.129.19 Rev B
Block D Floor Plans and Elevations- 21.129.20 Rev B
Block F Floor Plans and Elevations - 21.129.21 Rev C
Block G (CA3) Floor Plans and Elevations- 21.129.22 Rev B
Block H Floor Plans and Elevations- (CA3) 21.129.23 Rev C
Block J (CA1) Floor Plans and Elevations - 21.129.25 Rev B
Block K (CA3) Floor Plans and Elevations- 21.129.26 Rev C
Block N (CA3) Floor Plans and Elevations- 21.129.27 Rev B
Block O Floor Plans and Elevations - 21.129.28 Rev C
Block P (CA2a) Floor Plans and Elevations- 21.129.29 Rev B
Block Q (CA3) Floor Plans and Elevations- 21.129.30 Rev B
Block S (CA3) Floor Plans and Elevations- 21.129.31 Rev D
HT Av (CA3) Floor Plans and Elevations- 21.129.32 Rev C
HT B (CA3) Floor Plans and Elevations- 21.129.33 Rev C
HT F (CA3) Floor Plans and Elevations - 21.129.35 Rev C
Block A2 (CA4b KB) Floor Plans and Elevations- 21.129.37 Rev C
Block F (CA4b) Floor Plans and Elevations- 21.129.38 Rev C
Block U (CA2a) Floor Plans and Elevations- 21.129.40 Rev B
Block V (CA3) Floor Plans and Elevations- 21.129.41 Rev C
Block W (CA3) Floor Plans and Elevations- 21.129.42 Rev C
Block X (CA2a) Floor Plans and Elevations - 21.129.43 Rev C
Block C (CA4a) Floor Plans and Elevations- 21.003.44 Rev C
Block L (CA4a) Floor Plans and Elevations- 21.003.45 Rev B
HT E (CA4a) Floor Plans and Elevations- 21.003.46 Rev D
Block A1 (KB) Floor Plans and Elevations- 21.003.47 Rev C
Block C (CA1) Floor Plans and Elevations - 21.003.48 Rev C
Block E1 (CA4b KB) Floor Plans and Elevations- 21.129.49 Rev C
Block E2 (KB) Floor Plans and Elevations- 21.129.50 Rev C
Block F (CA4b (KB) Floor Plans and Elevations- 21.129.51 Rev C
Block F (CA1) Floor Plans and Elevations- 21.129.52 Rev C
Block M (KB) Floor Plans and Elevations- 21.129.53 Rev B
Block T (CA4b) Floor Plans and Elevations- 21.129.54 Rev B
HT B (CA1 KB) Floor Plans and Elevations- 21.129.57 Rev B
HT D1(CA3 KB) Floor Plans and Elevations- 21.129.59 Rev C
Small Double Garage - 21.129.62 Rev B
Single Garage - 21.129.63 Rev B
HT H - (CA4a) Floor Plans and Elevations- 21.129.73 Rev C
Block B (CA4b) Floor Plans and Elevations- 21.129.74 Rev C
Block F (CA2a) Floor Plans and Elevations- 21.129.75 Rev C
Block Y Flats (CA4b) Floor Plans and Elevations- 21.129.76 Rev C

Block Y Flats (CA4b) Floor Plans and Elevations- 21.129.77 Rev C
Block Z Flats (CA4b) Floor Plans and Elevations- 21.129.78 Rev C
Block Z Flats (CA4b) Floor Plans and Elevations- 21.129.79 Rev C
Block D (CA2a) Floor Plans and Elevations- 21.129.80 Rev A
Block G (CA2a) Floor Plans and Elevations- 21.129.81 Rev A
Block C (CA4b) Floor Plans and Elevations- 21.129.82 Rev A
Bike Store - 21.129.84

Large Single Garage - 21.129.88

Block Ev (CA4a KB) Floor Plans and Elevations- 21.129.90

Block Fv (CA1) Floor Plans and Elevations- 21.129.91

Block Fv (CA2b) Floor Plans and Elevations- 21.129.92 Rev A

HT J (CA1) Floor Plans and Elevations- 21.129.93

HT L (CA3) Floor Plans and Elevations- 21.129.94 Rev A

HT K (CA2b) Floor Plans and Elevations- 21.129.95

HT I (CA1) Floor Plans and Elevations- 21.129.96 Rev A

HT Iv (CA1 KB) Floor Plans and Elevations- 21.129.97 Rev A

Blk D (CA1) Floor Plans and Elevations- 21.129.98

Block H (CA2a) Floor Plans and Elevations- 21.129.99

HT I (CA2b) Floor Plans and Elevations- 21.129.100 Rev A

HT I CA3) Floor Plans and Elevations- 21.129.101 Rev A

Block Fv (CA3) Floor Plans and Elevations- 21.129.102

Block R (CA3) Floor Plans and Elevations- 21.129.103

Block K (CA2b) Floor Plans and Elevations- 21.129.104

Northern House Type Key Plan - 21.129.64 Rev G

Southern House Type Key Plan - 21.129.65 Rev G

Northern Affordable Housing Plan - 21.129.66 Rev K

Southern Affordable Housing Plan - 21.129.67 Rev K

Street Scenes 1 - 21.129.68 Rev D

Street Scenes 2 - 21.129.69 Rev D

Street Scenes 3 - 21.129.70 Rev D

Street Scenes 4 - 21.129.71 Rev D

Site Dimensions Plan - 21.129.105 Rev A

Northern Refuse Strategy Plan - 21.129.106 Rev A

Southern Refuse Strategy Plan - 21.129.107 Rev A

General Arrangement On-plot Plan - 10095-FPCR-XX-XX-DR-L-0001 Rev P05

Detailed On-plot Landscape Plan (Sheets 1 of 13) 10095-FPCR-XX-XX-DR-L-0002 Rev P05

Detailed On-plot Landscape Plan (Sheets 2 of 13) 10095-FPCR-XX-XX-DR-L-0003 Rev P05

Detailed On-plot Landscape Plan (Sheets 3 of 13) 10095-FPCR-XX-XX-DR-L-0004 Rev P05

Detailed On-plot Landscape Plan (Sheets 4 of 13) 10095-FPCR-XX-XX-DR-L-0005 Rev P05

Detailed On-plot Landscape Plan (Sheets 5 of 13) 10095-FPCR-XX-XX-DR-L-0006 Rev P05

Detailed On-plot Landscape Plan (Sheets 6 of 13) 10095-FPCR-XX-XX-DR-L-0007 Rev P05

Detailed On-plot Landscape Plan (Sheets 7 of 13) 10095-FPCR-XX-XX-DR-L-0008 Rev P05

Detailed On-plot Landscape Plan (Sheets 8 of 13) 10095-FPCR-XX-XX-DR-L-0009 Rev P05

Detailed On-plot Landscape Plan (Sheets 9 of 13) 10095-FPCR-XX-XX-DR-L-00010 Rev P05

Detailed On-plot Landscape Plan (Sheets 10 of 13) 10095-FPCR-XX-XX-DR-L-00011 Rev P05

Detailed On-plot Landscape Plan (Sheets 11 of 13) 10095-FPCR-XX-XX-DR-L-00012 Rev P05

Detailed On-plot Landscape Plan (Sheets 12 of 13) 10095-FPCR-XX-XX-DR-L-00013 Rev P05

Detailed On-plot Landscape Plan (Sheets 13 of 13) 10095-FPCR-XX-XX-DR-L-00014 Rev P05

Detailed POS Landscape Proposals (General Arrangement) - 10095-FPCR-XX-XX-DR-L-0015 Rev P07

Detailed POS Landscape Proposals (Sheets 1 of 5) - 10095-FPCR-XX-XX-DR-L-0016 Rev P07

Detailed POS Landscape Proposals (Sheets 2 of 5) - 10095-FPCR-XX-XX-DR-L-0017 Rev P07

Detailed POS Landscape Proposals (Sheets 3 of 5) - 10095-FPCR-XX-XX-DR-L-0018 Rev P07

Detailed POS Landscape Proposals (Sheets 4 of 5) - 10095-FPCR-XX-XX-DR-L-0019 Rev P07

Detailed POS Landscape Proposals (Sheets 5 of 5) - 10095-FPCR-XX-XX-DR-L-0020 Rev P07

General Arrangement Hard Landscape Plan - 10095-FPCR-XX-XX-DR-L-0021 Rev P06

Detailed Hard Landscape Plan (Sheets 1 to 3) - 10095-FPCR-XX-XX-DR-L-0022 Rev P06

Detailed Hard Landscape Plan (Sheets 2 of 3) - 10095-FPCR-XX-XX-DR-L-0023 Rev P06

Detailed Hard Landscape Plan (Sheets 3 of 3) - 10095-FPCR-XX-XX-DR-L-0024 Rev P06

Post and Rail Fencing Drawing - 10095-FPCR-XX-XX-DR-L-0025 Rev P02

Detailed Allotment Plan - 10095-FPCR-XX-XX-DR-L-0026 Rev P01

SWEPT PATH ANALYSIS - FIRE TENDER - ITB16481-GA-201 Rev C

SWEPT PATH ANALYSIS - REFUSE COLLECTION VEHICLE / WATER TANKER - ITB16481-GA-202 Rev D

ROAD GEOMETRY PLAN - ITB16481-GA-204 Rev C

VISIBILITY ASSESSMENT - ITB16481-GA-203 Rev C

Potential Pedestrian / Cyclist Access Arrangements - ITB16481-GA-007 Rev -

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies C SP1, D DM1, T SP1.

- 2 Prior to the occupation of any dwelling located within the northern parcel (Plots 1-158) as shown on drawing no. Site Plan - 21.129.02 Rev T the internal estate road shall ensure adequate connection for Highways and footpaths to the adjacent site known as Church Barton.

Reason: To ensure the delivery of an appropriate access and to ensure delivery of the entire allocation.

- 3 No individual dwelling shall be occupied until the respective car parking space serving that dwelling has been constructed in accordance with the Site Plan 21.129.02 Revision T, and available for use. Once provided in accordance with the approved plans, the spaces provided shall be retained in perpetuity for their designated use.

Reason: To provide adequate car parking provision in accordance with Arun Local Plan policy T SP1.

- 4 Prior to occupation of any dwelling hereby permitted, details of the cycle storage and bin storage shall be submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the bin storage and cycle storage have been provided in accordance with the approved detail for that dwelling. The spaces provided shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 5 Prior to the occupation of any dwelling, a Landscape Ecological Management Plan (LEMP) shall be submitted and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the measures outlined within the LEMP.

Reason: To conserve the wildlife interest of an important natural habitat in accordance with policies ENV SP1 & ENV DM1 of the Arun Local Plan.

- 6 No individual dwelling hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through the water calculator has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with policies ECC SP1 and W DM1 of the Arun Local Plan.

- 7 Prior to the commencement of the development, a Mitigation Landscape Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable of when planting and fencing within 20m of the western boundary are to be implemented in relation to commencement of development and pre-construction activities and details showing the measures to protect and maintain the works during the construction phase. The approved detail will be implemented in full.

Reason: To conserve the wildlife interest of an important natural habitat in accordance with policy ENV DM2 of the Arun Local Plan.

- 8 Prior to the occupation of any dwelling, details of all signage and Homeowner Information Packs pertaining to the education of the Pagham Harbour site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the locations, appearance and contents of the signage and Information Packs, and shall also be in line with the messaging guidelines of the Pagham Harbour Strategic Access Management and Monitoring Plan. The approved details shall be implemented in full prior to the occupation of any dwelling and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate mitigation planting in order to comply with the approved Habitats Regulations Assessment (HRA) Appropriate Assessment (AA) in accordance with Policy ENV DM1 and ENV DM2 of the Arun Local Plan.

- 9 Prior to the commencement of the development, a noise assessment, alongside a noise mitigation scheme for protecting the proposed dwellings from noise generated by Pagham Road, shall be submitted to and approved in writing by the local planning authority. The proposed scheme shall achieve the following noise levels, based on Table 4 of BS 8233:2014:

a) internal day time (07.00 hours to 23.00 hours) noise levels shall not exceed 35dB LAeq, 16hr for habitable rooms (bedrooms and living rooms with windows open).

b) internal night-time (23.00 hours to 07.00 hours) noise levels shall not exceed 30dB LAeq, with individual noise events not exceeding 45dB LAm_{ax} no more than 12 times per night (bedrooms windows open).

c) garden/external amenity spaces should not exceed 50 dB LAeq, 16hr.

If it is predicted that the internal noise levels specified above will not be met with windows open, the proposed mitigation scheme shall assume windows would be kept closed and will specify an alternative ventilation system, to reduce the need for windows to be opened. As a minimum, this should usually consist of a mechanical heat recovery ventilation system with cool air by-pass or equivalent.

The agreed noise mitigation measures shall be fully installed/implemented prior to occupation of any of the affected dwellings and then permanently retained in good working order thereafter.

Reason: To protect the amenity of local residents in accordance with Arun Local Plan policy QE DM1. This must be a pre-commencement condition because it is necessary to have such mitigation measures in place before the buildings are occupied.

10 If residential properties are to be completed and occupied prior to the whole of the development being finished, a scheme to protect those early occupants from noise and vibration should be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of future occupiers in accordance with Policy QE DM1 of the Arun Local Plan.

11 Prior to the occupation of any dwelling, details of the boundary treatment for the allotments shall be submitted to and approved by the Local Planning Authority. The fencing shall be installed prior to the allotments coming into use.

Reason: To ensure appropriate standard of amenity for future occupiers and to restrict access to the allotments in accordance with D DM1 of the Arun local Plan.

12 INFORMATIVE: The following link provides information/guidance for the noise assessment and mitigation scheme: Planning Noise Advice Document - Sussex, September 2021 <https://www.arun.gov.uk/download>.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

P/153/21/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 2

PLANNING COMMITTEE

17th January 2024

PLANNING APPLICATIONS

PLANNING APPLICATION REPORT

REF NO: LU/278/23/HH

LOCATION: 19 Davits Drive
Littlehampton
BN17 6RU

PROPOSAL: Single storey rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Erection of single storey extension to the rear of a two-storey, semi-detached dwelling.

RELEVANT SITE HISTORY

LU/10/16/CLP Lawful development certificate for a proposed loft conversion with rear facing dormer window & 2 No. front facing windows. PP Not Required 10-02-16

REPRESENTATIONS

Littlehampton Town Council - No objection.

No representations from neighbours.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Built-up Area Boundary.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

CONCLUSIONS**OFFICER NOTE**

This application has been referred to the Planning Committee due to the applicant being an Arun District Councillor.

PRINCIPLE

The proposal is assessed against Policies D DM1, D DM4, D SP1 of the Arun Local Plan, the Arun District Design Guide, Policy 1 of the Littlehampton Neighbourhood Plan and the NPPF (December 2023). The Arun Design Guide provides detailed guidance that helps to raise design standards across the district. Section M states that development should respond to the distinctiveness of their host dwelling and surroundings in terms of scale, massing, materials, and protect the amenities of occupants and neighbours. Section M also illustrates the '60- and 45-degree rules'. These rules refer to the 60-degree sightlines and 45-degree sightlines from neighbouring viewpoints and aims to prevent adverse obstruction of sightlines and loss of sunlight. The 60-degree rule specifically refers to single storey rear extensions.

DESIGN AND VISUAL AMENITY

No.19 Davits Drive sits in a streetscene characterised by dwellings with a variance in style and orientation, ranging from single storey semi-detached, to two-storey semi and link attached properties. The host dwelling is two-storey, semi-detached and benefits from a small front garden, being set back from the roadside boundary. To the rear, an existing single storey pitched roof extension provides dining room facilities.

The proposal is for the construction of single storey extension to provide additional utility and w.c. facilities, enjoying both internal and external access. Being sited within the Built-up Area Boundary and considered sustainable development, the proposal is both found acceptable in principle and accords with Policy 1 of the made Littlehampton Neighbourhood Plan.

The proposal would represent a moderate increase to the existing plan area adding an approx. 3.65m in length by approx. 2.22m in width and would by way of scale and form, integrate well with the existing plot. Noted is the existence of a similarly sized deep extension to the rear of no.21, which this proposal will abut.

The design sees a new flat roof with overall eaves height matching the neighbouring single storey extension at approx. 3.0m, although slightly exceeding that of the present dining room extension. 1 no. new window is proposed to the north and east and elevations serving the w.c., with new external door to north elevation serving the utility room area.

Materials chosen include facing brick and proprietary built-up felt to flat roof that will be of a similar appearance to the existing. White UPVc window frames and white UPVc/resin door would be utilised.

Although the existing main dwelling and previous extension benefit from pitched roofs, the proposed flat

roof to the single storey extension is reflective of that seen in the immediate locality. Although it cannot be argued that the proposal is visually sympathetic to the host dwelling, by virtue of scale and siting to the rear of no. 19, it is not considered to cause significant harm in this regard, and will have no impact on the streetscene or negatively affect the character of the area.

The proposal is compliant with Policies D SP1, D DM1 & D DM4 of the Arun Local Plan, the Arun District Design Guide, the Littlehampton Neighbourhood Plan and the NPPF.

RESIDENTIAL AMENITY

The proposed rear extension will further increase the existing single storey projection but there will be no intersection of any 60-degree sight/light accessibility line from habitable room line from the rear of no.21 or no.17. In abutting and matching the length of the development to the rear of no. 21, any potential additional harm by way of loss of outlook or light has been avoided. The proposed eaves height is slightly higher than that of the existing rear extension, however, by introducing a flat roof, the single storey extension avoids significant harm by way of overbearing or overshadowing toward neighbouring dwellings.

The proposed addition of new door/windows at ground level, would not create any new viewpoints or significant harm by way of directly overlooking neighbouring dwellings. In this respect, the proposal is acceptable.

Accepting that there will be a slight reduction in rear private amenity space, the proposal would still see a distance of approx. 8.1m being retained, which, whilst falling short of the recommendation in the Arun Design Guide, is considered acceptable as adequate amenity space overall would be retained.

PARKING

Being sited to the rear, the current parking arrangements remain unaffected by this proposal and would still see off-road parking for 2 no. vehicles, which is considered acceptable.

For the preceding reasons the proposal will not result in significantly overbearing, overshadowing, or overlooking on any neighbouring properties and is in compliance with relevant Development Plan policies D DM1 & D DM4 of the Arun Local Plan, Section M of the Arun Design Guide and the NPPF.

SUMMARY

The moderate scale of the proposal results in overall plan area similar to adjoining neighbours and is considered acceptable in terms of its impact on both visual and residential amenity. Accordingly, the application is recommended for approval, subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms

of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan.
- Site Plan & Proposed Elevations.
- Proposed Ground & First Floor Plan.
- Proposed Elevations.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 The materials and finishes of the external walls of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with Arun Local Plan policies D DM1 and D DM4.

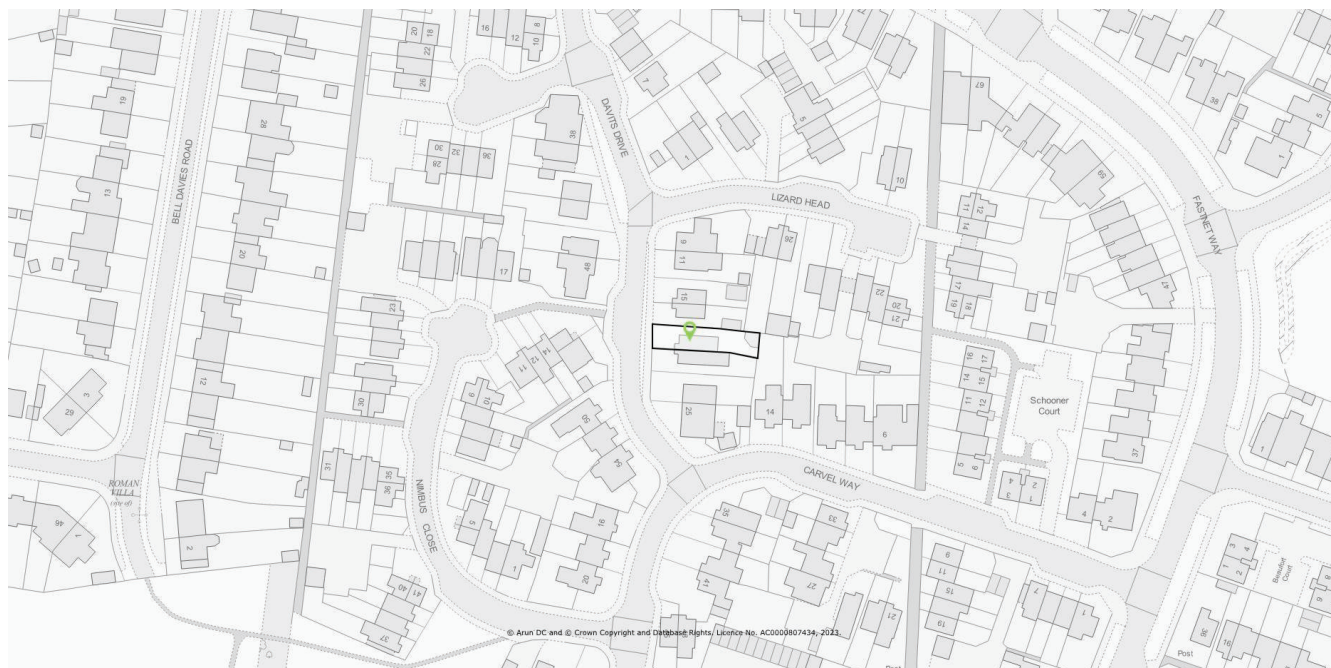
- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going](#)

to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on [this link](#).

LU/278/23/HH - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: WA/111/23/PL

LOCATION: Brookfield Farm
Eastergate Lane
Walberton
BN18 0BA

PROPOSAL: 2 No. detached 4 bedroom dwellings (resubmission following WA/101/22/PL). This application is a Departure from the Development Plan and in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This application seeks permission for the erection of two detached 4-bedroom dwellings, each with an integral double garage.</p> <p>The dwellings are of the same design. They are traditionally styled and include barn-ends to both the north and south and a hipped/cat-slide roof to the eastern elevation and a single storey barn-end out croft to the western elevation. Pitched roof dormers are proposed to the front and rear, and solar panels are also included to the western elevation.</p> <p>The design will include bonnet tiles to hips, exposed rafter feet and be finished with brick at ground and cladding to the first floor. Fenestration openings are appropriately sized given the rural setting of the building.</p> <p>The two dwellings would be set back from the road and served by a single, shared vehicular access. They would be provided with parking and turning areas, including one visitor car parking space.</p>
SITE AREA	0.47 Hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 4 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	The site has trees and hedgerow to its western and southern boundaries, including a large Hornbeam adjacent to the proposed access to the site.
BOUNDARY TREATMENT	Trees/hedgerow.
SITE CHARACTERISTICS	Open agricultural grazing land.
CHARACTER OF LOCALITY	Rural. The site is surrounded by sporadic development to the west and east, including residential, with open agricultural grazing land to the north. There are various business of a rural

nature to the immediate south of the site, including garden nurseries.

RELEVANT SITE HISTORY

WA/101/22/PL	2 x detached 4 bedroom dwellings	Refused 24-02-23
WA/73/22/PL	4 No 3 bedroom dwellings. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.	Withdrawn 14-09-22

This is a revised application following the withdrawal of application WA/73/22/PL and the refusal of a subsequent application WA/101/22/PL, which was dismissed on appeal on the basis that the scheme would result in the loss of Best and Most Valuable Agricultural Land (BMVAL).

The Planning Inspector made the following conclusions in their summing up of the proposed development:

"The proposal would provide 2 dwellings reasonably quickly, due to its small scale. I have considered that the Framework seeks to boost significantly the supply of housing and recognises the importance of small sites in meeting the housing requirements of an area. It would therefore contribute to the Council's 5-year housing land supply and along with the associated economic, social, and environmental benefits, would attract moderate weighting based on the size of the Council's housing land supply deficit and the number of houses proposed.

I have found the proposal acceptable in relation to its impact on the character and appearance of the area, and the Council have not found harm relating to living conditions, design, accommodation standards, parking, highway safety, trees, biodiversity, and energy efficiency, amongst other things. However, any absence of harm is neutral in the planning balance.

Nevertheless, the proposal would constitute the loss of BMVAL, and because this loss would be permanent and irreversible, I give this significant weight. Therefore, I find in these circumstances, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan."

This application represents a resubmission of application WA/101/22/PL with new evidence submitted to address the Inspector's main concerns regarding the loss of Best and Most Valuable Agricultural Land (BMVAL), which the applicant disputes. Consideration of the new evidence is discussed in the body of the report below.

REPRESENTATIONS

- Walberton Parish Council - Objection.
- Site is outside the Built-up Area Boundary (BUAB).
- Greenfield site consisting of grade 3 agricultural land.

- Increasing trend to infill land along Eastergate Lane, development is merging with neighbouring Parishes.
- Biodiversity corridor, impact on chalk stream not identified.
- Increased risk of flooding/ ground water monitoring lacking.
- Not a sustainable location, without footpath or cycle routes.

5 letters of support from neighbours.

- 2 well presented homes in the village.
- Appropriately sized and situated amongst neighbouring homes. A positive addition to this rural setting.
- Other similar gap developments have been approved along the lane.

1 letter of objection from neighbour.

- This application is a harmful incursion into the rural gap between settlements.

COMMENTS ON REPRESENTATIONS RECEIVED:

Representations noted. Those relating to material planning matters are considered in the Conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - Advice with conditions suggested.

- Visibility is in accordance with Design Manual for Roads and Bridges guidelines for Stopping Sight Distances (SSD) in relation to recorded survey data 85th percentile speeds provided within the Transport Statement. As such, the Local Highway Authority (LHA) is satisfied with the demonstrated visibility, of which can be secured by condition.
- The LHA is satisfied that this number of trips can be accommodated into the local highway network and is not anticipated to give rise to any adverse impacts on highway safety.
- Under Arun Parking Standards, the LHA would expect a development of this size and location to provide at least seven car parking spaces. Therefore, the LHA is satisfied with the proposed level of parking provision.
- Parking bays appear suitably sized.
- 4 cycle parking spaces are to be provided. These can be secured by condition.
- The site is situated approximately 1km west of Walberton Village, which provides some local amenities and services, such as a shop and bus links. However, this part of Eastergate Lane lacks a footway and is unlit, which may deter pedestrians. Cycling is available option for confident cyclists.
- The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Environmental Health - No objection. Conditions including contamination, working hours and best practice suggested.

Ecology - No objection with conditions relating to new bat/bird habitat, lighting and enhancement suggested.

- The site is within the Singleton and Cocking SAC Tunnels SAC and is therefore within the 12.0 km wider conservation area.
- This has been considered and the impact is rated as negligible.

- The BNG assessment uses the small sites metric with an increase of over 10% in all 3 typologies.

Southern Water - Advice.

ADC Engineers - No comment received, however, previous application found no objection with conditions suggested.

COMMENTS ON CONSULTATION RESPONSES:

Appropriate conditions recommended by consultees have been included where relevant and necessary.

POLICY CONTEXT

Designation applicable to site:
 Outside the Built-up Area Boundary.
 Singleton and Cocking Tunnels SAC 1.2km buffer zone.
 Lidsey Treatment Catchment area.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
ECCSP1	ECC SP1 Adapting to Climate Change
LANDM1	LAN DM1 Protection of landscape character
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Walberton Neighbourhood Plan Policy 2017 HP1</u>	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2017 VE7	Surface Water Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is acceptable in that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against Development Plan policies and the guidance of the National Planning Policy Framework when taken as a whole.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan.

WA/101/22/PL was dismissed at appeal in September 2023 where the Inspector determined the key issues to be the effect of the proposed development on the availability of the best and most versatile agricultural land (BMVAL), and the character and appearance of the area.

Given the high-quality design being reflective of the local area and landscape they found that the proposal would not harm the character and appearance of the area. It would therefore comply with LP Policies D DM1, D SP1 and LAN DM1; Policy HP13 of the Walberton Neighbourhood Plan; the Arun District Design Guide and the NPPF.

When considering BMVAL, the Inspector upheld the reason for refusal insofar as (when considering the precautionary approach), they were unable to conclude that the proposal would protect the availability of the BMVAL or the provision of 2 new dwellings on the appeal site would appropriately outweigh the protection of that land. The proposal would therefore conflict with LP Policy SO DM1, and the Framework, as far as it requires that the economic and other benefits of BMVAL are taken into account.

No evidence was submitted by either party at the appeal as to the exact classification of the land, only that the land could be classified as Class 3 (which is split into 3a - Good Moderate, and 3b Moderate Moderate. This led the Inspector to take a precautionary approach because of the permanent loss of the land subject to the application's approval. This application introduces new evidence relating to the classification of agricultural land forming the site area, in all other respects the application is identical to the previous submission.

This very recent appeal decision is a material consideration to which significant weight should be afforded.

CONCLUSIONS

PRINCIPLE

The Development Plan for the Arun District currently comprises the Arun Local Plan 2011-2031 ("ALP"), the Walberton Neighbourhood Development Plan 2, that was made in 2021 ("W NDP") and the West Sussex Waste and Minerals Plans.

Policy C SP1 of the Arun Local Plan states that in locations outside the Built-up Areas boundary, development will only be permitted for a defined list of countryside uses.

Policy HP1 of the Walberton NP relates to the Built-up Area Boundary (BUAB) and states proposals for development outside of the BUAB, that do not accord with the development plan policies in respect of the countryside, will be resisted unless it is for essential utility infrastructure.

The provisions of Policy HP1 and Policy C SP1 preclude residential development on the application site. The principle of development on the site is, thereby, contrary to the development plan.

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year Housing Land Supply Policy C SP1 of the ALP is out of date and the presumption in paragraph 11(d) (the so called "tilted balance") applies.

Paragraph 14 of the new NPPF (20 December 2023) relating to the status of neighbourhood plans is of relevance in this instance.

Paragraph 14 says that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply: a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

The current made Walberton Neighbourhood Plan 2 is less than 5 years old and sites for the allocation of housing have been provided within the WNP. Accordingly, Paragraph 14 of the NPPF is a material consideration to which significant weight should be attached.

AGRICULTURAL LAND

The site is indicated by "Agricultural Land Classification - Provisional (England)" data (as obtained through Natural England) to be grade 3 (Good to Moderate quality). However, the classification does not distinguish between grade 3a/3b. This mapping is based on data provided by the national Provisional Agricultural Land Classification Grading system (ALC). It assesses the potential for land to support different agricultural uses, such as growing crops for food but does not consider the land's current use and intensity of use.

At appeal, the Inspector noted that no evidence had been submitted to clarify the exact class of the land, noting that Natural England data did not clarify whether the appeal site would be classified as grade 3a, or the lower quality 3b. Taking the precautionary approach, in the absence of clarity on the specific grading, they concluded the land to be 3a (the worst case scenario) and gave the permanent loss of the land to agriculture significant weight in the planning balance.

In support of this resubmitted application, a detailed 'Agricultural Land Classification Report' has now been prepared that concludes that, owing to the site's stoniness and drought, this site cannot be classified any higher than class 3b land. This is short of the requirements of Policy SO DM1 of the ALP which requires development on class 3a land and higher (including classes 1 and 2), to be supported by a sustainability and options appraisal. Furthermore, it is argued that the loss of 0.47 hectares of grazing pasture, which is too small to be considered 'best and most versatile' land, will not affect the farming business' longer term viability. The Council has not evidence available to counter this.

ALP policy SO DM1 states unless land is allocated, then the use of graded agricultural land above level 3b for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term. In this instance the new evidence submitted is considered satisfactory to demonstrate that the land does not fall to be considered under this policy and, as such, there is no requirement for the application to meet the specific policy test.

On the basis of the revised information now provided, that was not available at the time of the previous appeal, it is considered that a refusal reason relating to the loss of BMVAL could no longer be sustained.

VISUAL/DESIGN IMPACT

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Trees, Layout, Density and Scale. Policy D SP1 requires development to make an effective use of the land.

Policy LAN DM1 strives to respect the particular characteristics and natural features of the landscape.

Policy HP 13 of the Walberton Neighbourhood Plan requires that new development must contribute to local character by creating a sense of place appropriate to its location.

Para 135 of the NPPF requires development to be visually attractive as a result of good architecture, layout, be sympathetic to local character and history, including the surrounding built environment and landscape setting and maintain a strong sense of place.

Part Q of the Arun Design Guide (ADG) requires development to sensitively fit into its setting in order to respect the character of the District's countryside areas.

The site is located immediately to the east of a group of approx. 15 dwellings of typical sporadic ribbon development, situated back from the highway. Eastergate Lane is a rural narrow lane (without pavements) with grass verges lined by hedgerow. Immediately to the north of the site is open grassland, used for grazing, to the south are commercial nurseries. Heading from west to east the character of the lane alters from one of a more formal pattern of semi-rural development to that of a rural setting. From Eastergate Lane, looking north, views of the open, undeveloped nature of the land can be glimpsed through openings in the hedgerow. Equally there are points on West Walberton Lane where views towards the application site can be achieved. This character contributes to the attractive setting and open rural character of the local area. Despite the development having an impact in this regards, the properties cannot be considered as out of character, especially as the development is located in between other dwellings fronting the lane.

Furthermore, the existing hedgerow situated on the southern boundary of the site provides some screening, there will still be glimpses of the proposed dwellings available from the highway. The attached garages (the forward most part of the development) will be located approx. 27m away from the edge of the highway. It is noted that the nearest neighbours nos. 1 and 2 Nursery Cottages, which lie immediately to the application site's western boundary are situated nearer to the highways edge at

approx. 17m back. As such the dwellings will not harm the established pattern of development.

Part P of the AGD requires infill development to 'Respond positively to the character, appearance and layout of surrounding buildings' and requires new development to 'relate to the existing rhythm of buildings and voids.'. The scale and bulk of the proposed dwellings is not dissimilar to those properties to the immediate west. Nos. 1 and 2 Nursery Cottages are a pair of semi detached dwellings, their bulk and height matches the proposed dwellings. In terms of appearance the high-quality design responds well to the rural setting.

In the Inspector's report they concluded that the proposals would be of a style, size and form commensurate to the other properties along Eastergate Lane and would, therefore, appear visually in keeping with existing development. The set back position of the development and retained and enhanced green buffer would also maintain the green verdant rural setting of the development. The Inspector also commented that, despite the loss of the void between existing development, given the spacious nature of development it would integrate acceptably.

In terms of appearance and character the proposed dwellings would inevitably have some impact on the relatively open rural character of the area, however, their appearance, bulk, scale and layout are reflective of other nearby existing development. Any harm arising would not be significant enough to conflict with policy requirements. The development accords with policies D SP1, D DM1 and LAN DM1 of the Arun Local Plan, HP 13 of the WNP, Part Q and P of the Arun Design Guide, and relevant paragraphs of the NPPF.

RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. Part H of the Arun Design Guide sets out guidance on garden depths and interface distances between houses.

The two dwellings will sit centrally within their respective plots with an acceptable minimum of 14.5m to the western boundary and 13.5m to the eastern boundary of site, with rear gardens exceeding Part H of the ADG requirements (12m) and fronting a public road. As such no overbearing impacts will occur to neighbouring properties.

There are no side facing first floor windows proposed thereby preventing any overlooking from these elevations. All other openings face towards the front, overlooking public or shared areas, or face towards the private rear amenity space.

The proposal, thereby, accords with policies QE SP1 and D DM1 of the ALP.

QUALITY OF ACCOMMODATION

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards provide the current guidance. A 4 bed-8 person dwelling should provide a minimum of 124sqm over two floors. The internal spaces for the proposed dwellings would significantly exceed the current standards. at approx. 280sqm. Therefore, the development accords with Policy D DM2 of the Arun Local Plan.

In exceeding the required space standards, the proposed dwellings accord with Policy D DM2 of the ALP.

TRAFFIC & ROAD SAFETY

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network;

contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

According to the requirement of Parking Standards (SPD January 2020), 2 parking spaces are required for 3 bed houses in Parking Behaviour Zone 1.

The plans indicate 4 parking spaces (two within the garage) per dwelling which would satisfy the requirement of ADC Parking Standards. 1 visitor space is also indicated, and although not necessary with a scheme of this size will be a useful resource given the nature of Eastergate Lane.

As a result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. As EV charging points have not been indicated on plan, details of these can be secured by condition.

The Arun SPD requires cycle storage to cater for 2 cycles per dwelling. Ample space for the storage of bicycles can be provided within each garage.

WSCC Highways does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Subject to conditions to secure vehicular & cycle parking and EV points, the proposal would accord with ALP policies T SP1, T DM1, the ADC Parking Standards SPD (2020) and the NPPF.

TREES

Policy ENV DM4 of the ALP and VE3 of the Walberton Neighbourhood Plan states that development will be permitted where it can be demonstrated that trees and hedgerows contributing to local amenity will not be damaged or destroyed and that development that damages or results in the loss of ancient trees/trees of arboricultural and amenity value or loss of hedgerows or significant ground cover and habitat will be resisted.

A 'Tree Protection and Retention Plan' and 'Tree Schedule' have been provided in support of the application. These detail that no trees are to be removed from site, and existing boundary trees shall be protected during works. Amended plans have also been received moving the access track from intersecting through the root protection areas of the trees found on the western boundary. This will allow existing tree coverage to be fully protected from the development and provide space for new tree/hedge planting to proceed in line with policies ENV DM4 of the ALP and VE3 of the WNDP.

BIODIVERSITY AND ECOLOGY

ALP policy ENV DM5 requires that development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site.

Policy ENV DM1 controls development within sites of biodiversity or geological importance. The site is inside the 12km kilometre buffer zone as shown in the Sussex Bat SAC Planning and Landscape scale Enhancement Protocol. ANP policy EH12 states proposals for the development of greenfield sites in the Parish must evaluate whether there is a potential for the loss of suitable foraging habitat and / or the severance of commuting flight lines, such as in the form of mature treelines, hedgerows, and watercourses.

Policy VE10 of the WNP seeks to ensure a biodiversity net gain is made and seeks to preserve features (hedgerow/trees etc) used by bats within the Singleton and Cocking Tunnels Special Area of Conservation (SAC).

The application is accompanied by an Ecological Assessment where the opportunities for biodiversity enhancement have been suggested and details of biodiversity net gain have been provided.

The council's Ecologist is satisfied that sufficient survey effort has been applied and appropriate mitigation measures have been recommended in relation to qualifying features of the SAC. In terms of bats there are no structures present on site suitable for roosting, linear features such as hedgerow is being retained. The site has a low potential for bats with the boundary having low/moderate potential. As is required by the Conservation of Habitats and Species Regulations 2017 (as amended), the council has prepared an Appropriate Assessment (AA) which concludes there would not be any adverse effects on the SAC due to provision of suitable avoidance and mitigation measures.

Therefore, subject to a condition securing mitigation measures set out in the Ecological Impact Assessment, the proposed development accords with ALP policy ENV DM5.

ENERGY AND CLIMATE CHANGE

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

PV panels are proposed on the dwellings. These, along with other measures can be secured via planning conditions.

DRAINAGE

Policy W SP1 seeks to encourage water efficiency measures. Properties should demonstrate the most rigorous of efficiency measures equal to those required under Part G of the Building Regulations.

Policy W DM3 states that proposals should incorporate a range of Sustainable Urban Drainage Systems into proposals at an early stage in the design process. Proposal will be supported should they consider Surface Water Drainage Systems, which reduces the creation and flow of surface water drainage and reduces flood risk whilst increasing biodiversity.

The application is within the Lidsey Treatment Catchment, therefore surface water drainage design should be carefully considered. Infiltration must be fully investigated, sustainable urban drainage features have been included in the initial drainage design.

Arun District Council Drainage Engineers were consulted but have not yet commented on this application. However they raised no objection to application WA/101/22/PL for the same development. Aspects of note within this application require further ground water monitoring (winter) to be undertaken, a Land Drainage Consent will be required to divert the culvert, root barriers will be required between surface water drainage features and trees proposed, and further design refinement is required for connections to boundary watercourses. Subject to condition the proposal accords with policies W SP1 and W DM3 of the ALP.

SUMMARY

Paragraph 11d(ii) of the NPPF, requires that where policies relating to residential development are out of date (i.e. in this instance this applies to policy C SP1 of the ALP and HP1 of the WNP) then applications should be granted permission unless the impacts of doing so demonstrably outweigh the benefits, when assessed against the Framework as a whole. Para 14 states that the adverse impacts of allowing housing that conflicts with the WNP are likely to significantly and demonstrably outweigh the benefits, provided the neighbourhood plan contains policies and allocations to meet its identified housing requirements.

The benefits of the scheme are that the dwellings would make a modest addition to the housing stock in the District and that there would be a slight economic benefit to due to the jobs created, noting that the site could provide two new dwellings relatively quickly, this being a smaller site. The economic benefits arising during the construction of the development would be temporary and carry minimal weight. Overall, given the severe lack of a 5YHLS, the Inspector's conclusions in respect of the very recent appeal scheme are accepted, which is that the benefits arising from development would attract moderate weighting, based on the size of the Council's housing land supply deficit and the number of houses proposed.

There has been a material change in circumstances since the appeal decision, in that the government published a new National Planning Policy Framework in December 2023 in which the revised wording of paragraph 14 now strengthens the status of neighbourhood plans, where these allocate land for housing and were made less than 5 years ago. The WNP meets these tests and the provisions of paragraph 14 should be given an appropriate level of weight in determining this application and says that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.

In the overall planning balance, officers have given due weight to the conflict with both the ALP and the WNP. However, in this particular instance the very recent appeal decision (October 2023) is also a material planning consideration to which significant weight should be applied. The appeal proposals were identical to the development the subject of this current planning application and the Inspector found the proposal acceptable in relation to its impact on the character and appearance of the area, and did not identify any harm relating to living conditions, design, accommodation standards, parking, highway safety, trees, biodiversity, and energy efficiency. The only reason the Inspector found for dismissing the previous appeal was on the assumption that the development would result in the loss of BMVAL (Class 3a), in conflict with ALP Policy SO DM1. Robust evidence has since been submitted with this application to satisfactorily demonstrate that the land in question should, in reality, be graded as Class 3b, which falls outside of the definition of Best and Most Versatile Agricultural Land. This previous reason for refusal falls away.

Taking all factors into account, and notwithstanding that the proposals do not fully comply with the provisions of the development plan it is concluded that there are material considerations of such weight - especially the Planning Inspector's conclusions in respect of an identical scheme for the redevelopment of this site - that would justify granting planning permission in this particular instance. The application is therefore recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan
- Block Plan 2021/23/01 Rev G
- East and West Elevations 2021/23/13
- South Elevation and Ground Floor Plan 2021/23/11
- North Elevations and First Floor Plan 2021/23/12
- Street Scene 2021/23/10 Rev A
- Roof Plan 2021/23/14
- Tree Retention and Protection Plan GS057 V 4
- Landscape Proposal 2360-TFC-00-00-DR-L-1001 P04

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1.

- 3 The development shall be constructed with the following materials and finishes:

- Ground floor to be brickwork with flint panels.
- First floor and where indicated on elevations to be horizontal larch cladding.
- Roof to be clay tiles.
- Windows and doors to be painted timber/glazed.

Unless written agreement is obtained from the Local Planning Authority to vary this arrangement.

Reason: To enable the Local Planning Authority to control the development in detail by endeavouring to achieve a building of visual quality in accordance with Arun Local Plan policy

D DM1.

- 4 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work on Sunday or Bank/Public Holidays.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policy QE DM1.

- 5 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 6 No dwelling hereby permitted shall be first occupied until the car parking serving that particular dwelling has been constructed in accordance with the approved Site Layout/Block Plan 2021/23/01 Rev G. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T SP1 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until visibility splays of 2.4 metres by 95.6 metres to the west and 2.4 metres by 93.2 metres to the east have been provided at the proposed site vehicular access onto the application site in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with policies T SP1 of the Arun Local Plan.

- 8 Details of bat tubes, bricks or boxes shall be submitted to and approved in writing by the Local Planning Authority prior to any development above damp-proof course (DPC) level.

No fewer than 2 bat tubes, bricks or boxes shall be provided, and the details shall include the exact location, specification, and design of the habitats. The bat tubes, bricks or boxes shall be installed with the development prior to the first occupation/use of the building/s to which they form part or the first use of the space in which they are contained.

The bat tubes, bricks or boxes shall be installed strictly in accordance with the details so approved and shall be permanently maintained in good working condition thereafter.

Reason: To ensure the development provides the maximum possible provision towards the creation of habitats and valuable areas for biodiversity in accordance with Arun Local Plan Policies ENV DM1 and ENV DM5.

- 9 Details of integral nesting bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any development above damp-proof course (DPC) level.

No fewer than 2 Swift nesting bricks shall be provided, and the details shall include the exact location, specification, and design of the bricks. The bricks shall be installed within the development prior to the first occupation/use of the building/s to which they form part or the first use of the space in which they are contained. The number of boxes required is as follows:

- Small scale developments should include at least 1 multi-chamber boxes or bricks per dwelling,
- Medium scale developments should include at least 5 multi-chamber boxes or brick across the estate buildings,
- Major developments should incorporate at least 12 multi-chamber bricks or boxes across the estate buildings.

The nesting bricks shall be installed strictly in accordance with the details so approved and shall be permanently maintained in good working condition as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Arun Local Plan policies ENV SP1 and ENV DM5.

- 10 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the landscape proposals, BNG metric and EIA, shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats in accordance with Arun Local Plan policies: ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF 2023 and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 11 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water

drainage system prior to commencing any building works.

- 12 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 13 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling/the building and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

- 14 No individual dwelling hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through The Water Efficiency Calculator for New Dwellings has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with Arun Local Plan policies ECC SP1 and W DM1.

- 15 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 16 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable

development, as set out within the National Planning Policy Framework.

- 17 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided. Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

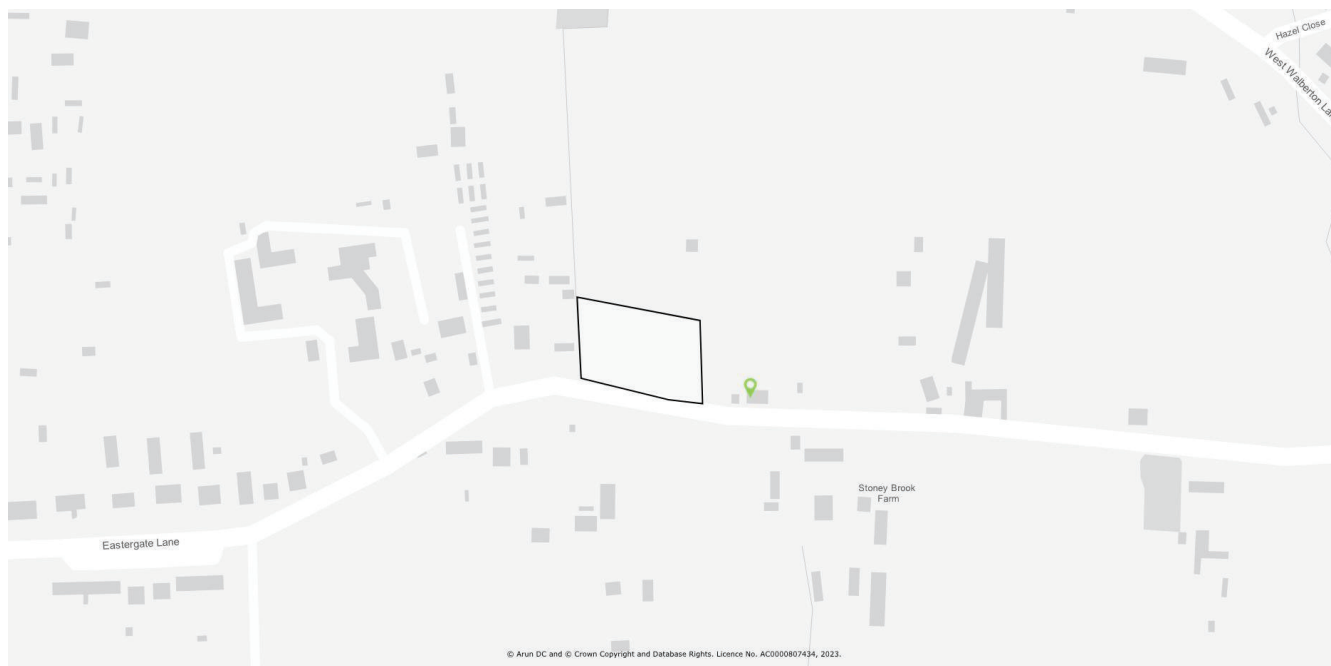
- 18 **INFORMATIVE:** Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council, land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on [this link](#).

WA/111/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Arun District Council

REPORT TO:	Planning Committee 17 January 2024
SUBJECT:	Rampion 2 Wind Farm – Local Impact Report
LEAD OFFICER:	Neil Crowther
LEAD MEMBER:	Cllr Hamilton
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
<ul style="list-style-type: none"> • Maximise opportunities to improve the energy efficiency of homes in the district. • To consider climate change, sustainability, biodiversity and the environment in everything the council is responsible for and encourage its community and local businesses to do the same. • Protect and enhance our natural environment. • Increase opportunities for more high-quality, well-paid employment, encouraging more people to live, work, study and visit Arun. • Make best use of our natural assets to help drive the economy. 	
DIRECTORATE POLICY CONTEXT:	
<p>This report gives an update on the amendments to the Rampion2 Wind Farm consultation.</p>	
FINANCIAL SUMMARY:	
<p>No financial implications.</p>	

1. PURPOSE OF REPORT

- 1.1 To agree to contents of a Local Impact Report (LIR) to submit to the Planning Inspectorate for examination as part of the Rampion 2 Wind Farm proposals. This will comprise the conclusions of the Council on various technical and subjective matters.

2. RECOMMENDATIONS

- 2.1 That Planning Committee resolves to
- i. Provide comments on and agree the proposed Local Impact Report, set out in Appendix 1 to be submitted to the Planning Inspectorate.
 - ii. If amendments are sought to the Local Impact Report, then delegated authority is granted to the Group Head of Planning to make appropriate amendments and submit the LIR.

- iii. To agree that written representations based on the contents of the Local Impact Report are submitted to the Planning Inspectorate in accordance with the timescales confirmed by the Planning Inspectorate.

3. EXECUTIVE SUMMARY

- 3.1 Planning Committee have considered various reports on the Rampion 2 Wind Farm proposals through the informal consultation stages. At Planning Committee on 8 September 2021, it was resolved to submit a holding objection to the proposals. The full response can be found at Appendix 2.
- 3.2 Rampion Extension Development Ltd (RED) have submitted a 'Development Consent Order' (DCO) for the Rampion 2 Offshore Wind Farm Scheme. The DCO will be formally examined under the 'Nationally Significant Infrastructure Project' (NSIP) process, managed by the Planning Inspectorate on behalf of the Secretary of State.
- 3.3 As part of that formal process Arun District Council, as a 'host Local Authority', is invited to submit a 'Local Impact Report' (setting out the positive, negative and neutral impacts of the proposal) and 'Written Representations' (setting out any objections, concerns or matters of support).
- 3.4 This report is for the Council to agree a Local Impact Report as part of this formal process leading up to Examination by the determining authority.
- 3.5 The Written Representations will then be drafted to draw to the key areas of objection, concerns and support from the Local Impact report, for submission to the Planning Inspectorate.

4. DETAIL

- 4.1 The current proposal for Rampion 2 would have an installed capacity of up to 1,200 MW, with the offshore components comprising:
 - Up to 90 offshore wind turbine generators (WTGs), associated foundations and inter-array cables:
 - Up to three offshore sub-stations;
 - Up to four offshore export cables, each in its own trench.

The key onshore elements of the proposal are:

- A single landfall site at Climping.
- Buried onshore cables in a single corridor approximately 38.8km in length running from Climping to Oakendene, which comprise up to four cable circuits in separate trenches – the construction width for which would be a maximum of 40m; and
- A new onshore substation near Cowfold (Horsham District) that will connect to the existing National Grid Bolney substation (Mid-Sussex), via buried onshore cables.

- 4.2 The formal proposals for the Rampion 2 Wind Farm have been accepted by the determining authority (The Planning Inspectorate) in September 2023 and the Development Consent Order pre-examination process has now commenced.
- 4.3 The Planning Inspectorate has appointed an independent Examining Authority to rigorously examine the application. At the end of the examination, the Independent Examining Authority will make a recommendation to the Government's 'Secretary of State for Business Energy and Industrial Strategy'. The Secretary of State will then review the application and decide on whether to grant a Development Consent Order.
- 4.4 As part of the Planning Act 2008 process, the relevant local authorities will be invited to submit a Local Impact Report to the Planning Inspectorate by a given deadline. Prior to this, the Council has been asked to set out (as a summary) their likely headline issues in a 'relevant representations' submission. This submission was essential a non-binding high-level identification of the main issues (Appendix 1). The Local Impact Report is the detailed submission for the purposes of the examination process.
- 4.5 The Local Impact Report is defined by the Planning Act as 'a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)'. The content of the Local Impact Report is a matter for the local authority concerned as long as it falls within this statutory definition. The Local Impact Report should consist of a statement of positive, neutral and negative local impacts. The Local Impact Report should be used by local authorities as the means by which their existing body of local knowledge and evidence on local issues can be fully and robustly reported to the Examining Authority.
- 4.6 Once the Local Impact Report has been agreed, Arun District Council will submit the Local Impact Report to the Planning Inspectorate in accordance with the deadline of 20 February 2024.
- 4.7 The Examining Authority has now published the Examination Timetable (on 14 December 2023). Following the submission of the LIR, the first stage of this process are preliminary meetings followed by initial hearings in early February 2024. Further Hearings are scheduled for May/June 2024 if required. Through this process, the applicant will seek to conclude Statements of Common Ground with the Council as well as other parties such as West Sussex County Council, National Highways, Natural England, Historic England and the Environment Agency.
- 4.8 After the Examination has been concluded, the Examining Authority will make a recommendation to the Secretary of State, who will make the decision on whether or not to make a development consent order authorising the project. In coming to a decision, the Secretary of State must have regard to Local Impact Reports.
- 4.9 As part of this process, the applicant has carried out extensive formal and informal consultation. A number of other local Parish and Town Councils have made their own submissions as part of the Relevant Representations stage. These are listed below.

- Climping Parish Council
- Aldwick Parish Council
- Pagham Parish Council
- Kingston Parish Council
- Lyminster & Crossbush Parish Meeting
- Bognor Regis Town Council
- Littlehampton Town Council

These representations can be found at this webpage.

[Relevant Representations | Rampion 2 Offshore Wind Farm \(planninginspectorate.gov.uk\)](https://planninginspectorate.gov.uk)

5. CONSULTATION

- 5.1 Significant internal consultation has taken place with technical officers. Further, significant consultation has taken place with adjoining authorities through the preparation of a draft Local Impact Report.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1 Not to engage in the process or make representations.

7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 7.1 Nationally Significant Infrastructure Projects ('NSIPs') are dealt with under the procedure set out in the Planning Act 2008 and involve an application to the Secretary of State for development consent ('a DCO'). Consultation is the first stage in the process, and the Council is a statutory consultee. The Council responded to the first consultation following consideration of the proposals by the Planning Committee on 8 September 2022.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1 N/a

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 9.1 N/a.

10. HUMAN RESOURCES IMPACT

- 10.1 N/a

11. HEALTH & SAFETY IMPACT

- 11.1 N/a

12. PROPERTY & ESTATES IMPACT

12.1 The Council are in discussion with the applicants regarding land ownership issues at Climping where works are proposed for a temporary period.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 N/a

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 The proposed Rampion 2 Wind Farm development would provide a significant amount of renewable electricity to the grid and provide households and businesses across the UK with the opportunities to purchase renewable electricity. It would help ensure the transition away from the fossil fuel generation of electricity which has a large impact on the environment, through the direct burning of the fuels themselves and the impact to the surrounding environment during the harvesting of the fuels.

14.2 In support of fighting climate change and reducing the Council's impact on the environment the Council declared a climate emergency in January 2020 and pledged to become carbon neutral by 2030. Since this date the Carbon Neutral Strategy and Climate action and biodiversity work plan have both been adopted, along with one of the four key pillars in the Council's vision document being 'supporting our environment to support us.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1 N/a

16. HUMAN RIGHTS IMPACT

16.1 N/a

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 N/a

CONTACT OFFICER:

Name:	Neil Crowther
Job Title:	Group Head of Planning
Contact Number:	01903 737500

BACKGROUND DOCUMENTS:

- Appendix 1 – Draft Local Impact Report
- Appendix 2 - Arun District Council Relevant Representations submission November 2023.
- Appendix 3 – Copy of Arun District Council response to informal consultation.

- Reports to Planning Committee
8 September 2021
30 November 2022

- Members may wish to view the South Downs National Park Local Impact Report.

<https://www.southdowns.gov.uk/meeting/national-park-authority-meeting-12-december-2023/>

- Full details of the application proposals can be found here.

[Rampion 2 Offshore Wind Farm - Project Information \(planninginspectorate.gov.uk\)](#)

Arun District Council - Local Impact Report

EN010117: Rampion 2 Offshore Wind Farm

December 2023

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1. INTRODUCTION

Background

- 1.1 Rampion Extension Development Limited (the 'Applicant') has submitted an application for a Development Consent Order (DCO) to construct, operate (including maintenance) and decommission an offshore wind farm, located approximately 13km off the Sussex Coast. This is known as Rampion 2 Offshore Wind Farm and herein referred to as the 'Project'.
- 1.2 This is the Local Impact Report from Arun District Council (ADC), which sets out the likely impacts of the Project within the administrative area of ADC, beyond the South Downs National Park. ADC is a host authority for the Project, with landfall within the parish of Climping (also known as Clymping) and buried onshore cables proposed north and east through the District.

Purpose, Scope and Terms of Reference of the Local Impact Report

- 1.3 This Local Impact Report has been prepared with due consideration of Advice Note 1¹ from the Planning Inspectorate. This Advice Note refers to the Planning Act 2008 and states that:

'The sole definition of an LIR is given in s60(3) of the Act as 'a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)'. The content of the LIR is a matter for the local authority concerned as long as it falls within this statutory definition'.

- 1.4 ADC is the planning authority for Arun, apart from the area of Arun within the South Downs National Park, which falls under the planning responsibility of the South Downs National Park Authority (SDNPA). However, the SDNPA refer to advice from the Environmental Health Department at ADC. The SDNPA has a duty to work in partnership with all local authorities and, as such, with ADC. In addition, West Sussex County Council is the highways authority, education authority and Lead Local Flood Authority that covers Arun. This Local Impact Report therefore focuses on subject and geographical areas which ADC has primary planning responsibility.

¹ Planning Inspectorate (2012) "Advice Note One: Local Impact Reports". Available at [<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-one-local-impact-reports/>] Accessed 4 December 2023

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- 1.5 This Local Impact Report does not replicate the Environmental Statement (ES) submitted with the application for the Project, but instead seeks to draw together local knowledge and evidence of issues within the administrative area of Arun beyond the South Downs National Park that can be robustly reported to the Examining Authority. The likely impacts are presented as either positive, neutral or negative effects during construction and operation, where relevant. However, as set out in the Advice Note, it is for the Examining Authority to conduct a balancing exercise of the likely impacts.
- 1.6 Having reviewed the documentation submitted with the application for the DCO, ADC broadly agrees with the results of the assessments and the adequacy of mitigation for the archaeological, geoarchaeological and palaeo-environmental potential within the District beyond the South Downs National Park. Given this, archaeology is not considered further in this Local Impact Report.
- 1.7 In addition to identifying key local issues and impacts, this Local Impact Report provides ADC's appraisal of the Projects compliance with local policy. However, in line with Advice Note 1, an appraisal has not been undertaken in relation to National Policy Statements (NPS).
- 1.8 This Local Impact Report builds upon the Relevant Representation and the initial Principal Areas of Disagreement Statement submitted by ADC to the Examining Authority in November 2023.

Overview of the Project

- 1.9 The key offshore elements of the Project will be as follows:
- up to 90 offshore wind turbine generators and associated foundations;
 - blade tip of the wind turbine generators (WTG) will be up to 325m above Lowest Astronomical Tide and will have a 22m minimum air gap above Mean High Water Springs;
 - inter-array cables connecting the WTG to up to three offshore substations;
 - up to two offshore interconnector export cables between the offshore substations;
 - up to four offshore export cables each in its own trench, will be buried under the seabed within the final cable corridor; and
 - the export cable circuits will be High Voltage Alternating Current, with a voltage of up to 275kV.

1.10

The key onshore elements of the Project will be as follows:

- a single landfall site near Climping, Arun District, connecting offshore and onshore cables using Horizontal Directional Drilling (HDD) installation techniques;
 - buried onshore cables in a single corridor for the maximum route length of up to 38.8km using:
 - trenching and backfilling installation techniques; and
 - trenchless and open cut crossings.
- a new onshore substation, proposed near Cowfold, Horsham District, which will connect to an extension to the existing National Grid Bolney substation, Mid Sussex, via buried onshore cables; and
- extension to and additional infrastructure at the existing National Grid Bolney substation, Mid Sussex District to connect Rampion 2 to the national grid electrical network.

2. OVERVIEW OF THE DISTRICT

Description of the District and Key Challenges

2.1 The District is located on the South Coast and approximately half of the former Arun planning authority area is now within the South Downs National Park.

2.2 The main urban areas are on the coast, with centres of population in Littlehampton, Bognor Regis and Arundel. The coastal towns are also the main employment and service areas, with Bognor Regis also supporting a campus of the University of Chichester. Beyond these towns is largely rural with scattered villages and hamlets.

2.3 The key environmental sensitivities within and immediately surrounding the DCO Limits of the Project within the District are shown in Figures 1a, 1b and 2. Notably this includes:

- Scheduled monuments: Littlehampton Fort and Medieval Earthworks E and SE of St Mary's Church, listed buildings and Conservation Areas;
- Site of Special Scientific Interest (SSSI): Climping Beach;
- Local Wildlife Sites: Littlehampton Golf Course and Atherington Beach; and
- Local Nature Reserve: West Beach.

2.4 The key challenges currently facing the District include:

- **Housing:** as with many local authorities, Arun faces challenges in housing supply and deliverable housing sites;
- **Education:** educational achievement in the District is relatively low. The 2021 Census indicates that 25.4% of the District's population has achieved tertiary qualifications, compared to a national average of 33.9%²;

² Office for National Statistics (2022) "2021 Census data". (Edition: June 2022). UK Data Service. Available at [\[https://www.ons.gov.uk/census\]](https://www.ons.gov.uk/census) Accessed 4 December 2023

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- **Employment:** Arun’s Economic Profile 2020-2025 found that in 2019, employment rates were generally lower (74.5%) than the West Sussex County average (80.4%). The employment rate is variable indicating a high level of insecure employment in Arun, most likely associated with the seasonal tourism industry. The occupational profile indicates to a low skill, low wage labour market profile within Arun³;
 - **Deprivation:** 2021 Census data indicate that Arun is the second most deprived area in Sussex⁴. Specifically, deprivation is associated with education and barriers to housing. Arun is the 66th most deprived local authority in England for barriers to housing and 89th for education⁵; and
 - **Biodiversity:** preserving and enhancing biodiversity is a key focus within Arun. Within the Biodiversity Net Gain Evidence Study⁶, several priority habitats are considered to be at risk by the Sussex Local Nature Partnership due to declines in extent, condition and distribution. These include: coastal vegetated shingle; lowland fen; reedbed; lowland heathland; intertidal mudflats; lowland meadows; and lowland calcareous grassland.

Strategic Site Allocations

- 2.5 The adopted Local Plan⁷ sets out the requirement for at least 20,000 new homes over the plan period to 2031; an equivalent of 1,000 dwellings per annum. A significant proportion of the housing land supply is proposed from strategic site allocations.
- 2.6 As shown on Figures 1a and 2, strategic site allocations within the vicinity of the Project include Climping and Littlehampton – West Bank for approximately 300 and 1,000 dwellings, respectively, as set out in Policy H SP1 of the adopted Local Plan.

³ Arun District Council (2019) “Arun Economic Profile 2020-2025”. Available at [<https://www.arun.gov.uk/economic-strategy/>] Accessed 30 November 2023

⁴ Office for National Statistics (2022) “2021 Census data”. (Edition: June 2022). UK Data Service. Available at [<https://www.ons.gov.uk/census>] Accessed 30 November 2023

⁵ UK Government (2019) “English Indices of Deprivation”. Available at [<https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019>] Accessed 30 November 2023

⁶ Arun District Council (2022) “Arun District Council Biodiversity Net Gain (BNG) Evidence Study”. Available at [<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n19224.pdf&ver=24187>] Accessed 1 December 2023

⁷ Arun District Council (2018) “Arun Local Plan 2011-2031”. Available at [[arun.gov.uk/adopted-local-plan/](https://www.arun.gov.uk/adopted-local-plan/)] Accessed 4 December 2023

2.7 A reserved matters application (CM/48/21/RES) has been submitted for Climping (at Land to the West of Church Lane South of Horsemere Green Lane) and a decision is currently awaited at the time this report was prepared. This is for:

'Approval of reserved matters following the grant of CM/1/17/OUT for the erection of 300 No dwellings & a building within use class E, together with public open space, LAPs, LEAP & ancillary works, including car parking & drainage arrangements, with access off Church Lane & Horsemere Green Lane'.

2.8 The DCO Limits of the Project extend along the eastern boundary of Land to the West of Church Lane South of Horsemere Green Lane, with Work No. 13 relating to temporary construction access extending marginally onto the edge of this site.

2.9 Whilst at this stage, no planning application has been submitted for Littlehampton - West Bank, this site forms a significant part of the regeneration plans for Littlehampton. As shown in Figure 1, the DCO Limits for the onshore cable corridor extends through the western part of the Littlehampton – West Bank strategic allocation, which is discussed in Section 5.

Climate Change and Renewable Energy

2.10 On 15 January 2020, ADC declared a 'Climate Emergency' and pledged to be carbon neutral by 2030⁸. Since this was declared, ADC has implemented a range of strategies and produced a Carbon Neutral Strategy⁹, which details carbon reduction targets, sets out emissions baselines and high-level actions.

2.11 In addition, in the adopted Local Plan, there is specific reference to renewable energy within Policy ECC DM1. This policy states that ADC will support renewable energy development, subject to policy-specific criteria. Furthermore, this policy states that ADC expects renewable development schemes within the District to contribute positively to the social, economic and environmental development and the overall regeneration of Arun.

⁸ Arun District Council (2023) "Climate Change". Available at [<https://www.arun.gov.uk/climate-change>]. Accessed on 30 November 2023.

⁹ Arun District Council (2023) "Carbon neutral strategy". Available at [<https://www.arun.gov.uk/carbon-neutral-strategy>]. Accessed on 30 November 2023.

2.12 Given the above, ADC acknowledges the benefits of the renewable energy in contributing to the UK's national target of net zero by 2050 and to responding to climate change. Energy from the Project would, however, be to the national grid, rather than for local use within Arun.

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Figure 1a: Approximate Extent of DCO Limits and Surrounding Environmental Sensitivities (Part 1)

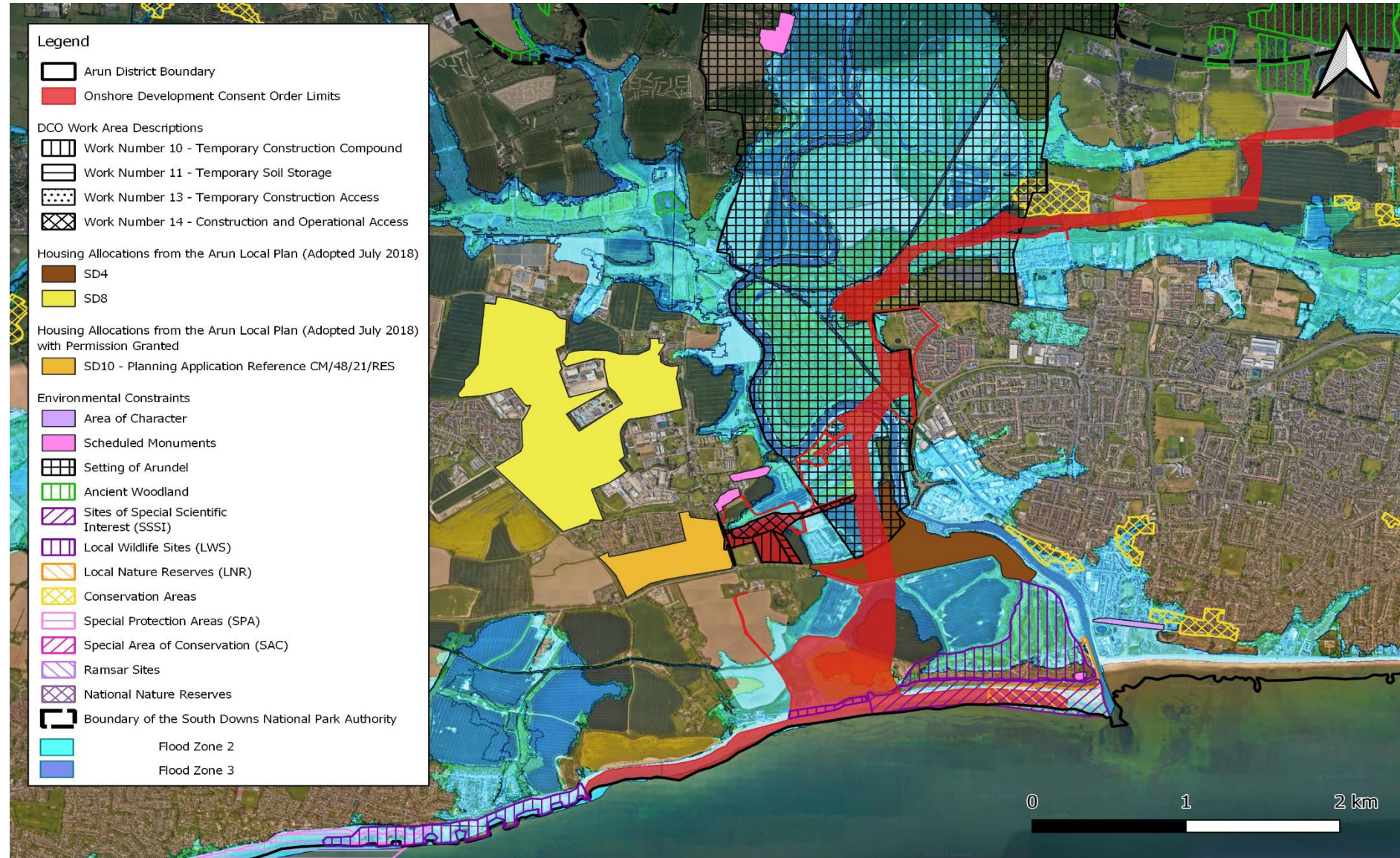


Figure 1b: Approximate Extent of DCO Limits and Surrounding Environmental Sensitivities (Part 2)

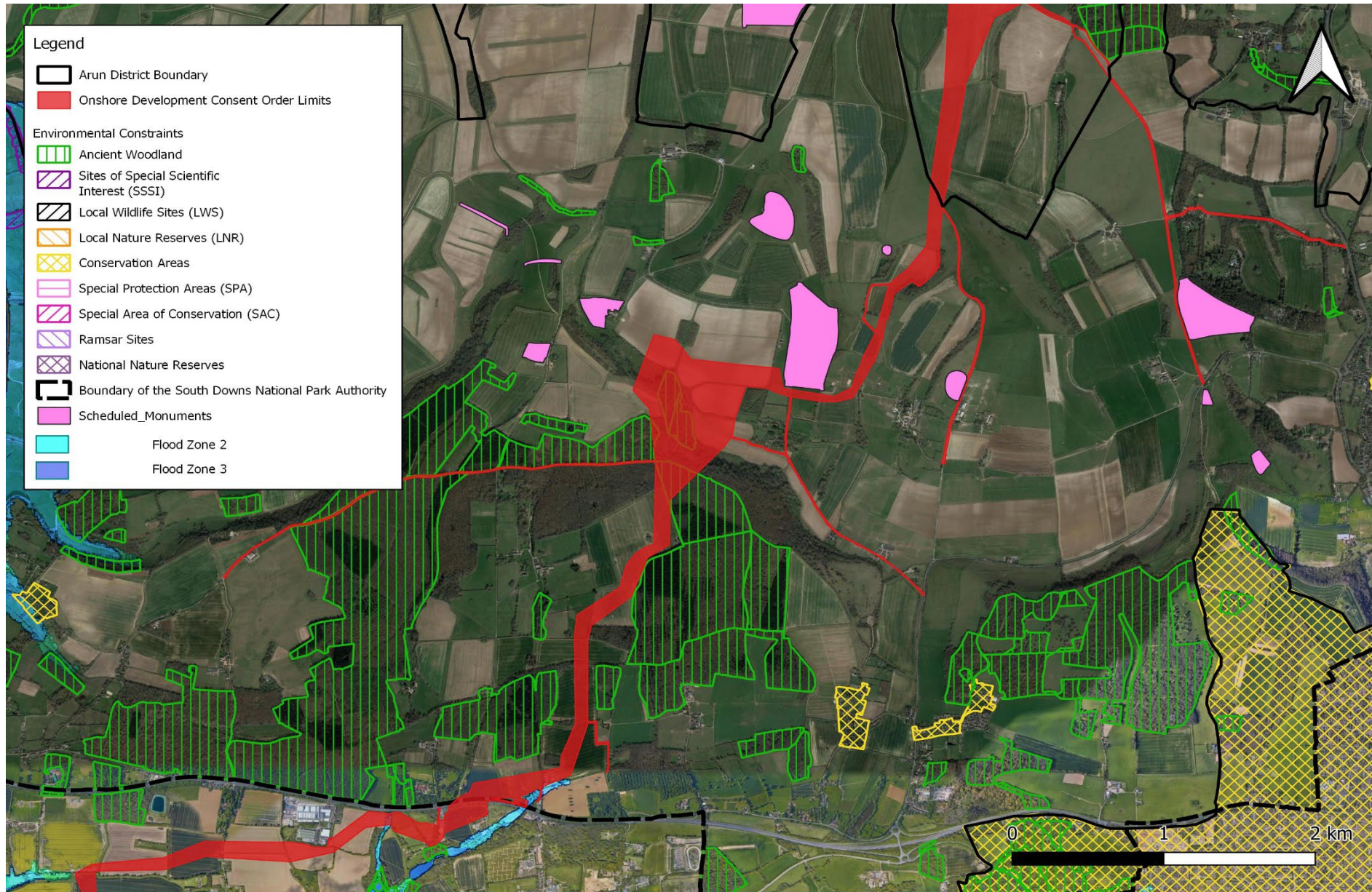
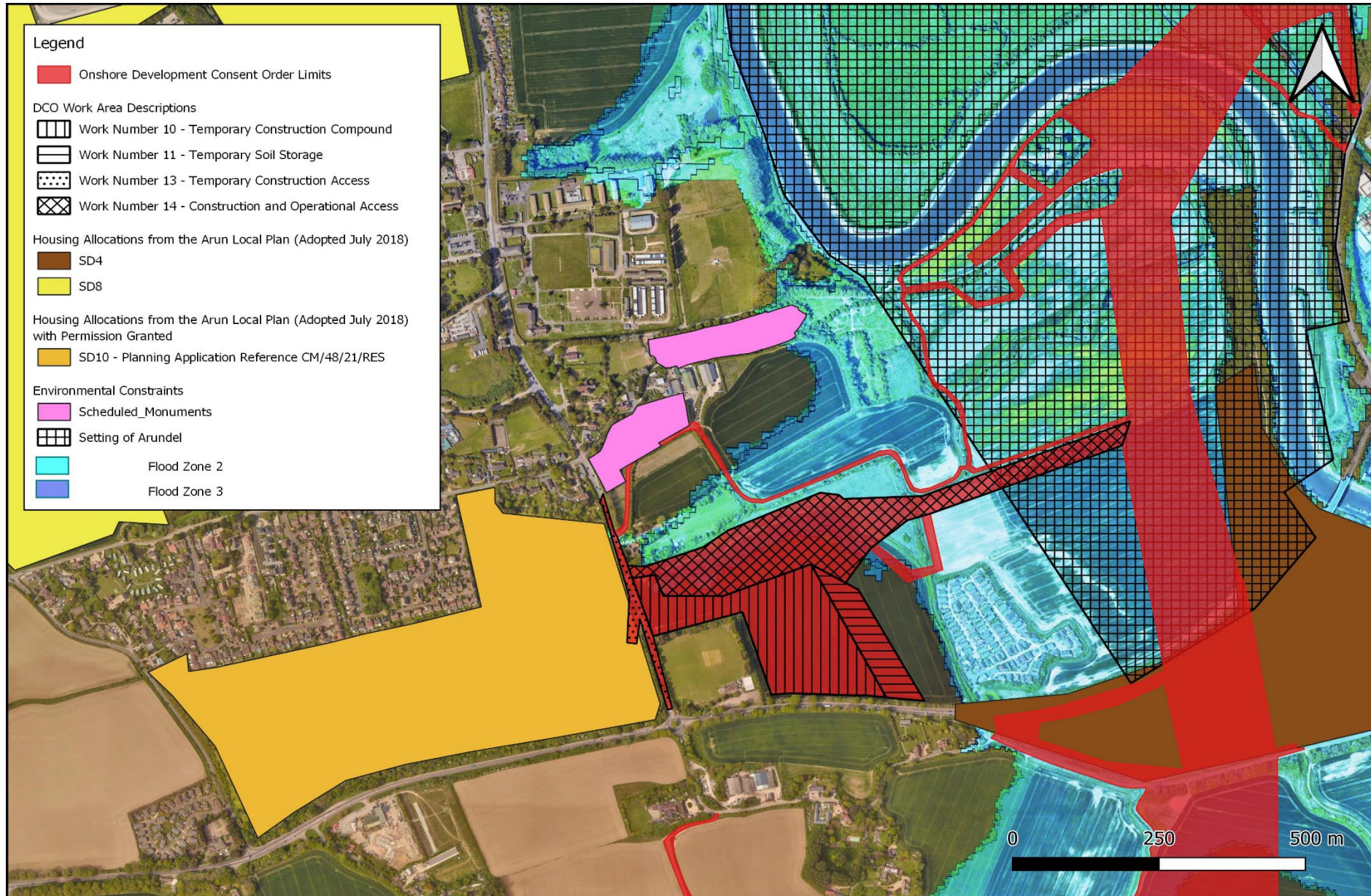


Figure 2: Climbing Compound (Inset of Figure 1a)



3. LOCAL POLICY

3.1 ADC's statutory development plan comprises a suite of documents, including:

- the Arun Local Plan 2011 – 2031;
- 'made' Neighbourhood Plans;
- the West Sussex Waste Local Plan 2014¹⁰; and
- the Joint Minerals Local Plan 2018 and the Soft Sand Review¹¹.

Arun Local Plan 2011 – 2031

3.2 The Local Plan, which was adopted in 2018, covers the period 2011-2031 for the area of Arun. A summary of the key adopted policies that are considered relevant to the subject areas within Arun beyond the South Downs National Park and under the primary planning responsibility of ADC are summarised in Sections 5 to 9.

Made Neighbourhood Plans

3.3 Beyond the South Downs National Park, the DCO Limits of the Project extends through four different areas where Neighbourhood Plans have been 'made'. These include:

- Clymping Neighbourhood Plan 2015 - 2030 (2016)¹²;
- Littlehampton Neighbourhood Plan 2014 – 2029 (2014)¹³;

¹⁰ West Sussex Council (2021) "Waste Local Plan". Available at [<https://www.westsussex.gov.uk/about-the-council/policies-and-reports/environment-planning-and-waste-policy-and-reports/minerals-and-waste-policy/waste-local-plan/>] Accessed 4 December 2023

¹¹ West Sussex Council (2023) "Joint Minerals Local Plan 2018" and "Soft Sand Review". Available at [<https://www.westsussex.gov.uk/about-the-council/policies-and-reports/environment-planning-and-waste-policy-and-reports/minerals-and-waste-policy/joint-minerals-local-plan/>] Accessed 4 December 2023

¹² Clymping Parish Council (2015) "Clymping Neighbourhood Plan 2015-2030". Available at [[arun.gov.uk/made-plans](https://www.arun.gov.uk/made-plans)] Accessed 4 December 2023

¹³ Littlehampton Town Council (2014) "Littlehampton Neighbourhood Plan 2014-2029". Available at [[arun.gov.uk/made-plans](https://www.arun.gov.uk/made-plans)] Accessed 4 December 2023

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- Lymminster & Crossbush Neighbourhood Plan 2020 – 2031 (2022)¹⁴; and
 - Angmering Neighbourhood Plan 2014 – 2029 (2015)¹⁵.

3.4 Where District-wide impacts are discussed in this Local Impact Report such as in relation to landscape, biodiversity and socio-economic considerations, reference is made to the policies within the adopted Local Plan rather than in relation to policies of the ‘made’ Neighbourhood Plans. However, policies of the ‘made’ Neighbourhood Plans are referenced where they are considered specifically relevant to Climping Compound or locally important non-designated heritage assets that could be significantly affected by the Project.

Arun Local Plan Update 2023 - 2041

3.5 The adopted Local Plan is currently being updated as it is more than 5 years old. Prior to commencing Regulation 18 Issues & Options in Spring 2024, a Direction of Travel (2023)¹⁶ has been published. This sets out ADC’s vision and objectives, together with the direction of travel for emerging new policy options under the following themes:

- Climate Change;
- Environmental Life Support Network;
- Homes in the Right Places;
- Economy, Health & Wellbeing and Telecommunications & Digital;
- Infrastructure;
- Placemaking, Heritage and Culture; and
- Infrastructure to Support Our Needs.

¹⁴ Lymminster and Crossbush Parish Council (2022) “Lymminster and Crossbush Neighbourhood Development Plan 2020-2031”. Available at [arun.gov.uk/made-plans] Accessed 4 December 2023

¹⁵ Angmering Parish Council (2015) “Angmering Neighbourhood Plan 2014-2029”. Available at [arun.gov.uk/made-plans] Accessed 4 December 2023

¹⁶ Arun District Council (2023) “Draft Direction of Travel Document”. Available at [https://www.arun.gov.uk/arun-local-plan-update-2023-2041] Accessed 4 December 2023

4. GENERAL

Alternatives

- 4.1 As part of the statutory consultation process, ADC advised that it needs to be satisfied that the chosen route is the most favourable based on evidence and justification. In particular, ADC noted that this would need to include, but not be limited to, consideration of ecological designated sites.
- 4.2 Chapter 3 of the ES details the alternatives considered by the Applicant. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations 2017') require the ES to include a *'a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment' (regulation 14(2)(d))'* (ADC emphasis).
- 4.3 In addition, the NPS for Energy (EN-1) (2011a) and the revisions to the NPS due to come into force in early 2024) require an Applicant to *'present the main alternatives considered as part of the Proposed Development and to demonstrate consideration of environmental, social and economic effects including, where relevant, technical and commercial feasibility'* (ADC emphasis).

Route Options and Selection

- 4.4 The assessment of alternatives identifies that the landfall at Climping was selected prior to the scoping exercise undertaken, however, did not consider the impact on the Climping Beach SSSI in its decision for selecting it ahead of the five alternatives (paragraph 3.4.23 of Chapter 3 of the ES).
- 4.5 Within the examples of what constitutes a 'soft' constraint as part of the Applicant's constraints mapping exercise, the following is noted: *'some designated sites for biodiversity such as Ancient Woodland and National Nature Reserves'*. SSSI are not specifically identified as a 'soft' constraint, nor is it evidenced that the Climping Beach SSSI was considered at this stage. Despite this, Chapter 3 of the ES states that Climping was chosen, in part, due to *'the limited number of statutory designations at the coast and immediately inland in association with the Climping landfall'*.
- 4.6 Only subsequent to the above it is apparent that consideration was given to *'avoidance of the Climping Beach SSSI at the eastern part of the landfall'* ahead of the first statutory consultation exercise (paragraph 3.5.8 of Chapter 3 of the ES), when a decision had already been made to locate the onshore cable corridor within its vicinity. ADC do not consider the justification and evidence for choosing Climping as the landfall location sufficient with regard to environmental impacts.

Construction Compound

- 4.7 Insufficient evidence of reasonable alternative locations (taking account environmental effects) has been given for Climping Compound. Main reasons for the selection of this location next to a residential area and tourist/community assets have also not been given. Further details on the likely effects are outlined below.

Adequacy of the DCO Application, Actions and Commitments

- 4.8 Given the above, it is considered that the Applicant has not sufficiently justified the location of the landfall at Climping. ADC subsequently request further information be provided regarding the justification to choosing Climping as the landfall location. Notwithstanding this, it is acknowledged that C-112 within the Commitments Register is as follows:

'No ground-breaking activity or use of wheeled or tracked vehicles will take place south of the seawall (above mean high water springs) within Climping Beach Site of Special Scientific Interest (SSSI) or Littlehampton Golf Course and Atherington Beach Local Wildlife Site (LWS) unless remedial action is required. Any predicted activity will be restricted to foot access for the purpose of surveying and monitoring of the progress of the horizontal directional drill (HDD).'

- 4.9 Whilst this is welcomed as a commitment, consideration should be given to the mitigation hierarchy and avoidance of HDD beneath the western part of Climping Beach SSSI. Furthermore, Section 7 below identifies that further information needed so that the effects can be fully understood.

Climping Construction Compound

- 4.10 A temporary construction compound (Work No.10) and a temporary soil storage area (Work No. 11) are proposed near the small village of Climping, as illustrated on Figure 2. This, together with associated construction traffic would be close to residential areas, community facilities (school and village hall), tourist assets, listed buildings and scheduled monuments, which are discussed further in the sections below.
- 4.11 Climping Compound is also located immediately adjoining a strategic housing allocation, where a reserved matters application is currently being considered by ADC. Should this be approved, it is of the view of ADC that the residential development is likely to coincide with the use of Climping Compound given that should the Project be granted consent, the Project would commence later in 2025 and the compound likely to be in use for approximately 3.5 years.
- 4.12 Whilst Climping Compound is referenced in the draft DCO only as a *'temporary construction compounds'*, Chapter 4 of the ES refers to Climping Compound as approximately covering 6.13ha and Chapter 18 of the ES indicates Climping Compound as containing welfare facilities/offices, parking, construction plant and storage of materials and equipment (up to 7m high) and a concrete

batching plant up to 20m high. For greater certainty of the use of Climping Compound, a description (comparable detail to other Work No. descriptions in the draft DCO) of its use is sought in the draft DCO or another document so that there is a commitment to comply with the description. Furthermore, approval should be sought from ADC for the exact positioning of the concrete batching plant and soil/aggregate stockpiles and be placed as far away as possible from residents/other sensitive receptors. Whilst temporary concrete batching plants do not fall under the environmental permitting regulations, good practice should follow all applicable sections of the Process Guidance Note PG 3/01(12).

4.13 ADC has raised concerns and sought justification regarding the size and location of Climping Compound given the likely effects, as set out below. Firmer commitments to mitigation measures specific to Climping Compound are also sought, including appropriate landscaping/boundary treatments, a Communications Construction Plan, a Dust Management Plan and stage specific management plans, particularly given the potential for dust, noise and visual effects. The Dust Management Plan should take into account emissions of off-road construction vehicles, NOx and particulate matter.

4.14 Finally, it is not clear under what powers the applicant can require landowners to give up their land at Climping for a temporary use, with only compensation as a remedy. Confirmation is requested, with consideration to any further mitigation also being given.

Private Water Supplies

4.15 ADC consider that the Applicant has reasonably taken the public register of private water supplies and has identified wells that have the potential to be detrimentally affected by the onshore cable corridor and compounds. However, it is possible that not all private water supplies are listed in the public register and therefore further consideration should be given to investigating potential locations.

4.16 Although a setback area has been provided around each of these wells, some supplies are very close, within 300m of the works. The Applicant has highlighted monitoring (C-253 of the Commitments Register) to be carried out in each case. This should be for both microbiological and chemical parameters. The Environmental Health Department at ADC seeks the proposed long-term monitoring of these sites, which should be agreed with the Department.

5. SOCIO-ECONOMICS, ECONOMICS AND TOURISM

Local Planning Policies

5.1 The following policies within the adopted Local Plan are considered relevant to the socio-economic aspects of the Project within the District (beyond the South Downs National Park):

- Policy SKILLS SP1 encourages proposals that raise skills levels and employability;
- Policy ECC DM1 supports renewable energy development provided that schemes contribute to the social, economic and environmental development and overall regeneration of the District;
- Policy TOU SP1 encourages sustainable tourism development providing it protects as well as promotes the District's main tourism assets including the coast, rivers and estuaries; and
- Policy H SP1 states the aim to deliver 20,000 new homes in the District within the plan period (2011-2031). The Local Plan allocates a number of Strategic Site Allocations which will provide an "important contribution" to meeting this housing need including Policy H SP2b, SD4.

5.2 The policy within the following 'made' Neighbourhood Plan is considered relevant to Clymping Compound:

- Policy CPN 1 of the Clymping Neighbourhood Plan seeks to protect community facilities. Proposals that will result in the loss or significant reduction in the scale and value of a community facility will not normally be permitted.

5.3 The Project has the potential to align with the adopted policies around skills and employability. It is likely to be at odds in terms of protecting tourism assets including the coast.

Key Local Issues and Likely Impacts

Skills and Employment

5.4 Arun's Economic Profile 2020-2025 found that in 2019, employment rates were generally lower (74.5%) than the West Sussex County average (80.4%)¹⁷. The Project has the potential to support jobs in Arun during both the construction, operation and maintenance phases.

¹⁷ Arun District Council (2019) "Arun Economic Profile 2020-2025". Available at [<https://www.arun.gov.uk/economic-strategy/>]
Accessed 30 November 2023

Construction

- 5.5 In Chapter 17 of the ES (at paragraph 17.9.4) estimates that the Project will support a total of 80 FTE jobs per annum¹⁸ within the Sussex study area¹⁹. This estimate is derived using the anticipated proportion of supply chain expenditure retained by businesses located within Sussex – this is estimated at 1.0% of total construction costs. The low levels of retained expenditure in Sussex are attributed to the fact that there are no Tier-1 major plant suppliers (e.g. WTG or foundations) nor an established supply chain cluster in Sussex.
- 5.6 The ES does not attempt to estimate construction employment effects at the District level. This means that no estimation of the impact of the Project on employment in the District has been undertaken.
- 5.7 It is estimated herein that the Project would support 5 FTE jobs per annum within the District during the construction period (6% of the Sussex employment impact). This estimate is calculated based on the proportion of employment in the manufacturing, construction, transportation and professional services industries in Arun compared to the Sussex study area²⁰. This represents a 0.01% increase in overall employment in Arun over the four-year construction period, thus is deemed a **neutral** effect.

Operation and Maintenance

- 5.8 In Chapter 17 of the ES (at paragraph 17.10.4) estimates that the Project will support a total of 100-110 FTE jobs²¹ per annum within the Sussex study area. This is based on estimates of the anticipated number of FTEs required to operate and maintain the wind farm.
- 5.9 As per the construction phase, the ES does not attempt to estimate employment effects at the District level. It is estimated herein that the Project would support 7-8 FTE jobs in the District based on the proportion of total employment in Arun compared to the Sussex study area. This is considered a generous assessment given that no operational activity is anticipated in Arun. This represents a **neutral** effect (0.02% increase) on total employment for the District.

¹⁸ Including Direct, Tier 1 and Indirect FTEs

¹⁹ Defined within the ES as the county of East Sussex, county of West Sussex and the Brighton and Hove Unitary Authority.

²⁰ Sussex defined as per the ES as the county of West Sussex, county of East Sussex and the Brighton and Hove Unitary Authority.

²¹ Including Direct and Indirect/Supply Chain FTEs

Tourism and Tourism Assets

5.10 Tourism and the visitor economy is important to the Arun District being one of its major industries. The District sees 3.9m annual visits, generating £374m and supporting over 5,000 FTE jobs²². In 2019, Arun was the fifth largest visitor economy in Sussex and had the highest proportion of tourism employment of all Sussex districts²³. The market town of Arundel and the seaside towns of Bognor Regis and Littlehampton provide a variety of coastal and rural tourist attractions.

5.11 ADC has concerns regarding **negative** effects from the construction and operation of the Project on the tourism economy and tourism assets, including displaced tourism from Arun, as explored below.

Construction

5.12 Construction of the Project will directly impact Arun. Offshore construction will create visual effects, as described in Section 6. Landfall is located on Climping beach, west of Littlehampton. The onshore cable route connecting the windfarm to the national grid will then travel from Climping north-eastwards through Arun to Bolney substation.

5.13 Chapter 17 of the ES (at paragraphs 17.9.35, 17.9.39, 17.9.42) states that there will be a negligible effect on the volume and value of tourism at the Sussex level, for specific coastal towns, and along the onshore cable corridor. The evidence base used to inform the ES conclusions was primarily formed of a literature review on the impact of wind farms on tourism. The majority of studies are ex-ante which the ES (Appendix 17.3, paragraph 1.4.4) acknowledges '*lead to a high level of uncertainty about the scale of potential impacts, particularly as the evidence base is mixed and findings vary across studies*'.

5.14 Furthermore, Chapter 17 of the ES states that '*ex-post research suggests that even where there have been negative effects, these often occur in the form of displaced tourism with visitors diverting to neighbouring areas instead*'. Whilst this may suggest a neutral effect at the Sussex level, it suggests that areas directly affected by construction such as Arun will at least experience temporary **negative** effects.

²² Economic Impact of Tourism in the Arun District (2022), Destination Research

²³ Economic Impact of Tourism in the Arun District (2019), Destination Research

5.15 The ES identifies 28 tourism assets close (500m) to the onshore cable corridor which it acknowledges may potentially be impacted by the construction works. A large proportion of these tourism assets are located in Arun²⁴ (11 out of the 28 identified or approximately 40%), meaning a substantial number of the negative impacts are concentrated within the District, despite the ES identifying a negligible effect at the Sussex level. The 11 tourism assets located within the District are:

- Climping beach and car park;
- Climping Beach Café;
- The cheese making workshop
- Brookside caravan park;
- Cuckoo Camp;
- Loanian villas;
- Lyminster nursery caravans;
- 2 Radar Cottages;
- Amanda Hopkinson Wedding planner;
- Decoy Ponds / Let's Retreat; and
- Norfolk House.

5.16 In addition to the tourism assets listed above, a large number of Public Right of Ways (PRoW) and cycle routes will be impacted during the construction period which could reduce visitor numbers further. The ES states that the landfall, onshore cable corridor and substation (the latter beyond the District) will potentially impact up to 154 PRoW. Of these, 37 PRoW were identified as highly sensitive "key PRoW" due to attributes such as high levels of usage²⁵. 28 of the 37 key PRoW are located within Arun District (inclusive of those located within the South Downs National Park) reflecting the disproportionate impact that Arun will experience.

5.17 Beyond this, other tourism assets have not been included within the list identified in the ES. These include:

- Bailiffscourt Hotel, Restaurant & Spa;
- The Black Horse Climping - Opening Spring 2024;

²⁴ Arun District, inclusive of assets located within the SDNP

²⁵ Rampion 2 Wind Farm ES Volume 4, Appendix 17.3: Socio-economic technical baseline, Aug 2023, Table 1-19

-
- The Barn by the Beach, Climping;
 - The Captain's Cottage Climping;
 - The Arundel Gardener, including Coffee Stop;
 - Woodpecker Camping Field and The Piglets Holiday Accommodation;
 - The Oystercatcher Pub & Restaurant;
 - Jaybelle Grange Holiday Lodges;
 - Shots – Target Range;
 - Ryebank Corner Glamping Campsite;
 - Leaside B&B;
 - Amberley Court B&B;
 - Church Farm Hub (Cuckoo Farm), Climping;
 - Climping Historic Church;
 - The Flying Fortress, Children's Activity Centre;
 - Ford Airfield Car Boot and Sunday Market;
 - Serving Thyme, Horticultural Nursery;
 - Edgecumbes Tea & Coffee Roastery;
 - Ship & Anchor Marina Campsite and Pub / Restaurant;
 - Brooklands Barn Retreat;
 - Six Bells Pub;
 - Littlehampton Caravan Club site;
 - Stable Cottage Holiday Let, Lyminster;
 - Lyminster historic church;
 - Fox Wood Campsite;

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- Selden Barns;
 - Long Furlong Barn Wedding Venue;
 - Wild Heart Hill Campsite; and
 - Other local tourist accommodation such as Airbnb and Vrbo lets.

5.18 Despite not being located within the 500m buffer it is possible that these assets will be negatively impacted by lower footfall within the District.

5.19 ADC is of the view that the volume and value of tourism within the District would be reduced during the construction period – a **negative** effect for the local economy. Tourism assets within the District would see significant negative visual and landscape effects (see Section 6), which are highly likely to deter visitors during the construction period. One of the main attractions of the area is its natural beauty, for example, the undeveloped Climping beach and rural stretch of land between Littlehampton and Middleton-on-Sea. The quiet, undeveloped character of the Climping area makes the tourism industry particularly sensitive to negative impacts to views or landscapes.

5.20 **Negative** local noise effects (see Section 8) will also contribute to the deterrence of visitors during the construction period who are attracted to the area by its peaceful, rural setting.

5.21 Increased traffic as a result of construction in the local area may also cause disruption to the visitor experience or deter visitors from particular visitor assets which are heavily impacted by congestion.

Operation and maintenance

5.22 During operation, the Project is considered to have negative visual impacts on the views from a number of locations in Arun most notably along the coastline at Bognor Regis seafront promenade, Climping beach and Littlehampton seafront promenade, as reported in Chapter 15 of the ES. These locations, which are identified in Chapter 15 of the ES as having a medium to high sensitivity, are important visitor/tourist locations for Arun as well as having resident amenity. The detrimental impact of the WTGs on seascape in the District is likely to reduce the volume and value of tourism within Arun throughout the operational period, thus having the potential for a long-term **negative** effect on the local economy. Whilst it is recognised that the evidence is mixed in terms of ex-post evaluation for other areas (as per the ES), the scale of the WTGs and the acknowledged negative visual impact is considered to be particularly prominent in Arun and likely to have a more discernible negative effect..

Community Disruption

- 5.23 A number of the tourism assets listed above are equally assets to the local community, for example Climping beach and Climping Beach Café. Furthermore, Climping Village Hall and playing fields and Clymping Church of England Primary School would be near Climping Compound. This means that the **negative** effects to these assets during the construction period would also affect the local community, reducing amenity for residents in the area.
- 5.24 In addition, temporary road closures and/or diversions during the construction period would cause further disruption for residents of Arun.
- 5.25 It is ADC's view that the construction of the Project will cause localised **negative** effects in terms of disruption to local communities such as Climping.

Strategic Housing Allocation

- 5.26 The onshore cable corridor transects through one of the strategic housing allocations (Policy H SP2b, SD4: Littlehampton – West Bank) identified in the adopted Local Plan. The allocation is for circa 1,000 residential dwellings that will be key to supporting future regeneration of the town and the Littlehampton Economic Growth Area.
- 5.27 ADC has significant concerns that the onshore cable corridor would sterilise the western part of the allocation and impede the ability to bring forward this site for housing.
- 5.28 Arun faces a significant challenge in ensuring there is enough good quality and affordable housing available for its residents and is required to meet its housing needs targets. Should allocation SD 4, or part thereof, become sterilised as a result of the Project and thus no longer be able to be brought forward for circa 1,000 residential dwellings, this will further increase pressures on housing supply in the District. Alternative housing sites would need to be identified and allocated. This presents a potential **negative** effect on Arun.

Fishing Industry

- 5.29 Arun has a small but locally significant fishing industry. Littlehampton, located at the mouth of the River Arun, has a harbour with small-scale fishing operations.
- 5.30 Sussex Inshore Fisheries and Conservation Authority's (IFCA) states²⁶ that '*developments such as offshore wind farms, should not compromise the Authority's ability to maintain and promote sustainable fisheries and protection of the marine environment*'.

²⁶ https://secure.toolkitfiles.co.uk/clients/34087/sitedata/files/Authority_Reports/Planning-Policy-Statements.pdf

5.31 The ES provides an assessment of the potential impacts to the fishing industry. This assesses a range of potential impacts during the construction and operational and maintenance phases such as reductions in access to established fishing grounds, increased pressure on adjacent grounds and disturbance of commercially important fish and shellfish resources.

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- 5.32 The ES assesses the impact at the fisheries level, identifying UK and international fleet impacts. It is likely that Arun-based fisheries would be amongst those impacted. ADC welcome the Applicant's commitment to ongoing liaison with fishing fleets and issue of notifications to the fishing community to provide advanced warning of Project's activities and associated Safety Zones (Commitments C-47, C-92, C-93 in the Commitments Register).

Adequacy of the DCO Application, Actions and Commitments

- 5.33 Whilst a Sussex level estimate of job creation has been undertaken in the ES, it has not been assessed at the District level within the administrative area of Arun. An indicative estimate of the proportion of job creation likely to take place in Arun has been provided above, however, the Applicant should undertake a full assessment of employment effects at the District level to inform developing skills and employment opportunities within the District.
- 5.34 Low levels of supply chain expenditure are expected to be retained within Sussex. This contributes to concerns regarding the Outline Skills and Employment Strategy which provides very limited detail and does not list ADC as a consultee. More detail should be provided on the strategy and benefits for ADC, including linking to apprenticeships and local education institutes in Arun such as the University of Chichester Bognor Regis Campus. Objectives need to include support for local Small Medium Enterprises (SMEs) and opportunities for SMEs to access the supply chain including potentially supply chain managers. Measures should be secured through the Outline Code of Construction Practice (CoCP). In addition, ADC should be sought as a consultee for the development of the Skills and Employment Strategy. The Supply Chain Plan similarly requires definition and commitment. ADC expect this Plan to be secured through the CoCP.
- 5.35 ADC has concerns regarding adverse effects on tourism and tourism assets, including displacement of tourism from Arun. The current list of tourism assets is not considered complete. It is acknowledged that C-33 in the Commitments Register seeks to minimise impact but does not necessarily mean that negative impacts will not occur.
- 5.36 ADC request further information on what impact the Project is likely to have on the strategic housing allocation at Littlehampton – West Bank, including any sterilisation of land and the effect on housing delivery within Arun.
- 5.37 Overall, ADC is of the opinion that the District will not significantly benefit from the Project, rather the area will experience disruption and negative or neutral effects. Job creation is likely to be neutral based on current estimates and any benefit likely to be outweighed by harm to the local tourism industry, impact to housing supply and local community disruption.

5.38 ADC request further information on the Community Benefits Package and commitments to be made to ADC for the Community Benefits Package to adequately compensate and offset adverse effects within the District that cannot be otherwise mitigated. There are concerns regarding the mechanism by which the Community Benefits Package is secured and the criteria/funds involved which are not referenced within the draft DCO. There are a range of potentially suitable tourism partnership mechanisms for distributing funds from the Community Benefits Package such as Experience West Sussex and Sussex by the Sea.

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6. LANDSCAPE, VISUAL AND SEASCAPE

Local Planning Policies

6.1 The following policies within the adopted Local Plan are considered relevant to the landscape and visual aspects of the Project within the District (beyond the South Downs National Park):

- Policy LAN DM1 seeks development to respect the particular characteristics and natural features of the landscape character areas and, wherever possible, to reinforce or repair the character of those areas;
- Policy C SP1 relating to where new development in the countryside, early consideration will need to be given to landscape enhancement; and
- Policy ECC DM1 relating to renewable energy development seeks the location and design to minimise adverse impacts on the landscape and to take into account ADC's landscape assessment and sensitivity studies.

6.2 Once the vegetation and landscape elements have re-established, the Project is considered over the long term to be compliant with Policy LAN DM1. However, owing to the lack of commitment to landscape enhancement within the District and the effects of the WTG on the coastline, the Project does not accord with the overall aims of the other policies identified above.

Key Local Issues and Likely Impacts

6.3 As set out in the adopted Local Plan, the landscape character of the area within Arun varies between the low coastline, open agricultural landscape and the backdrop provided by the scarp slope of the South Downs National Park. Approximately 50% of Arun is within the South Downs National Park, which is a statutorily protected landscape, recognised by Government to be of the very highest quality.

6.4 The area within Arun beyond the South Downs National Park is generally low lying with views across a flat open landscape. The countryside between urban settlements and villages are valued parts of the landscape with 'Climping Gap' one of the few remaining stretches of open, undeveloped coastline. The coastal plain exhibits a high level of landscape and visual sensitivity. Climping Gap, whilst not a nationally designated landscape, is a protected landscape within the adopted Local Plan.

Landscape and Visual

6.5 Owing to the prevailing landscape character and the topography being flat with no significant changes in elevation, together with the proximity of the Project to residential areas, the principal concerns and effects are considered to relate to the construction activities, as follows:

- significant **negative** visual (amenity) effects on residents and settlements (such as on Climping village and Climping Caravan Park; the latter a semi-retirement park for over 50's), together with from transport routes and visitor attractions (Climping beach, Climping Camp Site, PRow and Sustrans Cycle Route) in relation to the landfall construction compound (Work No. 8), cable installation works (Work No.9) and Climping Compound (Work No.10);
- significant **negative** landscape and character effects, such as on the Climping Lower Coastal Plain, Lower Arun and Middle Valley Floors and Lyminster-Angmering Coastal Plain from the construction works, as acknowledged as in Chapter 18; and
- **negative** effects on landscape elements from the loss and disturbance of vegetation (such as trees, scrub and hedgerows) during and beyond the construction works for a significant duration, until the vegetation thrives and becomes established. All restoration of land to its prior use, former condition and same habitat type (principally agricultural) would have a **neutral** effect in the long-term. However, there is an opportunity for a **positive** effect in the long term if the reinstatement enhances habitat.

6.6 Given the location and substantial size of the Climping Compound in proximity to the village of Climping, individual properties and the village hall and playing field, together with the likely nature of the uses within the compound (such as welfare cabins, a concrete batching plant up to 20m in height and materials and equipment up to 7m high, it is of the view that the visual effects would be significant. ADC concerns relate to the spatial presence as the compound would be visible from different vantage points and the visual dimension of openness as it is not only people in the immediate surroundings that might see but also the wider environ.

6.7 It is noted that the level of effect reported in Chapter 18 of the ES on settlements of Climping and Atherington, Littlehampton, Lyminster and Poling is identified as '*Moderate to Minor*' during construction works, which are identified in the assessment as not significant. Based on the information provided, ADC disagrees that it can be concluded that there will be '*no significant effects on the views and visual amenity of settlements*' during the construction, which is reported in Chapter 18 of the ES.

Seascape

- 6.8 ADC recognise that the WTG would inevitably result in changes to seascape character and views. Nevertheless, owing to the height, extent and relative proximity to the coastline, the principal concerns and effects are considered to relate to the operational of the Project, as follows:
- significant **negative** effects on views along the coastline at Bognor Regis seafront promenade, Climping beach and Littlehampton seafront promenade during operation, as acknowledged in Chapter 15 of the ES.
- 6.9 It is acknowledged that the spatial extent of the WTG has been reduced during consultation and the design process. However, the extent and scale would be much greater than Rampion 1. The Non-Technical Summary for the ES reports that for the 116 WTG of Rampion 1, the WTG have a 140m blade tip height, whilst the WTG for the Project are up to a height of 325m when measured from Lowest Astronomical Tide to the tip of the vertical blade. This is a considerable difference in height. These WTG would have significant visual effects on the views from the coastline at Bognor Regis seafront promenade, Climping beach and Littlehampton seafront promenade, as reported in Chapter 15 of the ES. These locations, which are identified in Chapter 15 of the ES as having a medium to high sensitivity, are visitor/tourist locations.

Adequacy of the DCO Application, Actions and Commitments

- 6.10 Whilst some of the viewpoints for the landscape and visual assessment were agreed with ADC, this was prior to details being available for the landfall construction compound (Work No.8), trenchless crossing compounds as part of the cable installation (Work No. 9) and Climping Compound (Work No.10). The coverage of viewpoints and photomontages within these areas is not considered to be sufficient given the scale, nature and potential for significant visual effects of the Project. ADC therefore seeks additional viewpoints (locations to be agreed with ADC) to be assessed. This would enable the likely significance and extent of effects, including on settlements, to be fully understood and, where necessary, adequately mitigated for the duration of the construction works.
- 6.11 In Chapter 18 of the ES, reference is made to a temporary onshore cable corridor up to 40m in width and a permanent infrastructure corridor width up to 25m (or wider at trenchless crossing locations). It is unclear what the surface treatment requirements would within the permanent infrastructure corridor and any requirements for easements in these areas. Details are therefore sought to understand the impact on reinstatement.
- 6.12 It is acknowledged that in C-196 of the Commitments Register that a stage specific Landscape and Ecological Management Plan (LEMP) would be developed. This would be secured through Requirement 12 of the DCO, which would require submission of a stage specific LEMP to, and approval by, the relevant planning authority in advance of that stage commencing. It is therefore important that the programme of works secured through Requirement 10 of the DCO clearly defines

the stages, phasing and associated timings of works within the District. With regard to reinstatement, the stages and, thus stage specific LEMP should include covering the landfall construction compound (Work No.8), the onshore cable corridor (Work No. 9) and Climping Compound (Work No.10).

- 6.13 Commitment C-196 of the Commitments Register refers to '*attention will also be given to maintaining levels and types of vegetation and landscape patterns*', however, ADC seeks that the commitment to the staged reinstatement also includes for enhancement to a higher quality and species diversity, particularly in relation to trees and hedgerows of boundary/field treatments. As well as species selection and reinstatement taking account of climate resilience, there should also be a commitment to the selection of species diversity in consideration of emerging threats from pests and diseases, such as Ash die-back which is prevalent in the District.
- 6.14 Given the likely significant landscape and visual effects within the District, it is requested that the details of the boundary treatment and programme of landscaping works of the construction compounds; particularly the landfall construction compound (Work No.8) and Climping Compound (Work No.10) are submitted to and agreed with ADC. A mechanism for securing this is sought. Boundary treatment should include maximising opportunities for advanced planting of new native trees (feathered trees rather than whips) to soften and filter views, as well as for biodiversity enhancement.
- 6.15 ADC encourages a phased approach is taken to the restoration to enable land to be reinstated at the earliest possible opportunity. Commitment C-19 in the Commitments Register suggests that the onshore cable corridor would be constructed in sections at regular intervals (typically 600m to 1,000m) and the reinstatement process commenced as soon as practicable. However, there is currently no mechanism to guarantee that this would be achievable based on the information provided. Furthermore, C-103 refers to '*areas of temporary habitat loss will begin reinstatement within 2 years of the loss, other than at the temporary construction compounds, cable joint bays, some haul roads, some construction access roads, landfall and substation location where activities may take longer to complete*'. However, ADC request that there is the commitment and an appropriate securing mechanism for reinstatement within the first planting season following completion of the construction works and backfilling within the section, rather than within two years, as currently defined within C-103.
- 6.16 ADC would welcome further engagement with the Applicant on the layout of the WTG and the development of design principles (C-61 of the Commitments Register), which is currently not defined. However, ADC is of the opinion that the significant effects of the WTG, as identified in the ES, cannot be mitigated for and are of such a significance that warrants compensation in the form of a Community Benefits Package, as discussed in Section 5.

7. TERRESTRIAL AND MARINE ECOLOGY

Local Planning Policies

7.1 The following policies within the adopted Local Plan are considered relevant to the biodiversity aspects of the Project within the District (beyond the South Downs National Park).

7.2 The adopted Local Plan seeks the protection and enhancement of biodiversity and the protection of trees. The policies also include protection of designated European, national and local status sites. The relevant policies include:

- Policy ENV SP1, which seeks the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible, new areas for habitats and species are encouraged. The Project is on or within proximity to several sites listed in Policy ENV SP1, including:
 - Special Area of Conservation (SAC): Arun Valley (Site Code UK0030366);
 - SSSI: Climping Beach (Site Code 1000225);
 - Special Protection Area (SPA) Arun Valley (Site Code UK9020281); and
 - Local Nature Reserves: Littlehampton Golf Course and Atherington Beach, Littlehampton.
- Policy ENV DM3 covers Biodiversity Opportunity Areas (BOA). Much of the onshore cable corridor within Arun fall within existing BOA. Within BOA, development shall minimise disturbance, retain and sympathetically incorporate locally valued and important habitats. Where there is a habitat loss, mitigation measures shall be agreed with ADC; and
- Policy ENV DM5 seeks biodiversity net gain as part of the development process. Due regard for protected species is required and consideration of any impacts that will affect the species directly or indirectly, whether within the site or in an area outside of the site.

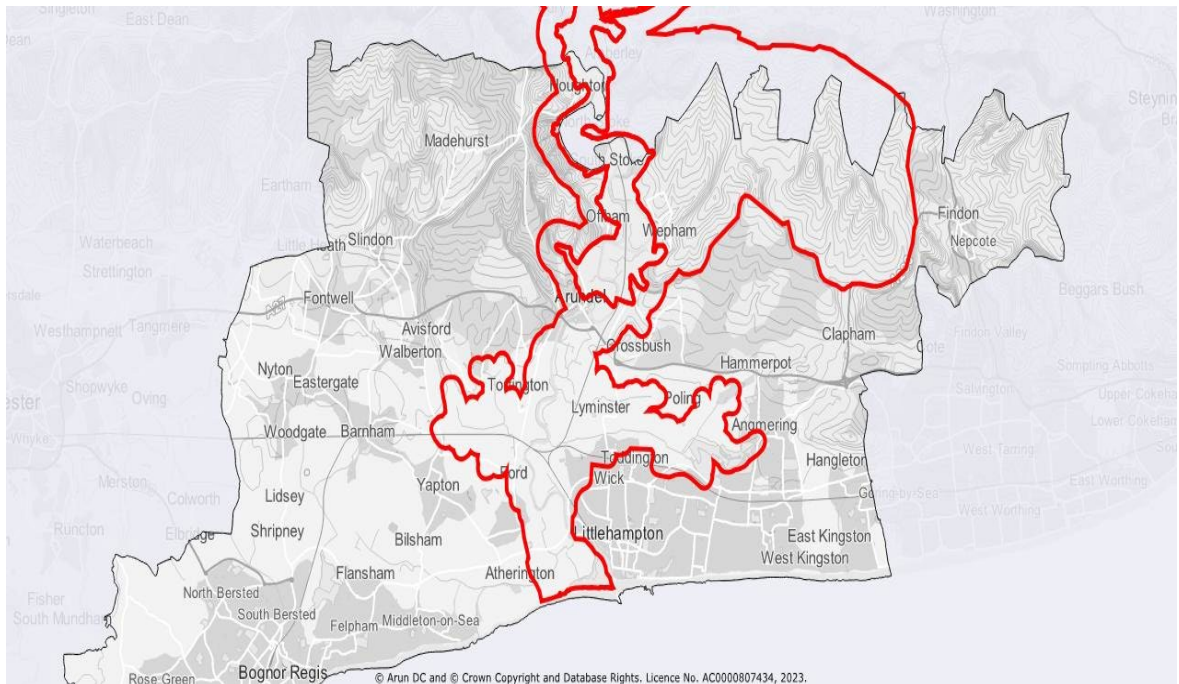
7.3 The protected species surveys and mitigation proposed is compliant with the policies above. Whilst biodiversity net gain is proposed for the Project as a whole, biodiversity net gain has not been demonstrated within the District. Given this, the Project is not considered compliant with Policy ENV DM5.

Key Local Issues and Likely Impacts

Climping Site of Scientific Interest and Arun Valley Special Protection Area Impact Risk Zone

- 7.4 Climping Beach is home to rare habitats and species. The SSSI is a stretch of coast with a vegetated shingle beach, behind which is a sand dune system. The intertidal zone supports important populations of wintering birds. The numbers of wintering sanderling are of European significance.
- 7.5 Vegetated shingle beaches are a nationally uncommon habitat. The beach at Climping is broad in the west but narrows to the east. Plant communities are mainly restricted to sheltered areas behind the main shingle bank and include yellow horned poppy *Gaucium flavum*, sea dale *Crambe maritima*, sea beet *Beta vulgaris*, curled dock *Rumex crispus* and sea holly *Eryngium maritimum*. Scrub of tamarisk *Tamarix gallica* and hawthorn *Crataegus monogyna* has developed in a few places behind the shingle.
- 7.6 Notable and rare invertebrates include Large sharp-tailed bee - *Coelioxys conidia*, Coast leaf-cutter bee - *Megachile maritima*, Red banded-sand wasp - *Ammophila sabulosa*, Grey bush cricket - *Platycleis albopunctatubut*, and the moth *Platytes alpinella*.
- 7.7 Sand dunes are fragile systems, susceptible to erosion and often unstable. Stabilised parts of these dunes are dominated by marram-grass *Ammophila arenaria*. Other plants which are present include dune fescue grass *Vulpia membranacea*, red fescue grass *Festuca rubra*, sand catchfly *Silene conica*, sand sedge *Carex arenaria*, viper's bugloss *Echium vulgare* and a locally uncommon plant, Nottingham catchfly *Silene nutans*.
- 7.8 The intertidal zone consists of soft muds and sands which support large populations of marine invertebrates. The invertebrates are an important food source for wintering birds. Up to 300 Sanderling have been recorded from this site in winter; a figure which represents 1% of the West European population of this bird which breeds in the high Arctic but flies south to winter on sandy coasts and estuaries. Other wintering birds include grey plover and oystercatcher.
- 7.9 The adopted Local Plan reports that the Impact Risk Zone for the Arun Valley SPA covers areas in the foraging distance of Bewick's Swans, which include a wide area within the District, as shown in Figure 3.

Figure 3: Impact Risk Zone of Arun Valley Special Protection Area



7.10 The following construction activities of the Project have the potential to affect ecological sites and Impact Risk Zone identified above:

- landfall and onshore cable route – damage and disturbance of Climping Beach SSSI potentially because of indirect effects of HDD under the beach; and
- onshore cable route and compounds – damage and disturbance to habitats from construction activities associated with the onshore cable route and compounds (Climping Compound and landfall compounds) within the Impact Risk Zone of the Arun Valley SPA that is used by foraging Bewick's Swans. Loss of habitat within the Impact Risk Zone, which is regularly used by foraging Bewick's Swans (i.e. is functionally linked to the SPA), could have a significant effect on the SPA.

Terrestrial Biodiversity Net Gain

7.11 The onshore cable corridor runs through BOA and part of the Arun River Valley which contains priority habitats including coastal flood plain and grazing Marsh, mudflats, deciduous woodland and good quality semi-improved grassland. As a result of construction activities, areas of habitats would be temporarily lost or degraded, leading to habitat fragmentation.

7.12 A number of important species are present including Bewick Swans, bats, hazel dormice, water voles, badgers, reptiles and a variety of coastal and woodland birds.

7.13 Owing to the terrestrial ecology on or within proximity to the Project, the following principal concerns and effects relate to construction activities and once operational:

- risk to protected species such as dormice and commuting/foraging bats from habitat fragmentation and disturbance from noise, vibration and lighting; and
- lack of biodiversity net gain and habitat enhancement within the District (see below).

7.14 The effects on badgers, great crested newts, water vole and reptiles have been rated as low and not significant. Great crested newts and water voles are recorded around Climping and Atherington area. Licences may be required if the works impact on ponds and ditches in this area.

7.15 As reported in Chapter 22 of the ES, the Project in its entirety would deliver terrestrial biodiversity net gain of at least 10% to offset land cover change (habitat loss) and fragmentation (reduction of connectivity). ADC is supportive of achieving net gain for the Project and this is a policy requirement of the adopted Local Plan. However, ADC has concerns regarding the proposals and details provided for terrestrial biodiversity net gain, including the lack of ecological enhancements and net gain specifically in the District, which are outlined below.

Marine Biodiversity Net Gain

7.16 Marine net gain has not been considered. The Environment Act 2021 recommends that marine net gain to be assessed as part of national infrastructure projects, although it is acknowledged that this is not mandatory. Recent Government consultation in response to marine net gain was undertaken and the results published showed broad support for marine net gain.

7.17 The Project could provide marine net gain via a contribution to the Sussex Kelp Recovery Project (Help Our Kelp). This restoration project was formed in 2021 after the Sussex Nearshore Trawling Byelaw was introduced. This protects the seabed from fishing activities and stretches from Brighton towards Selsey. The project is a collaboration of local and national organisations to provide protection for and help regenerate the kelp beds in the Sussex bay. ADC is actively engaging with the project to help restore these kelp beds off our coast.

7.18 The offshore cable route avoids the marine Conservation Areas and the most valuable marine habitats. This may reduce potential impacts to marine ecosystems.

Adequacy of the DCO Application, Actions and Commitments

7.19 Whilst surveys of habitats and species have been provided with regard to terrestrial habitats and species, the results have not been summarised at District level. The local effects on terrestrial ecology specifically within the District are therefore difficult to ascertain. It is, however, welcomed

that an Ecological Clerk of Works will work in conjunction with the contractors to ensure compliance with relevant wildlife legislation, agreed mitigation and best practice.

- 7.20 Pre-construction surveys for protected species are committed to within the Commitments Register and Outline CoCP. Further details on the timing these surveys are requested to be provided to ADC. The presence of any European protected species will require a licence from Natural England to disturb them or their habitat. This will also require approval by ADC.
- 7.21 Whilst a biodiversity net gain assessment has been completed for the Project as a whole, there is a lack of biodiversity net gain assessment at the District level. Biodiversity net gain should be delivered within the District. It is also integral that this is then secured through appropriate means directly with ADC.
- 7.22 Chapter 22 of the ES states that biodiversity net gain will be delivered on and off-site, with the focus of habitat creation around the proposed substation at Oakendene, which is outside of the District. The remainder of the habitats are proposed to be reinstated to current condition only. There is also a reliance of delivery of net gain off-site. As a result, the Project is currently not proposing new or enhanced habitat creation within the District.
- 7.23 ADC seeks the delivery of biodiversity net gain and ecological enhancements within the District in accordance with the biodiversity gain hierarchy where on site biodiversity gains should be considered first followed by registered offsite biodiversity gains and – as a last resort – biodiversity credits. Without biodiversity net gain, the Project is not compliant with ADC's policies.
- 7.24 There is an assumption in the ES that destroyed, damaged or disturbed hedgerows will be ecologically functioning features again in a period of three to seven years from the start of construction. This is considered to be optimistic and is dependent on good growing conditions in all years. Given the varying 'quality' of growing seasons experienced in West Sussex in recent years a longer period to achieve ecological functionality may well be required. Owing to this, ADC seeks advanced planting. Furthermore, as above in Section 6, ADC seeks a commitment for reinstatement of the temporary habitat loss within the first planting season rather than within two years of the loss.
- 7.25 Stage specific LEMP will be developed to ensure all reinstated habitats are effectively established (C-199 of the Commitments Register). For effective restoration, habitats will be subject to appropriate maintenance, management (including adaptive management) and monitoring for ten years (measured from the time of planting/seeding in each discrete location). Further details on the monitoring plan and reporting mechanisms are required for biodiversity net gain. Where habitats are included in the biodiversity net gain commitments for ADC, a maintenance and monitoring plan for 30 years and a legal agreement with ADC is required.

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7.26

The following actions are sought:

- invertebrate survey of Climping Beach SSSI and an assessment of indirect effects (e.g. noise/vibration) owing to the presence of rare species and potential HDD beneath;
- assessment of biodiversity net gain at District level, including a metric assessment and net gain plan;
- consideration of marine biodiversity net gain; and
- a maintenance and monitoring plan of biodiversity net gain within the District to be agreed and secured with ADC through appropriate means.

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8. NOISE AND VIBRATION

Local Planning Policies

8.1 The following policies within the adopted Local Plan are considered relevant to the noise and vibration aspects of the Project within the District (beyond the South Downs National Park):

- Policy QE DM1 seeks developers proposing new noise generating development to gain advice to determine the level of noise assessment required and for the proposals to be supported by evidence that there are no suitable alternative locations for the development;
- Policy QE SP1 require that developments do not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District;
- Policy ECC DM1 relating to renewable energy development seeks the location and design to minimise adverse impacts, including on noise; and
- Policy D DM1 seeks proposals to have a minimal impact to users and occupiers of nearby property and land, including avoiding unacceptable noise and disturbance.

8.2 The following is also of relevance to noise and vibration:

- Planning Noise Advice Document: Sussex (2023)²⁷.

8.3 On review of Chapter 21 of the ES, it is demonstrated that the Project would be in accordance with the above-mentioned policy requirements.

Key Local Issues and Likely Impacts

8.4 It is recognised that noise exposure can impact upon quality of life and give rise to adverse health effects. Tranquil spaces, often located within the more rural parts of the District play a multi-functional role as part of the District's green infrastructure network. One of the most common causes of noise pollution is from traffic.

²⁷ Planning Noise Advice Document: Sussex (November 2023): https://www.adur-worthing.gov.uk/media/Media_121802.smxx.pdf (various authors).

Noise

- 8.5 Significant levels of construction noise and vibration are likely to occur at some sensitive receptors during the construction period. The construction period is noted to be approximately 3.5 to four years, with construction works delivered in stages. It is noted from Chapter 21 of the ES that with respect to HDD, in particular, there is potential for prolonged exposure of sensitive receptors to noisy drilling and ancillary works, 24 hours per day over consecutive, often multiple days. Robust control measures will need to be secured to minimise the effects on residents/communities.
- 8.6 BS 5228-1:2009 + A1:2014 and “the ABC method” seek to protect sensitive receptors whilst acknowledging the inherent noise associated with construction activities. The trigger values set out in Chapter 21 of the ES replicate Table E.2 of BS5228, in particular, for the 08:00 – 18:00 time period. However, the proposed construction hours are stated as 07:00 – 19:00 hours where for the shoulder hours are (07:00 – 08:00 and 18:00 – 19:00) Table E.2 BS 5228-1:2009 + A1:2014 suggests a trigger value of 70dB LAeq, T therefore the trigger values do not fully accord with this guidance.
- 8.7 There are certain points along the onshore cable corridor and, in particular, trenchless crossings that are very close to noise sensitive receptors. Due to the proximity of works, duration of works and/or type of works (which include significant noise sources such as HDD which may necessitate 24-hour operation) there are likely to be periods when construction noise levels could cause significant disturbance and exceed “Category A” threshold values during the nighttime period. These include locations near Decoy Wood, Poling, Lyminster, Littlehampton and Climping beach (TC01, TCO1A, TCO2, TC03, TC03a, TCO5, TC06, TCO7a, TC08, TC09, TC10, TC10A, TC11, TC16, TC17, TC17a, TC19a, TC20, TC21, TC22, TC22a, TC23 and TC24 as set out in Chapter 21 (Table 21-30) of the ES and as shown in the Figures of Chapter 4 of the ES). It is therefore considered that enhanced mitigation may need to be employed to adequately protect residents close to these locations. This will need to be addressed in the CoCP along with C-26 of the Commitment Register.
- 8.8 ADC Environmental Health Department has not previously been consulted on the proposed final location and use of Climping Compound. As described in Section 4, there are concerns regarding the substantial size of Climping Compound, covering 6.13ha and limited detail provided on its use. The draft DCO refers to Work No.10 only as a ‘temporary construction compound’. Whilst appreciated a degree of flexibility is required, further detail of Climping Compound, including justification for the substantial size, is sought.

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- 8.9 There are concerns regarding the lack of representative baseline noise monitoring in the ES for noise sensitive locations in the vicinity of the Climping Compound (Work No.10). Only data for a single location to the south-east of the compound has been presented and these data do not accurately characterise existing baseline noise conditions at nearby noise sensitive receptors, in particular, at:
- Climping village;
 - Climping Caravan Park immediately east of Climping Compound;
 - Climping C of E Primary School;
 - Climping Village Hall and playing field;
 - glamping site at Cuckoo Farm; and
 - land to the West of Church Lane South of Horsemere Green Lane (proposed residential development (Ref CM/48/21/RES) immediately adjacent to the western boundary of Climping Compound). Whilst Chapter 21 of the ES suggests a low certainty of construction overlap, it is of the view of ADC that the residential development is likely to coincide with the use of Climping Compound, should the reserved matters application be approved.
- 8.10 There are concerns regarding the potential effect of Heavy Good Vehicle (HGV) movements on existing quiet residential roads, particularly access to the onshore cable corridor west of Benjamin Gray Drive. Chapter 21 of the ES states that the vehicular numbers for operational and maintenance traffic will be minimal and below threshold values for a change in traffic noise. The concerns raised are not solely related to increases in traffic flows but also the change in composition of traffic and magnitude of noise on dwellings along quiet access roads.
- 8.11 The construction works are considered to result in **negative** local effects, however, to reduce the negative local effects resulting from noise, embedded mitigation measures are proposed within the Commitments Register, which are discussed in the subsequent section. Subject to the further detailed design and appropriate insertion loss performance of any noise mitigation, which will need to be included within a stage specific CoCP and, subject to other regulatory controls (prior consent under Section 61 of the Control Pollution Act 1974) at the most noise sensitive locations, construction works could be reduced to a **neutral** local effect.
- 8.12 Once the construction works are completed and the Project operational, the likely effects within the District would be limited to offshore wind turbine noise. A number of other aspects, such as operational traffic was agreed to be scoped out of the ES by the Planning Inspectorate.

8.13 Appendix 21.3 of the ES provides preliminary wind turbine noise predictions based on several 'candidate' turbines including the cumulative impact of Rampion 1. Given that the design and layout of the WTG is not known at this stage, a number of scenarios are modelled. These are considered to represent worst case noise emissions, with receptor locations modelled at the shoreline. A statement is also made that *'the final design of the wind farm is substantially smaller than the scenarios modelled'*. The resultant modelling outputs demonstrate that based on the information available at the time of the modelling, operational noise levels are considered to achieve the 35 dB LA₉₀ lower limit, as set out in ETSU-R-97 *The Assessment and Rating of Noise from Wind Farms* (The Working Group on Noise from Wind Turbines, 1996). However, ADC request that noise modelling is re-run once the Project has progressed to the final turbine types and layout as this may influence the worst case predicted noise levels.

8.14 In light of the above and, considering a number of worse case assumptions in the modelling scenarios, the operational noise and vibration effects are considered to be **neutral**.

Vibration

8.15 Potential perceptible vibration effects are predicted at properties close to a number of HDD crossings (HDD05-N, HDD05-SW, HDD07-N, HDD07-S, HDD10-S, HDD10-W and HDD11-S in Lyminster, Poling, Hammerpot and Angmering Park, as identified in Chapter 21 (Table 21.36) of the ES) where the Peak Particle Velocity (PPV) threshold for low impact is exceeded by over double at some locations. Whilst only receptors within 100m were assessed, it's likely that properties beyond 100m may also be subject to such effects. Reference is made to C-33 (outline CoCP) of the Commitments Register, however, no further detail has been provided to justify reducing magnitude of change from medium to low.

8.16 High risk impacts are identified at a number of locations (Michaelgrove Lane, North Lodge and residence to the north, Spearfield Stud and Livery) from the vibration effects from construction road traffic (note earlier concerns regarding traffic composition on Benjamin Gray Drive). It is noted that any residence within 2m of the irregularity would experience an impact of high magnitude and any residence within 5m of an HGV travelling over an irregularity at 50mph would experience a high impact.

8.17 The construction works are considered to result in **negative** local effects. Subject to the further detailed design and appropriate insertion loss performance of any proposed mitigation (commitment C-26 and C-160 of the Commitments Register), which will need to be included within a stage specific CoCP, and where appropriate, subject to other regulatory controls (prior consent under Section 61 of the Control Pollution Act 1974) at the most vibration sensitive locations, construction works could be reduced to a **neutral** local effect.

Adequacy of the DCO Application, Actions and Commitments

- 8.18 There is an expectation that the principles and requirements of BS 5228-1:2009+A1:2014 '*Code of practice for noise and vibration control on construction and open sites*' – Part 1: Noise and BS 5228-2:2009+A1:2014 '*Code of practice for noise and vibration control on construction and open sites*' – Part 2: '*Vibration*' be implemented in full to reduce the impact on sensitive receptors and this has broadly been adopted within the measures set out in the ES.
- 8.19 The preliminary construction noise assessments may require further refinement for the stage specific CoCP in terms of the finalised construction plant and machinery, location and on-times, as set out in the Commitment Register (C-263).
- 8.20 The Commitment Register sets out embedded mitigation measures, principally through commitments C-22 (core working hours), C-26 (best practicable means), C-263 (and revision of construction noise assessments at design stage). The adequacy of such measures is unclear until further refinement of the construction noise predictions is undertaken. Commitment C-263 suggests that the adequacy of the construction noise assessments will be reviewed by contractors to ascertain if there is '*any significant deviation*' from the initial sound level predictions. The competency of the contractor to review sound level predictions is questioned and the term '*significant deviation*' should be quantified.
- 8.21 The absence of proposed noise and vibration monitoring from the Commitment Register is noted and it is anticipated that for the worst-case locations (i.e. close to HDD crossings) that continuous noise and vibration monitoring should be undertaken and secured through the stage specific CoCP.
- 8.22 In terms of construction noise, ADC request that the Outline CoCP is updated to include:
- commitment to augment the existing baseline noise surveys to include those areas identified where representative baseline noise levels are not provided (Climping village, Climping Caravan Park, Climping C of E Primary School, Climping Village Hall and play area and the glamping site at Cuckoo Farm), together with at the location of the proposed residential development (CM/48/21/RES). Additional locations would need to be agreed with ADC and included in an updated construction noise assessment for stage specific CoCP;
 - commitment that the stage specific CoCP will be informed by an updated assessment of construction noise effects as and when they are available, to include provide noise modelling inputs for construction compound predictions (including concrete batching plant), revised trigger levels for shoulder hours, corrections for uncertainty;
 - commitment construction noise and vibration monitoring will be included in the stage specific CoCP and would be agreed with ADC;

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- where despite mitigation measures are implemented and residual noise and/or vibration effects are predicted to arise, consideration should be given to the temporary relocation of residents affected by 24-hour drilling as a method of mitigation where HDD (or other noisy working) is scheduled to proceed for 24 hours per day for longer than 48 consecutive hours;
 - commitment that prior to undertaking any essential night-time working, the timing and duration of such works will be approved with ADC through an agreed process to be included in the CoCP i.e. application to ADC for prior approval under Section 61 of the Control of Pollution Act 1974; and
 - commitment that core working hours for Climping Compound to be restricted to Monday to Friday 08:00 to 19:00 hours and Saturday 09:00 to 13:00 hours due to longevity of construction period and proximity of sensitive receptors.

8.23 As detailed in Appendix 21.3 of the ES, further noise modelling of WTG noise is required once the Project has advanced to the finalised wind turbine selection and layout, so that likely noise effects at the shoreline and residential locations can be re-evaluated. Updated noise predictions and assessment of wind farm noise to be submitted and agreed with ADC.

9. HISTORICAL ENVIRONMENT

Local Planning Policies

9.1 The following policies within the adopted Local Plan are considered relevant to the historical environment aspects of the Project within the District (beyond the South Downs National Park).

- Policy HER SP1 seeks to conserve or enhance the historic environment. Designated heritage assets will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Non-designated heritage assets and their settings will also need to be conserved and enhanced appropriate to their significance and contribution to the historic environment;
- Policy HER DM1 seeks that development affecting statutory listed buildings will be required to preserve or enhance the historic character, qualities and special interest of the buildings and their settings;
- Policy HER DM2 regarding the alteration or extension of buildings on the Local list will be expected to relate sensitively to the building or structure and its setting and respect its architectural, landscape or historic interest. Demolition will only be consented where it can be demonstrated that the building or structure cannot be put to a beneficial use or re-use. Replacement structures will need to be of a high-quality design; and
- Policy HER DM3 seeks to preserve or enhance the character or appearance of the conservation area. Planning permission or relevant consent will normally be granted for proposals within or affecting the setting of a conservation area, provided that the proposals do not cause harm.

9.2 The policy within the following 'made' Neighbourhood Plan is considered relevant to identifying non-designated heritage assets that could be significantly affected by the Project:

- Policy 17 of the Littlehampton Neighbourhood Plan identifies properties in Appendix 4 as locally important heritage assets, which of relevance to this Project are 16 Granville Road, 48 - 95 South Terrace. The effects on the significance of these non-designated heritage assets will be taken into account to avoid or minimise conflict with the heritage asset.

9.3 The following is also of relevance to the historical environment:

- Conservation Areas Management Plan (2014)²⁸; and
- Conservation Areas Supplementary Planning Guidance (2000)²⁹.

9.4 The negative effects of the compounds (landfall compounds near Climping beach (Work No.8), the trenchless crossing compounds within Work No.9 and Climping Compound (Work No.10)) during the construction works would not accord with the above policies with regard to the setting of the affected heritage assets, especially the Grade II listed buildings: Climping Mill, St John's Cottage (NHLE 1027590), Decoy Cottage and Newplace Farmhouse (NHLE 1232882), Church Farmhouse East and Church Farmhouse West (NHLE 1027643), Old Vicarage; and also the Grade I listed St Marys Church, together with the setting of Lyminster Conservation Area.

9.5 However, when the construction works are completed and the Project operational, the Project would generally comply with the overall aims of the policies in terms of the impact of the significance of the heritage assets and their setting.

Key Local Issues and Likely Impacts

Listed Buildings and Locally Listed Buildings

9.6 There are numerous listed buildings and locally listed buildings within and immediately adjacent to the DCO Limits of the Project, particularly around Climping, Littlehampton and Lyminster. Owing to the heritage assets on or within proximity to the Project, the principal concerns and effects are considered to be in relation to construction activities as set out below.

²⁸ Arun District Council (2014) "Conservation Areas Management Plan Consultation". Available at <https://www.arun.gov.uk/conservation-areas/> Accessed 4 December 2023

²⁹ Arun District Council (2000) "Conservation Areas Supplementary Planning Guidance". Available at <https://www.arun.gov.uk/supplementary-planning-documents-spds/> Accessed 4 December 2023

9.7 ADC has concerns regarding the visual effects associated with the temporary trenchless crossing compounds and the landfall compounds near Climping beach. As noted for the Grade II listed Climping Mill, the landfall compound (Work No. 8) near Climping beach will be clearly visible from the asset, as reported in Chapter 25 of the ES. This compound is also close to other listed buildings, such as the Grade II listed buildings at Kent's Farm (NHLE 1027674, NHLE 1233446, NHLE 1233447), Brookpit Manor and Brookpit Cottage. It is also noted that a trenchless crossing compound within the onshore cable corridor (Work No.9) is close to the following Grade II listed buildings: St John's Cottage (NHLE 1027590), Decoy Cottage and Newplace Farmhouse (NHLE 1232882).

9.8 The location and size of Climping Compound (Work No.10) is such that it would be close to the part of the historic core of Climping, listed buildings and Scheduled Monument. This together with the likely nature of the uses within the compound (such as welfare cabins, a concrete batching plant up to 20m in height) would impact upon the wider setting of the assets and historic core of Climping.

9.9 As a result, the construction works would alter the setting of heritage asset, but not the operational stage i.e. this will not harm the understanding of its historic and architectural interests. The construction works would introduce what is identified within Chapter 25 of the ES as '*new visual and audible elements to the asset's setting via the presence of trenchless crossing compounds*'. It is acknowledged that these works would be 'temporary' or 'short term' but that for the duration of these works, the effect upon the setting of the heritage assets would be **negative**.

Conservation Areas and Area of Character

9.10 Conservation Areas of relevance to this Project have been identified within the District (beyond the South Downs National Park), as follows:

- Aldwick Bay Conservation Area;
- Craigweil House, Aldwick Conservation Area;
- Aldwick Road, Bognor Conservation Area;
- The Steyne, Bognor Conservation Area;
- Littlehampton (River Road) Conservation Area;
- Littlehampton (Sea Front) Conservation Area;
- Lyminster Conservation Area; and
- Poling Conservation Area.

-
- 9.11 Both Aldwick Bay and Craigweil House Conservation Areas were developed in the early 20th century as planned estates where the setting includes the coast. The special character derives from the low density layout, the high quality of the buildings in materials and style, and landscaped gardens and verges. It is a very good example of a 1920 —1930's planned Estate.
- 9.12 The Aldwick Road Conservation Area is characterised by early 19th century Victorian and Edwardian terraces that were developed as part of a westward expansion of Bognor Regis. Again, the coast to the south of the Conservation Area forms part of its setting.
- 9.13 The Steyne, Bognor Conservation Area is located immediately west of the town centre and is centred on an area developed in the late 18/19th century. It is illustrative of the development of the town as a seaside resort by its founder, Sir Richard Hotham. Within the Conservation Area, there are two areas of open space, each with terraces that front on to them. The terraces are predominantly two/three storeys in height and rendered. Of note is the imposing Royal Norfolk Hotel, dating from the 1840's, which is set back diagonally across the corner of Aldwick Road and West Street, which faces out to the sea. The seascape is a major contributor to the areas setting.
- 9.14 The Littlehampton (River Road) Conservation Area is west of Littlehampton town centre and runs parallel to the River Arun. The area covered by the designation was developed in stages during the first half of the 19th century. Buildings were originally occupied by town dignitaries and those who had an interest in the sea and seafaring. Where there were wharfs are now modern buildings, which somewhat separate the Conservation Area from the river, although views are possible from the river front walk.
- 9.15 The Littlehampton (Sea Front) Conservation Area contains terraces from a range of periods. Of note are the oldest buildings along South Terrace, which consist of three storey Georgian and Regency properties built in pairs and short rows as part of a longer terrace. These are domestic in scale and as each pair or group was built individually, there is a variety of detail but without the loss of harmony. The Greensward (an area of open space) immediately south of the Conservation Area affords views towards the sea/beach from the majority of the buildings along South Terrace. The regular building line and design represent the architectural intentions of the architects/builders to incorporate visual links of the seascape.
- 9.16 Lyminster Conservation Area is a small, attractive rural settlement between Littlehampton and Arundel. It is characterised by buildings of various scale, style, date and materials. There is an informality of layout enhanced by mature landscaping and verges. Flint walling is also an important feature of the area, including substantial high walling at the eastern end of Church Lane. The setting of the Conservation Area consists of the surrounding rural landscape.

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- 9.17 Poling Conservation Area is split into two distinct parts, separated by more recent development. The eastern part comprises the medieval core of Poling with the Grade I listed church and the western part consists of an informal arrangement of houses of a traditional appearance set within a lane. The setting of the Conservation Area consists of the surrounding rural landscape.
- 9.18 Within the Conservation Areas described above are listed (designated heritage assets) and locally listed buildings (non-designated heritage assets). The Conservation Areas, except for Lyminster, Poling and Littlehampton (River Road), are located on or close to the coast.
- 9.19 Construction works would result in a temporary change to the setting of Lyminster Conservation Area. As described in Chapter 25 of the ES, the construction works would introduce *'new visible and audible elements to the immediate proximity of the conservation area, in contrast with the general sense of a rural, agricultural basis for the settlement and individual buildings'*. The result would be a **negative** effect. The construction works would also potentially have a negative effect on the wider setting of the Poling Conservation Area, including the approach from the north, which would pass the construction works. It is acknowledged that the **negative** effects would be temporary and, as a result, would not permanently harm the setting of the Conservation Area. Consideration should, however, be afforded to the access points and trenchless crossing compounds.
- 9.20 As evidenced in Viewpoint 12 from Bognor Regis promenade (Figure 15.37 of the ES), the WTG of the Project from this viewpoint appear more visible and prominent compared to Rampion 1 WTG. It is clear that for both Bognor Regis and Littlehampton (which includes the Aldwick Road, Bognor Conservation Area, The Steyne, Bognor Conservation Area, the Littlehampton (Sea Front) Conservation Area and the South Terrace Area of Character) the WTG would be visible in sea views. This is described in Chapter 25 of the ES as the *'presence of new, clearly modern visual elements in long distance views'* or contributing a *'framing to seaward views rather than interruption'*. The seascape setting contributes to the interests of these Conservation Areas; this is agreed within the heritage baseline assessment. Of note is the fact that for the Bognor Regis (The Steyne) Conservation Area *'The visual relationship between the seascape to much of the southern extent of the conservation area is the primary contribution of its setting to the area's interests'*. Additionally, for Littlehampton (Seafront) Conservation Area, it is thought that *'The seascape setting contributes to the interests of the conservation area'*. Having reviewed Chapter 25 of the ES, ADC disagree that the WTG would contribute to the framing a view (of the Littlehampton (Seafront) Conservation Area), but rather result in an interruption, especially when the structures would be permanently on view from the Conservation Areas in views towards the seascape. The WTG, as described above in Section 6 above and in Chapter 15 of the ES, would result in significant **negative** visual effects on the coastline of the District.

Adequacy of the DCO Application, Actions and Commitments

9.21 Chapter 25 of the ES identifies listed buildings where the settings could be affected by the Project. However, the ES fails to consider the likely effects of the Project on the setting of the following designated heritage and non-designated heritage assets:

- listed buildings at No. 45 – 47 South Terrace;
- locally listed buildings at No. 4, 8 – 95 South Terrace and 16 Granville Road; and
- South Terrace Area of Character.

9.22 An assessment of the likely effects of the Project on the above heritage assets should be undertaken to make sure all the effects on the historic environment are fully understood and mitigated for, where possible.

9.23 As the duration of Climping Compound, landfall compound and trenchless crossing compounds are expected to be in use for some time, appropriate landscaping/boundary treatments should be implemented to mitigate the effects of the construction activities on the setting of heritage assets (see Section 6 for further details).

10. SUMMARY OF MITIGATION, COMPENSATION AND REQUIREMENTS

Mitigation, Monitoring and Compensation

- 10.1 ADC has concerns regarding the lack of commitment and certainty to some mitigation, monitoring and compensation, together with the mechanisms for securing. An overarching concern is that owing to the wording of some mitigation measures in the Commitment Register, it is not definite or certain that the measures would be implemented to mitigate or compensate effects. Firmer commitment is therefore sought to delivering these mitigation measures, such as a Supply Chain Plan and Community Benefits Package. ADC will continue to engage with the Application to make sure appropriate mitigation is provided.
- 10.2 As described above, ADC is of the opinion that the District will not significantly benefit from the Project, rather the area and local communities will experience disruption and significant negative effects, some of which are unlikely to be mitigated. Where mitigation is not possible, ADC seeks appropriate compensation through a Community Benefits Package (see below).
- 10.3 The adequacy of mitigation, compensation and commitments are described above in Section 4 to Section 9, with a summary of the key points provided below:
- owing to very limited detail given within the Outline Skills and Employment Strategy, ADC seeks the strategy to be developed further in consultation with ADC to develop opportunities for apprenticeships and local education institutes in Arun, together with measures to support local SMEs and opportunities for SMEs to access the supply chain;
 - the Outline Skills and Employment Strategy refers to a Community Benefits Package, although no details are provided. ADC seeks a firmer commitment to delivering a Community Benefits Package such as that provided for Rampion 1 that includes benefits specific to the local community in Arun. A Community Benefits Package is considered appropriate to adequately compensate for adverse effects that cannot be otherwise mitigated for. Discussions are sought with the Applicant to agree the Community Benefits Package (including the criteria and funding). It is requested that this is secured through the DCO;
 - owing to concerns that there is a lack of detail within the Outline CoCP, which would be used to inform the detailed staged CoCP, ADC seek an updated Outline CoCP as the control document. This Outline CoCP should include firmer commitments for supply chain opportunities for local SMEs (see below), baseline noise surveys, updated noise assessments, noise and vibration

monitoring and core working hours specific to the use of Climping Compound. Such noise surveys, assessment, mitigation and monitoring should be agreed with ADC;

- a firmer commitment to developing a Supply Chain Plan, as whilst this is referred to in C-34 of the Commitments Register as exploring opportunities for companies to access the supply chain, this should be secured through the CoCP;
- commitment to preparing and submitting to ADC for approval a Construction Communications Plan for Climping Compound. Whilst Construction Communication Plans are referenced in the Outline CoCP and Chapter 19 of the ES, it is not referenced specifically in relation to Climping Compound, although other locations are suggested as 'applicable'. ADC request a greater commitment for a Construction Communication Plan to be submitted to ADC for approval prior to the commencement of works associated with Climping Compound;
- approval should be sought from ADC for the exact positioning of the concrete batching plant and soil/aggregate stockpiles and be placed as far away as possible from residents/other sensitive receptors;
- owing to concerns regarding the lack of biodiversity enhancement within the District, a firmer commitment to delivering biodiversity net gain specifically within Arun and for this to be demonstrated through a biodiversity net gain assessment at the District level and a maintenance and monitoring plan of biodiversity net gain (to be agreed and secured with ADC via appropriate means). Net gain should be delivered in accordance with the biodiversity hierarchy. ADC also has suggested a contribution to the Sussex Kelp Recovery Project to support marine biodiversity net gain; and
- greater commitment to advanced tree/habitat planting, particularly along boundary/field treatments, and for the staged reinstatement of habitats within the first planting season following completion of the construction works and backfilling within the section, rather than within two years, as currently defined within C-103 of the Commitments Register.

DCO and Requirements

10.4

In addition to the above, discussions are sought with the Applicant regarding some of the wording within Schedule 1 and the Requirements of the draft DCO to account for the following:

- to provide a description for Work No.10 in Schedule 1 (comparable detail to other Work No. descriptions) of the use of 'temporary construction compounds' or provide in another document where there is a commitment to comply with the description. This would provide greater clarity and certainty of the uses proposed within Climping Compound;

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- it is not clear under what powers the applicant can require landowners to give up their land at Climping for a temporary use;
 - with regard to Requirement 10, it will be important that the programme of works secured clearly defines the stages, phasing and associated timings of works within the District so that it is clear to ADC when Requirements will need to be discharged for the stage specific documents, such as the LEMP (Requirement 13) and CoCP (Requirement 22);
 - with regard to Requirement 14, the wording is amended so that the biodiversity net gain strategy for stages that relate to areas within Arun is also submitted to and approved by ADC. ADC also requires that this is secured by legal agreement if appropriate;
 - with regard to Requirement 33, the wording is amended so that the skills and employment strategy is 'agreed with and provided to' the relevant planning authority, which will include ADC; and
 - a commitment and a mechanism to secure a Community Benefits Package, which is currently not secured.

10.5 Discussions are sought to agree the role of ADC in the discharge of Requirements that relate to the District (beyond the SDNPA), in particular, with regard to stage specific LEMP, detailed/stage specific CoCP, biodiversity net gain and skills and employment strategy. With regard to these stage specific management plans and strategies, ADC request to be a consultee and for ADC to approve these where they relate to the District (beyond the SDNPA) alongside other relevant consultees.

10.6 Owing to the additional expenditure to ADC in relation to the discharging relevant Requirements and S61 applications, ADC seeks to recover the associated costs. ADC would welcome discussions with the Applicant on the recovery of costs.

11. SUMMARY

- 11.1 The purpose of this Local Impact Report has been to outline the likely effects of Rampion 2 Wind Farm at local level on the residents, businesses and the environment within the District of Arun and to briefly evaluate these effects in the context of local planning policy.
- 11.2 ADC supports renewable energy generation and carbon reduction objectives to meet climate change commitments, whilst also promoting economic development and locally skilled jobs. ADC has some concerns regarding the negative effects to residents, communities, the local economy and the environment. ADC is of the opinion that the District will not significantly benefit from the Project, rather the area and local communities will experience disruption and significant negative effects, some of which are unlikely to be mitigated. ADC has highlighted where the effects are not considered to be compliant with local policy; these are notably in relation to biodiversity, tourism, historic environment and visual effects within the District during construction and a lesser extent once operational.
- 11.3 ADC has sought to identify where further work is considered necessary so that the likely effects can be fully understood at local level. ADC has also requested firmer commitments and appropriate mitigation and compensation to delivering social, economic and environmental benefits that are specific to the District, particularly with regard to biodiversity, education, tourism, employment and skills. Where mitigation is not possible, ADC seeks appropriate compensation through a Community Benefits Package. ADC will continue to engage with the Applicant to secure the actions and commitments required during the Examination period and beyond.

SOURCES OF INFORMATION FOR FIGURES

- Landstack, 2023. Available at [<https://app.landstack.co.uk/login>]
- DEFRA, 2023. 'Magic Map', available at [<https://magic.defra.gov.uk/>]
- Historic England, 2023. 'Search the List', available at [<https://historicengland.org.uk/listing/the-list/>]
- Arun District Council, 2018. 'Adopted Local Plan 2011-2031', available at [<https://www.arun.gov.uk/adopted-local-plan/>]

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By email only
rampion2@planninginspectorate.gov.uk

6 November 2023

Your Ref: . EN010117

Please ask for:
Neil Crowther
Planning
Direct Line: 01903 737839

Our Ref:

Dear Planning Inspectorate

Relevant Representations on behalf of Arun District Council

This letter is Arun District Council's (ADC) Relevant Representation for Rampion 2 Offshore Wind Farm (hereafter referred to as the Project).

ADC supports renewable energy generation and carbon reduction objectives to meet climate change commitments, whilst also promoting economic development and locally skilled jobs. However, as a host authority of the Project, ADC has some concerns regarding disruption and impacts to residents, businesses, the local economy and the environment. The benefits of the Project as a whole or beyond Arun will be of limited value to residents and local businesses who face disruption during construction. We will continue to engage with the Applicant to make sure that should the Project be granted, the Project delivers social, economic and environmental benefits to Arun that outweighs the disruption.

ADC is the planning authority for Arun, with the exception of the area of Arun within the South Downs National Park. West Sussex County Council is the highways authority, education authority and Lead Local Flood Authority that covers Arun. The initial principal areas of concern set out below therefore relate largely to subject and geographical areas which ADC has primary responsibility.

1. General

- There is considered to be insufficient evidence and justification for selection of some aspects of the Project and the alternatives studied by the Applicant, taking into account environmental effects.
- ADC has concerns about the location, substantial size and the likely effects of Climping Compound during the construction period.
- ADC has concerns of the lack of commitment and securing mechanism of mitigation, monitoring and compensation. It is not always clear mitigation/compensation is followed though to a securing mechanism and the Commitments Register appears more aspirational rather than embedded environmental measures.

2. Socio-economics/Economics/Tourism

- Outline Skills and Employment Strategy – limited detail is outlined within the Outline Skills and Employment Strategy and ADC is not listed as a consultee to this document. This is a concern given the adverse effects the District will experience during construction. ADC is expecting to be a recipient and consultee regarding benefits – being particularly interested in learning related opportunities at all levels including apprenticeships and universities. The Strategy is very high-level and it is not clear how different elements inter relate, for example, para. 2.3.3 refers to “*Encouraging and supporting growth and employment in local supply chain companies... Increasing visibility of local SMEs*” whereas supporting local business is not included as an objective in para 5.1.2. Further to this, the Environmental Statement (ES) (Chapter 17, Table 17.19) cites “*RED will identify opportunities for companies based or operating in the region to access supply chain for the Proposed Development*” as being secured through measure C-34 in the Outline Code of Construction Practice (OCCP). This measure, however, is not within the OCCP.
- Community Benefits Package - ADC has concerns about securing benefits from this package. Reference is made to the Community Benefits Package in the Outline Skills and Employment Strategy. Due to adverse effects identified (below) the Community Benefits Package is necessary to assist in mitigation.
- Jobs – ADC has concerns that there will be a low number of locally skilled jobs created in Arun from the Project. The construction benefits are described in the ES as being 80 jobs across Sussex and operational benefits as being 100-110 jobs across Sussex (Chapter 17, Tables 17.25 and 17.32). The potential for employment by location may be influenced by the Skills and Employment Strategy in terms of preparing and informing local business. Details on this are therefore important.
- Tourism – ADC has concerns regarding displaced tourism from Arun. The ES (Chapter 17) notes that regarding construction effects of wind farms ‘*the research typically focusses on measuring opinions of what the impacts on the visitor economy could be prior to implementation of the scheme. However, ex-post research suggests that even where there have been negative effects, these often occur in the form of displaced tourism with visitors diverting to neighbouring areas instead*’. Whilst this may be considered a neutral effect at the wider area level, it suggests areas directly affected by construction such as Arun will experience at least temporary adverse effects.
- Tourism Assets – ADC has concerns regarding the adverse effects on tourist assets within Arun. Chapter 17 of the ES states that at the local level ‘*installation activity along the onshore cable corridor may have a negative impact on walking and cycling routes, coastal paths, holiday parks and other tourism-related assets that are located in close proximity to onshore construction works... the assessment concludes that during the construction phase there would be major / moderate, and therefore significant effects on a limited number of tourist destinations. These locations are Climping Beach, Climping Camp Site, Climping Caravan Park and Washington Caravan Park*’. Many of these locations are in Arun and there are more in the vicinity of Climping Compound. Whilst at County level, it may be a negligible effect, however for Arun, the effect on residents and local businesses will be significant in some instances and this should be identified and mitigated.
- Amenity – concerns regarding the significant effects on public rights of way within Arun, some of which are heavily used.
- Strategic Housing Allocation - the cable route crosses the housing allocation ‘Strategic Housing Allocation SD4 Littlehampton – West Bank’ as identified in the Arun Local Plan (adopted 2018). No assessment has been identified which considers the effect on the strategic housing allocation and cable route in terms of the implications and any sterilisation of land.

3. Seascape, Landscape and Visual

- ADC acknowledge that the spatial extent of the offshore array area and quantity of wind turbine generators has been reduced. However, ADC continues to have significant concerns regarding the scale relative to the proximity to the coastline and the resulting significant visual effects.
- ADC has significant concerns regarding the visual effects associated with the temporary (approximately 3 years and 5 months) construction horizontal directional (HDD) compound and Climping Compound, which is of a significant size and duration.
- ADC also has concerns regarding onshore landscape scarring and the effects on landscape landform and visual character. Reference is made to restatement of construction compounds and onshore cable corridors. We expect reinstatement to be an appropriate like for like replacement, taking into account new/emerging threats from diseases and biodiversity enhancements.
- ADC note that the onshore cable route has been refined to approximately 40m in width with permanent infrastructure corridor width up to 25m (or wider at trenchless crossing locations). We seek clarification and detail on the surface treatments within these permanent infrastructure corridors, any requirements for easements in these areas and whether this impacts reinstatement.
- We note that the landscape reinstatement will be subject to an on-going minimum 10-year monitoring programme. The maintenance programme will need to align and comply with the requirements of the biodiversity net gain for Nationally Significant Infrastructure Projects, which is expected to come into force in 2025; the same year the Project is planned to commence construction.

4. Terrestrial and Marine Ecology

- ADC has significant concerns regarding the cable route passing beneath and near to the Climping Site of Special Scientific Interest (SSSI) and ecological sensitive areas. Nationally scarce invertebrates have been identified on the sand dunes of Climping beach. We note access would be restricted in the SSSI and no groundbreaking activity. However, the potential for indirect effects is unclear and unplanned events could lead to localised degradation of habitat within the SSSI, which is of a concern.
- We note that the Applicant seeks to achieve biodiversity net gain of at least ten percent onshore for the Project. Biodiversity net gain has not been assessed at the district level. We would expect biodiversity net gain to be achieved within the administrative area of Arun.
- We acknowledge that marine biodiversity is not yet mandatory and the Applicant is exploring opportunities for marine benefits. ADC would expect marine benefits and contribution to marine restoration projects such as Help the Kelp. Consideration should be given to a marine biodiversity net gain assessment.

5. Noise

- There are concerns regarding the adequacy of the noise assessment which in ADC's view may underestimate the construction and operation noise effects (of the proposed Climping Compound). ADC has concerns regarding the modelling of the noise sources, adequacy of the assessment of background noise levels (in relation to the Climping Compound), omissions from the assessment and validity of the assessment method. Further information is required before ADC can determine whether the assessment is a representative assessment of construction noise and vibration.

6. Historic Environment

- ADC has identified and prepared a list buildings and areas of character which are non-designated heritage assets. There are two associated Local Plan policies (HER DM2 and HER DM4). In terms areas of character, some adjoin conservation areas in Littlehampton. The most relevant is the South Terrace Area of Character adjoining the Littlehampton Seafront Conservation Area. Within the historic environment assessment (Chapter 25 of the ES), it states that '*Assessment of effects on Locally Listed Buildings or Structures of Character and Areas of Character, as identified by Arun District Council, is presented in Sections 25.9 to 25.11*'. An assessment has not been undertaken for non-designated heritage assets, even though some are within the 1km study area. In Appendix 25.7 of the ES, Table 5.1 consists of the Step 1 Assessment which fails to identify No's 45-47 South Terrace, which are listed buildings. It also fails to identify any of the locally listed buildings or Area of Character.

7. Human Health and Population

- Within the population and human health assessment (Chapter 28 of the ES), we seek clarification as to why a determination for sensitivity and magnitude can produce two different outcomes. A low sensitivity and a high magnitude of impact can deliver a minor or moderate effect. This ambiguity could lead to a misunderstanding as to whether the Project leads to a non-significant or significant effect on a particular receptor.
- The Equalities Impact Assessment (Appendix 28.3 of the ES) is based on the Equalities Act and makes specific reference to 'protected characteristics' as defined in Section 4 of the Equalities Act. However, the assessment (Tables 1.4, 1.5 and 1.6) is not limited to the protected characteristics (i.e. age, sex, race, religion etc.). Clarification is therefore required to assess the protected characteristics as per the Equalities Act.

If you wish to discuss the contents of this letter, or if there is anything you do not understand, please contact me.

Yours sincerely



Neil Crowther
Group Head of Planning
Arun District Council

Date 14 September 2021

Your Ref:

Our Ref: NC

By email only to: Rampion2@rwe.com

Dear Eleri

Please ask for:
Neil Crowther
Group Head of Planning
Direct Dial: 01903 737839

Consultation response into Rampion 2 Consultation

I write in response to your letter dated 13 July 2021 inviting Arun District Council (ADC) to comment in response to the Section 42 Notice and the proposals for Rampion 2 Wind Farm.

ADC considered their response to the Consultation at the Planning Committee on 8 September 2021. A copy of the report to the Committee can be found at;

www.democracy.arun.gov.uk/ieListDocuments.aspx?CId=137&MId=1508&Ver=4

ADC welcomes the opportunity to comment on the Preliminary Environmental Impact Report (PEIR) provided by RWE. Based on the information available to date, Arun is not yet in a position to support the proposals and therefore wishes to subject a holding objection to the proposals for the following reasons.

- Site selection/Alternatives. It is considered that the site selection and consideration of alternative is essential if there is to be a very large-scale and visually dominant offshore wind farm.
- The Council has significant concerns regarding the scale of the proposals relative to their proximity to the coastline. It is noted that the proposed turbines are substantially larger than the existing Rampion 1 turbines and the visual impacts of the proposals will be enormous. The combination of the size of the turbines and the quantity of them lead ADC to conclude that the proposals are an overdevelopment in this location.
- ADC concludes that the larger turbines should be located further offshore or elsewhere.

- ADC would expect that specific visual impact assessment work was carried out for sensitive locations such as Conservation Areas, coastline open spaces and tourism locations.
- ADC recognises that the views to the sea are one of the prime attractions for residents and visitors to the District. The potential impact on economy and tourism is unknown. More information and assessment is required. ADC would like to understand what the impact of such large proposals has been on the economy of other coastal towns as a result of similar proposals.
- It is noted that the economic benefits during the construction period are forecast to be exceptionally low within West Sussex as a whole. The economic benefits of the proposals appear to be very limited. The Council wishes to secure training programmes for locals as part of the construction and maintenance of a wind farm. It would also wish to secure much greater economic benefits and mitigation through things such as development funds and tourism funds.
- The full Environmental Impact Assessment should consider the impact on designated and non-designated heritage assets. If works are consented any impact upon a heritage asset should be mitigated appropriately.
- Biodiversity Net Gain should be secured through the works required in the reinstatement programme following the installation of the underground cables and a long-term management plan should be included.
- Impact on habitat loss and disturbance. ADC would expect that these impacts can be fully mitigated.
- Any intrusions into the landscape or installations (i.e. fencing, maintenance requirements etc) should include appropriate landscape remediation and mitigation works to ensure that there is no detrimental impact to landscape character. Mitigation through landscaping schemes should be undertaken in accordance with arboricultural guidelines and should both inform, and respond to, the results of the Landscape Visual Impact Assessment.
- Highways impacts from construction phase will be critical in terms of where construction compounds will be located and where construction traffic will be routed.
- ADC would expect the applicant to go above and beyond its statutory duty to engage on a meaningful basis with the public and key stakeholders within the District. Any reasonable consultation response should be demonstrably entertained and considered in the formulation of the final proposals. ADC would also expect the applicant to liaise with local residents and ADC throughout the period of construction to minimise disruption and to ensure that tourism opportunities are not hindered.

ADC will be instructing a Local Impact Report to consider in more detail many of these issues and intend to submit this, when it is available, in response to the formal proposals and to the Examination.

Appended to this letter are full consultation responses received from ADC internal consultees.

Yours sincerely

A handwritten signature in black ink, appearing to be 'NC', with a small dot at the end.

Neil Crowther
Group Head of Planning

Environmental Health

Chapter 22: Noise and Vibration.

Base line survey and Table 22-25. I note that a baseline noise survey is intended now that Step 4 COVID easing has been applied. Arun EHD would be pleased to consult on these findings (page 21). In the first instance however, I would recommend close liaison with Arun Planning Department to inform the careful selection of any survey position based around existing and proposed sites for noise sensitive development within and around the 5 years Rampion 2 development framework.

Paragraph 22.8.25. typing error SOAEL +10dB?

Paragraph 22.9.42. The degree and extent to which residential sensitive receptors (within 20m, or even 10m) may be exposed to unsatisfactory levels of noise will need careful evaluation, particularly in consideration of any evening or night-time working, or where evening/night-time working is continuous with day-time working and where noise screening has been evaluated as impractical for the works (paragraph 22.9.43)

Paragraph 22.9.44 and 22.16.3. Selected roads/lanes may be unsuitable for HGV traffic, not only from the point of view of noise exposure to gardens and habitable rooms but given that houses/gardens may exit directly onto currently quiet roads, with no provision for pavements and pedestrian safety.

Crossbush and Warningcamp: Night-time noise exposure should also be considered. depending on the decided route of cable laying and required access to project sites, by vehicles, including HGV's.

General:

i. it would be useful if a map, demonstrating the route of the proposed works in relation to the location of stated sensitive receptors was provided in this section.

ii. **Table 22-22.** Please provide the current levels of noise experienced on *relevant* roads and for example, bearing in mind that the Lyminster By-Pass is now under construction.

iii. **Table 22-28** - I trust (as above) that further consultation will take place to inform a decision as to the final location of the proposed 4 construction compounds, vehicle access and use of minor roads.

*although the document refers to many work items as 'temporary' this may be for a period of months or even years and is unlikely to be viewed as acceptable by noise sensitive receptors.

*please could a link be added to describe stated C22, C-26, C-33 etc, for example - Appendix A:-

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010117/EN010117-000006-EN010117%20-%20Scoping%20Report.pdf>

Air Quality

In 20.3.10 MSDC suggested that RED should consider providing charging points for electric vehicles at the onshore substation – Arun supports this suggestion and would expand to suggest that any permanent sites which will be visited during the operation phase should have EV charge points and as part of a construction management plan as many vehicles as possible used at the sites should be low emission vehicles.

Modelling

The report states in 20.4.8 that the peak of construction road traffic is taken to occur in 2026 for the purpose of determining vehicle emission factors however in 20.8.2 it states that the Road traffic for the construction phase has been modelled as part of the transport assessment for three scenarios: a 2019 baseline; a 2024 without the Proposed Development; and a 2024 with the Proposed Development. Please explain why the peak of construction road traffic is taken to occur in 2026 and emission factors for this year have been used in the model which would assume lower emissions from newer vehicles but the completed scenarios are based on 2024. Why have corresponding years not been used and why is construction assumed to be in 2026 in one section but completion prior to this in 2024 in another section?

Baseline Data Gathering 20.5

Please note that *Table 20-9 Data sources used to inform the air quality PEIR assessment* indicates that monitoring data from ADC has been used. It should be noted for the future that a number of sites in Arun were discontinued and new monitoring sites were set up in 2020 but due to Covid restrictions results across the district show a 20-30% reduction in No2 levels. Any comparison should therefore use data from 2019, pre Covid and any new monitoring data should be used with caution as we don't yet know the full impact of Covid 19 restrictions and changes to travel patterns going forwards.

20.6 – there is no discussion of monitoring or base line levels in Arun, only the AQMA's in Horsham and Worthing. I appreciate these are the areas of most concern but feel there should be some discussion of baseline levels in Arun.

Preliminary assessment: Construction Phase

20.9.1 - construction traffic on roads Appendix 20.1 referred to here sets out in Table 1-1 the details of the receptors where impacts have been modelled. None of these are within Arun district, all are within Horsham and Worthing, mostly within the AQMA's but not all. Coupled with the fact that there is no discussion of baseline levels in Arun it seems that Arun has been excluded from the assessment and I cannot see any discussion or justification for this in the report.

20.9.19 - construction equipment on site – One site at Crossbush Lodge has “moderate adverse” and three other sites have “slight adverse” impacts of No2 from construction equipment but the overall conclusion in 20.9.34 is not significant due to the conservative way in which emissions and concentrations were estimated. However, given that this is estimated it would be useful for those sites with predicted adverse impacts to be subject to increased attention or monitoring during works to ensure the impacts here are as expected and not significant.

20.9.42 - Emissions of Dust from Construction – All measures described in *Table 20-22 Specific environmental measures to be applied for construction dust management (from IAQM guidance)* must be required as part of a dust management plan at all construction and decommissioning sites. The dust management plan must be approved by the Local Authorities. Please clarify whether the information comes from 2014 or 2016 IAQM guidance as both are referred to in respect of these measures in the construction and decommissioning sections of the report.

Contaminated Land

From a potentially contaminated land perspective, it is recommended that the applicant or their agent provides EH with a copy of the confirmed cable route so that the relevant areas of PCL can be identified. It is possible to work with the scoping area, however as this is a large swathe of the district, this will be a significant project. It would be anticipated that any areas highlighted as PCL will require, as a minimum, a risk assessment with regard to the proposed land use. It is also likely that a planning condition regarding contamination discovered during this project is appropriately quantified and managed.

Noise

Preliminary Environmental Information Report.

Chapter 4. The Proposed Development.

Infrastructure: Note that a Construction Compound is to be formed to the west of Arun River, as well as a Transition Joint Bay in the field behind Climping Beach. Please inform this Department, as soon as possible, re the proposed position of infrastructure such other construction compounds within the Arun area.

4.5.2 - Construction Programme - Timing.

Would request that where development takes place close to one or more sensitive receptor/s then any noisy operation does not take place before 08:00 hours and after 18:00 hours Monday to Friday (and as per stated hours of operation for any Saturday, public or bank holiday.)

4.5.3 - Construction Programme - Extended Hours of Working

Furthermore, that this paragraph be amended so that the Local Planning Department/Environmental Health Department (and any sensitive receptor) as well as West Sussex

County Council and the South Downs National Park will be notified at least 72 hours before any 'required' continuous periods of construction work, any abnormal loads delivery, or works to the foreshore, or any other noisy activity outside the agreed hours of working (paragraph 4.5.2). This will allow the Council's Out of Hours Service to be suitably forewarned of possible noise complaints. I trust that the relevant Environmental Health Department will be advised of a 'Rampion' contact number which will deal with complaints concerning this development, closer to the time.

The applicant is requested to contact the Local Planning and Environmental Health Departments well in advance for determination of any s61 application (Control of pollution Act 1974).

Note (2) that the operation of 'louder' HDD equipment is also exempted here, with 24-hour operation possible. Understand that this machinery cannot easily be switched on and off. Would request that the operative seeks to ensure that such works begin early in the day-time period (07:00 to 23:00 hours) in order to avoid night working whenever possible.

An 'early start' should also be put in place for off and on-shore piling (paragraph 22.8.7) particularly when 'pushing through' particularly dense rock strata (see 40 complaints to Adur-Worthing Council re night time off shore piling - Rampion 1).

Generator noise was also identified as problematic at Brooklands Reservoir site, during Construction of Rampion 1. Please would the applicant ensure the use of quiet equipment/necessary mitigation, where sensitive receptors may be adversely affected.

Lighting

Thank you for due consideration of this matter.

Conservation & Heritage

Chapter 16 Seascape, Landscape and Visual Impact Assessment

Table 16-11 Viewpoints included in the SLVIA fails to consider or identify that there is a conservation area fronting on to the sea, with a second one close by. This is disappointing as the same table identifies the conservation areas in Bognor Regis and other LPA areas. This issue had to be raised at one of the online meetings, and it would appear that this issues still has not been properly addressed.

There is also an Area of character in South Terrace which has not been identified (non-designated heritage asset).

Chapter 26 Historic Environment

Both the proposed cable corridor and the WRG themselves has the potential to affect heritage assets, both designated and non-designated. Whilst an extensive amount of work has been prepared as part of the assessment of the impact of the proposal, I do have the following comments.

The Climping Coastal defence features from the Second World War, whilst identified as being of archaeological interest, are also non-designated heritage structures. Would expect some care to be taken so as to ensure that their significance is not harmed as part of the Horizontal Directional Drill (HDD) technique that will be used at the landfall location.

Table 26.2 – whilst the table identifies potential receptors such as designated heritage assets including listed buildings, it fails to include all of the non-designated heritage assets in the Arun LPAA. The Arun LPAA have identified both buildings and areas of character which are non-designated heritage assets. The LPAA has prepared a Local List of Non-designated Heritage assets and there are two Local Plan policies associated with them (HER DM2 and HER DM4. As a result, it would appear that the South Terrace Area of Character is not to be considered, even though it adjoins the South Terrace Conservation Area.

Table 26-9 – only refers to Buildings or Structures of Character and not Areas of Character.

Table 26-31 'Offshore substation and wind turbine generators – Potential effects arising through change to setting of heritage assets during the operation and maintenance phase - Paragraph 26.4.17 of the PIER states that the identification of heritage assets to be included within the settings assessment is based on stage 1 of GPA 3. This followed a two-stage process which included identifying those assets where the coastal setting, including views out to sea, contributes in a notable and substantial way to the heritage significance of an asset. It is therefore not clear why some assets have been included in this table (and table 26-12) and others haven't. For instance, all of the Conservation Areas in Bognor Regis are included, but none in Littlehampton. Likewise, other piers have been included whereas the one in Bognor, even though it is located within one for the aforementioned conservation areas is not. It is also not clear why only a limited number of listed buildings are included, when there is a significant number in the Littlehampton Seafront Conservation Area that have a relationship with the sea. This table needs to be updated to reflect all of the assets along the Arun coast.

Table 26-37 Further consultation and engagement – it is positive to note that there will be further engagement. It is not clear what form this will take. It is suggested that smaller meetings taken place with individual or neighbouring authorities.

LANDSCAPE

The WTG will be clearly visible from the seafronts of both of the coastal towns. For instance, in Littlehampton, the report states that Seafront views, including those from the sea-front promenade will be defined by open, direct views of the offshore elements (Viewpoint 11), where they will be a prominent element in good visibility of the offshore field of view. This will result in a high magnitude of change and significant (major) effect on views experienced by residents and users of Littlehampton seafront. However, the failure to include the Littlehampton conservation areas in the heritage assessment (table 26-31) means that this impact has not been fully assessed on the heritage assets.

The landscape study identifies that the Bognor Regis Seafront Promenade (which includes the conservation area) has a medium-high sensitivity to change, a medium high magnitude of change, resulting in the significance of residual effect being significant (major/moderate). However, the heritage report then identifies that the impact on the conservation area would be minor (in terms of the significance of the effect. Is this correct?

Coastal Engineers

Expect Natural England and the MMO will be commenting in relation to the Marine Plan area. The IFCA will be best placed to respond re fishing.

Bird strike – Have no evidence and would leave it to the likes of Natural England and RSPB to evidence a case one way or the other.

Assume it is not for us to comment on civil or military aviation/radar impacts.

The onshore feed cable will coming ashore at Climping but it will be buried, with little to show that it is there – there will obviously be disruption during installation and a wayleave corridor afterwards - this may get close to potential LEGA developments on its route to Bolney.

Aware from the A27 Focus Group that Highways England are aware of the project and have been in discussion regarding the routing at Arundel.

People have concerns about construction effects (i.e. piling noise/vibration) – know that there was some disturbance from Phase 1. Whether the noise was airborne or somehow related to geology might be worth a bit of investigation. Know from piling for timber groynes there can be effects felt inland (50 – 100m) when there is no perceivable vibration right beside the works – bulbs of influence and stratification of the geology.

Have already made the RWE Team aware of the wave buoy and tide monitoring station off Rustington.

Environmental Assessment Officer

We are glad to see that all the designations for the landfall site have been recognised. It is noted that more work is being done on further mitigation to reduce any impacts on Kingsmere MCZ. As such we would wish to be kept informed about these as they develop, particularly to ensure consistency with other projects in the vicinity (i.e. Help Our Kelp Restoration Project).

Due to the recent release of the peak river flow allowances incorporating climate change from the 2018 projections, it is advised that 40% should be used in the modelling, especially due to the landfall location being within flood zone 3a and the significant inland incursion affected.

Landscape Officer

The proposed onshore cable corridor will impact on a large swathe of countryside and communities in the Arun District and the bordering South Downs National Park.

Landfall indicated at Climping Beach has the potential to impact on the Climping Beach SSSI and West Beach LNR. Methodology suggests that Horizontal Directional Drilling installation, will be used in these areas. The further onshore cable route is detailed to be laid within a corridor, the majority of which to have a temporary working width of up to 50m.

The proposed route will directly affect many Parishes from the south west to the north east with environmental impact on residents and unspoiled countryside, with the proposed route cutting through ancient habitats and heritage sites on the South Downs. The proposals will inevitably come at some environmental cost, which Arun will be looking for assurances to be addressed.

- Habitat protection particularly any interface with Ancient Woodland. Appreciation of the legacy of any physical attributes ie Trees/ancient hedgerows.
- Mitigation for landscape/habitat loss. Net gain or betterment in the proposed finished scheme. Unavoidable tree loss, ground formation, grassland habitat, to be addressed with new planting which over time will be required to improve the diversity and resilience of the local tree, fauna and flora population. Considering climate change and new and emerging threats from pests and diseases impacting these. The opportunity to introduce genetic diversity within the mitigation plans, which may help to increase climate resilience in the long term.
- An on-going minimum 10-year monitoring programme to ensure the reinstatement of above within the full cable route.
- Visual impact to the wider surrounds, landform and visual character. Impact on the SDNP to the north and impact on local areas of special landscape character. Impact on existing settlements and the necessary mitigation, to also include visual impact of mitigation associated with reinstatement of the cable runs in these areas.
- The effect of the proposals on Arun's evolving landscape and the interface with planned and known upcoming development in this area.
- Impacts on the landscape - sensitivity of the South Downs National Park as well as its setting.
- Timescale of works indicated as likely to take many months/years during which time residents may face disruption and which will involve the digging of trenches to site the

cables, resulting in damage to natural habitats. The impact of light and noise pollution, as well as increase in construction traffic.

- Rights of way, severance of communities and wildlife and Green Infrastructure networks/corridors which will require reinstatement.

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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/216/22/PL

Original Decision = Refused

Received: 06-11-23

The Beeches, Crete House Dappers Lane Angmering

Decision Level = Delegated

Extension of existing dwelling (Crete House) and erection of two detached dwellings on vacant plot to the south, together with new shared access, car parking and landscaping. (Resubmission of A/266/21/PL). This application is in CIL Zone 2 and is CIL liable as new dwellings.

Written

Representations

PINS Ref: APP/C3810/W/23/3322262

AL/58/23/PL

Original Decision = Refused

Received: 23-11-23

Lidsey Farm House Lidsey Road Bognor Regis

Decision Level = Delegated

Erection of 1no dwelling to replace historic caravan and detached garage. This application may affect the setting of a Listed Building, is a departure from the development plan, is in CIL Zone 3 and CIL Liable as new dwelling. (Resubmission of AL/167/22/PL).

Written

Representations

PINS Ref: APP/C3810/W/23/3328459

BN/119/22/OUT

Original Decision = Refused

Received: 29-08-23

Land adjacent to Highfield House Yapton Road Barnham

Decision Level = Delegated

Outline application with all matters reserved, except access, for 19 No dwellings for persons over 55 with associated car parking, landscaping, drainage and open space. This application may affect the setting of listed buildings and is a Departure from the Development Plan.

Written

Representations

PINS Ref: APP/C3810/W/23/3327867

BN/132/22/PL

Original Decision = Refused

Received: 14-11-23

51 Warren Way Barnham

Decision Level = Delegated

Construction of 1 No. end of terrace two storey dwelling with associated vehicular crossover.

Written

Representations

PINS Ref: APP/C3810/W/23/3324032

BR/180/21/T

Original Decision = Refused

Received: 02-08-22

4 The Orchard Close Bognor Regis

Decision Level = Delegated

Fell 1 No. Sycamore tree in rear back garden 3m from house and replace with either Willow or Silver Birch as directed.

Written

Representations

BR/294/21/PL

Original Decision = Refused

Received: 18-04-23

2-10 The Hatters Inn Queensway Bognor Regis

Decision Level = Delegated

3 storey upward extension and redevelopment of the existing 1st and 2nd floor delivering 43 no flats. This application may affect the setting of listed buildings, affects the character and appearance of The Steyne Conservation Area and is in CIL Zone 4 (Zero Rated) as flats.

*Written
Representations*

PINS Ref: APP/C3810/W/22/3308857

EP/3/22/PL

Original Decision = Refused

Received: 10-10-22

2 The Street East Preston

Decision Level = Delegated

Change of use of temporary outside seating area to the rear of the restaurant to be a permanent seating area for the consumption of food and beverages for our customers to use all year round. This application is in CIL Zone 4 (Zero Rated) as other development.

*Written
Representations*

PINS Ref: APP/C3810/X/22/3307441

FG/13/23/PL

Original Decision = Refused

Received: 15-11-23

Land between 11a The Grove and 30 Brook Lane Ferring

Decision Level = Delegated

1 No 1-bedroom house along with associated parking & private outdoor amenity space (resubmission following FG/46/21/PL). This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

*Written
Representations*

PINS Ref: APP/C3810/W/23/3323503

FG/147/22/PL

Original Decision = Refused

Received: 02-10-23

Jasmine Court Sea Lane Gardens Ferring

Decision Level = Delegated

Erection of an extension to provide attached single storey dwelling together with parking following demolition of existing garage. This site is in CIL Zone 4 and is CIL Liable as new dwelling.

*Written
Representations*

PINS Ref: APP/C3810/W/23/3320026

FP/155/22/PL

Original Decision = Refused

Received: 10-10-23

Land to Rear of 107 Felpham Way Felpham

Decision Level = Delegated

Construction of a detached 1 No 2 bed dwelling with electric mobility scooter/cycle & refuse storage facilities (resubmission following FP/31/22/PL). This application is in CIL Zone 4 and CIL Liable as a new dwelling.

*Written
Representations*

FP/219/22/TEL

Original Decision = Objection

Received: 29-11-23

Leverton Avenue Street Works Felpham

Decision Level = Delegated

Prior approval under Schedule 2, Part 16, Class A for proposed 5G telecoms installation, H3G 15m street pole and additional equipment cabinets.

*Written
Representations*

PINS Ref: APP/C3810/W/23/3323256

WA/101/22/PL

Original Decision = Refused

Received: 13-07-23

Brookfield Farm Eastergate Lane Walberton

Decision Level = Delegated

2 x detached 4 bedroom dwellings

*Written
Representations*

PINS Ref: APP/C3810/W/23/3318743

WA/87/22/PL

Original Decision = Refused

Received: 19-07-23

Brookview Nursery Eastergate Lane Walberton

Decision Level = Delegated

Removal of outdoor storage, including caravan and polytunnels and the erection of 7 No flexible E (g) flexible units comprising of offices and workshops, associated parking, drainage and turning spaces (resubmission following WA/98/21/PL). This site is in CIL Zone 3 (Zero Rated) as other development.

*Written
Representations*

PINS Ref: APP/C3810/W/23/3316638

Y/41/23/PL

Original Decision = Refused

Received: 05-12-23

The Old Coal Yard North End Lane Yapton

Decision Level = Delegated

Erection of 4 No dwellings with associated landscaping, access and parking. This application is a Departure from the Development Plan and is in CIL zone 3 and is CIL Liable as new dwellings.

*Written
Representations*

PINS Ref: APP/C3810/W/23/3329367

ENF/258/22

Received:

Ridgeway Park Road Barnham West Sussex

Written Representations

PINS Ref: APP/C3810/C/23/3316696

ENF/366/21

Received:

15 South Terrace Littlehampton West Sussex

