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Plumpton Parish Clerk

By email to damian.mooncie@plumptonpc.co.uk

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Dear Mr Mooncie

PLUMPTON PARISH NEIGHBOURHOOD PLAN – PRE-SUBMISSION PLAN

I am writing on behalf of my client Chichester Diocese to make representations on the Pre-Submission copy of the Plumpton Parish Neighbourhood Plan (PPNP).

The Diocese is the owner of the land described in the PPNP as the Glebe Field and holds an ultimate controlling interest in the site of the current rectory. The glebe and rectory sites have been promoted for housing development through successive SHLAA consultations and in a presentation to the Parish Council under the PPNP site selection process in March 2015.

Before dealing with the specifics of diocese land as a potential housing site, there are overriding issues concerning the PPNP policy for new housing (Policy 2) and the site selection process leading to Policies 2.1 to 2.6. Linked to both is the weight placed on the risk of surface water flooding as a determining factor in the preparation of the PPNP policies.

Surface water flooding risk

As the result of an EU Directive in 2008, the Environment Agency published maps of surface water flooding risk for the first time in 2013. These are informative and are not part of the sequential test under National Planning Policy Guidance whereby any land in Flood Zone 1 passes the test. Except for a strip of land on either side of the Bevern Stream (including part of the Riddens Lane Policy 2.6 site) which falls within Flood Zones 2 or 3, the whole of Plumpton Green lies within Flood Zone 1.

To base a neighbourhood planning strategy and site selection process with the avoidance of all areas on the margins of areas of surface water flooding is fundamentally misconceived. Policy at all higher levels, including Core Policy 12 of the recently adopted Lewes Core Strategy Part 1, seeks appropriate **management** of surface water run off, not the sterilisation of potential development land because of surface water flooding considerations. Development provides one way of funding measures to mitigate and alleviate such risk while controlling the run-off from the development land itself. I refer to this issue below in the context of individual PPNP policies.

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Policy 2 New Housing in the Parish

The second criterion of this policy: *“housing will be provided in small to medium clusters in northern and southerly locations to maintain the linear form of Plumpton Green”* is the determining criterion for the selection of housing sites. The site selection policy does not maintain the linear form of the village, it extends it. Linear development patterns are likely to be less sustainable than those that consolidate development around the centre as they are likely to add to the number of car borne movements and extend the periphery of built development to countryside to a greater extent than would be the case with developments that have more of their boundary abutting the existing built up area. It appears to be residents’ preference to minimise the extent to which new development abuts existing dwellings but there is a conflict between that aim and sustainable development principles which would seek to minimise the need for car borne travel and the impact of new development on the countryside.

The commentary in the SEA appears to confirm further that the policies are based on surveys of residents’ opinions rather than the consideration of sustainable development principles as required by national planning policy:

- There is an assumption that placing the allocated housing sites in peripheral locations rather than around the centre of Plumpton Green will minimise traffic through the centre of the village. The text does not explain why a new resident of a northern site wishing to travel southwards would choose a more circuitous route to avoid the village centre, or vice versa with a southern site. The probable added car borne traffic from the peripheral sites to access the village centre is acknowledged. This is not sustainable development policy given the availability of sites in central locations.
- The SEA summary of option appraisals (SEA page 32) shows clearly that the supposedly objective assessment criteria are skewed to achieve the desired result: *“future growth in line with options 2 and 3 (continuing the linear pattern and small pockets, respectively) being aligned with parish residents’ preference for small scale linear growth, score significant positive impacts.”* The same objective result under Soc/1 for all the options is scored more highly for Option 2 than for Option 1 because the latter *“would not deliver growth in a manner preferred by the community.”* This is a fundamentally flawed approach to policy assessment and the plan should not be allowed to proceed for this reason alone.
- The SEA acknowledges that Option 1 (expanding the village centre) would have a positive impact on encouraging sustainable forms of transport.
- The SEA summary states that *“the centre of the village also suffers from surface water flood issues and so there is a likelihood that Option 1 would result in adverse impact on Env/4 (one of the environmental objectives)”*. I have dealt with the lack of policy basis for resting this important policy decision on surface water considerations. Furthermore, apart from the informative EA surface water plans, there appears to be no factual basis or hydrological evidence in the background documents to support the case that a properly managed development of central sites would not improve rather than harm any existing or historical surface water problems around the centre of the village.
- The SEA summary, however, concludes with the statement that preference for Option 2 *“should not preclude appropriate sites that may expand the village core from coming forward”*. That will be less likely if the required housing land supply is provided by peripheral sites. This may be a tacit acceptance that there is no sound planning or environmental basis for the selection of Option 2 but that the selection is based on *“residents’ preference”*. It is an understandable preference for existing

residents to prefer new development not to be near their existing homes but it is no fit basis for site specific planning at any level and it is a compelling reason why the plan in its present form should not go forward to examination.

- The following comments apply to the SEA assessment of Option 1: Expanding the Village Centre (using the abbreviations in the report):
 - *Env/1: protection, preservation, restoration and enhancement of wildlife habitats* – The SEA comments read: “*The impact on this objective is location-specific and so the impact is unknown*”. However, in the Site Assessment Report, certain sites are marked down on account of alleged presence of protected species. There appears to be no published evidence on the ecology of the sites assessed. To base site selection on supposition of the presence or otherwise of protected species or any other environmental consideration for which there is not documented evidence is wholly unacceptable and again requires withdrawal of the plan for a more transparent and fact based assessment.
 - *Env/2: protect the character, qualities and identity of the parish’s natural landscape* - The SEA judges Option 1 to be “*more likely to result in developing areas that have an impact on views into/out of the SDNP.*” This is manifest nonsense. If a northern site is further in view from the National Park, the southern sites will be nearer. This is not a credible basis for policy selection. The following paragraph hints at the real reason in stating that this option does not follow the linear pattern preferred by parish residents. With regard to landscape considerations, as noted below, a landscape report in 2012 concluded that the central land east of Station Road is the preferred location for new development on landscape grounds.
 - *Env/3: heritage assets*. The SEA conclusion “*Plumpton Green has a small number of listed buildings which could potentially be adversely impacted on through this form of growth*”. There is no further detail and the assessment is neutral with a query. Again it is not a sound basis for selecting a less sustainable development strategy.
 - *Env/4: To ensure that development does not increase the risk of flooding*. The summary fails to mention that all the central sites are in Flood Zone 1 thus satisfying the sequential test. I have referred to the surface water issue above. Again, the scoring of this criterion, which is the only one for Option 1 that is scored negatively, is fundamentally flawed and should be disregarded.
- The Proposed Housing Allocations: The following comments do not deal with the proposed allocation sites in detail but highlight certain points, for example where there is a conflict with national or district level policy.
 - Policy 2.1: Land at Plumpton Racecourse: The allocation is not only inappropriate because of its peripheral location totally unconnected with the existing built-up area, its inclusion as enabling development to support a commercial organisation is contrary to national policy which allows consideration of enabling development only in the context of the conservation of heritage assets.
 - Policies 2.2 and 2.3: These two sites erode the countryside gap between the northern end of the built-up area of the village and a cluster of development at Lentrige Farm. The allocation of a narrow strip of land to be allocated as a Local Green Space will be too small to fulfil any useful planning purpose and its allocation is inconsistent with national policy on Local Green Spaces.
 - Policy 2.5: Land south of the railway line: Apart from the unsustainable location, the policy is inconsistent with higher tier policies on affordable housing, Green Open Space and environmental and countryside protection.

- Policy 2.6: Riddens Lane: Although the proposed housing area lies just outside the Flood Zones 2 and 3 areas, a site so close to such a flood risk area is an inappropriate choice when other sites without such risk are available. There are also understood to be unresolved highways issues.

Affordable Housing

The adoption of the Core Strategy of Lewes District Council and the publication of the Regulation 16 consultation draft of the PPNP coincided with the Court of Appeal judgement in the West Berkshire case that has led to the subsequent reinstatement of the government's earlier policy of restricting an affordable housing requirement in local planning policy to sites of more than 10 dwellings.

Lewes District Council has now determined that it will apply Core Policy 1 within the context of current national policy with the effect that outside "designated rural areas" such as the SDNP, a 40% affordable housing requirement will apply only to sites of 11 dwellings or more.

The Parish Council should consider whether in the light of this new national and strategic policy, which under the Basic Conditions, the PPNP must comply, the Parish Council wishes to reassess its site selection policy in order to achieve the level of affordable housing desired. This may require the selection of larger sites than would otherwise have been the preferred option.

The Glebe and Parsonage Land

The most recent SHLAA report concluded that the site is suitable, achievable and developable for approximately 30 units. The commentary referred to

- a slight reduction in capacity to reflect uncertainty over retention of the Rectory and allow retention of mature trees and hedges;
- Supporting highway access work submitted demonstrating achievable access;
- Further consideration of rare and protected species recorded in the area required if the site is taken forward. The same comment was made about the neighbouring Wells Close site which is now proposed for allocation in the PPNP. The Wells Close site contains a pond whereas the diocese land does not.
- The site (on information provided 4 years ago) was recorded as available within 5-10 years. The time for availability is now much closer.

The PPNP Site Assessment Report for Site 7

- Under *Suitability* the report's statement "*There is presence of protected species and habitats which should be preserved along with ancient trees, hedges and geological interest*" can be challenged in every respect:
 - There is no known or published evidence of the existence of protected species on the site;
 - It was recognised in the SHLAA that the presence of listed trees (it is correct that there are 3 trees with a TPO on the Rectory site) and hedgerows can be accommodated within development of the site;
 - Where is the evidence of any geological interest that has any bearing on site suitability?

- The statement that the development of the site is likely to affect the environment of the church and adjacent burial ground does not bear up to scrutiny. Many other developments close to churches and churchyards have taken place in a way that has been acceptable to local planning authorities and the church authorities respectively. This church, unlike St Michael's at the southern end of the parish, is not listed.
- The report acknowledges that the site is in Flood Zone 1, where there is no flooding impediment to development, but refers to Waste water/sewage and surface water issues "*which would need to be addressed*". There are several further comments on these matters elsewhere in the Site 7 assessment, all without any hard evidence that it should preclude the development of the land.
- In summary, there are no sound planning reasons advanced to reject this site and the central reason for its rejection is related to its position near the centre of the village, a factor that would be considered positive in a conventionally robust planning assessment.

Suitability of Diocese Land for Residential Development

The NPPF makes it clear that local authorities should take a pragmatic approach to boosting significantly the supply of housing (paragraph 47), and that housing development and / or allocations should be considered in the context of the presumption in favour of sustainable development (paragraph 49).

The Basic Conditions set down in legislation require that a neighbourhood plan must, inter alia:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- be in general conformity with the strategic policies of the development plan; and
- contribute to the achievement of sustainable development

The Draft PPNP fails to meet these Basic Conditions because "parish views" are given greater weight than the principles of sustainable development.

The diocese land east of Station Road presents a sustainable, viable and developable site for the following reasons:

1. It would achieve 40% affordable housing for the parish.
2. It is placed close to the centre of the village within easy walking distance of local services and facilities.
3. It is part of the area east of Station Road favoured for future development in the 2012 Landscape Capacity Study: "*mature trees and hedgerows...contain the landscape and obstruct outside views. This area offers the greatest opportunity for change without impacting on the landscape character*".
4. There are no known major constraints. Studies will be undertaken on ecology, trees drainage and other pre-application requirements.
5. Access from Station Road has been shown through highway studies to be acceptable in highway terms.

We therefore urge that the policies and allocations highlighted in these representations are reviewed, that the PPNP as currently drafted does not go forward to Examination and that the opportunity of sustainable development on the diocese land is embraced.

Yours faithfully

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On behalf of The Diocese of Chichester

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