

Harting Parish Council's comments on SD91: Land North of the Forge

Not compliant with legal and procedural requirements

1. There has been no public/statutory consultation on the allocation of this previously rejected site nor on the associated settlement boundary change: this is required under Regulation 18. The current consultation is only on the matter of 'soundness' and legal/procedural compliance under Regulation 19.
2. The Gunning Principles have been ignored. These state *inter alia* that
 - 2.1 consultation must be undertaken at a time when proposals are still at a formative stage,
 - 2.2 consultation must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response, and
 - 2.3 the demands of fairness are likely to be higher when the consultation relates to a decision which is likely to deprive someone of an existing benefit (*Moseley v. Haringey* 2012).
3. Also, the *English National Parks and the Broads: UK Government and Circular 2010* requires National Parks to engage with their communities "... in an effective and co-ordinated way ..." (para 101). The consultation which has taken place has failed to "understand the resident community's economic and social view of the area they live in ..." (para 102).

Unsound, Contrary to the SDNPA's purposes and Contrary to National Policy

Site-Specific Comments

4. This site has been the subject of two recent planning applications: SDNP/16/01936/FUL (eight dwellings, application refused) and SDNP/16/05584/FUL (five dwellings, application withdrawn). In both cases the site depth was on average about 50m from the Elsted Road. Given the topography of the site, this meant that the carpark to the rear would have been highly visible from the Downs. Furthermore the 50m depth would have been very dominant and out of kilter with the 15m deep plots of the dwellings in the adjacent Conservation Area.
5. In deciding to allocate this site, which was previously rejected by both the SDNPA and prior to that by Chichester District Council, the SDNPA has taken into account the negative impact of a 50m deep site and has restricted it to 25m (still 10m deeper than adjacent Conservation Area properties). Hence paragraph 9.209 comments that the site is "... of limited impact in wider views as a result of topography ...": nevertheless it is visible in wider views.
6. Paragraph 9.210 states that the site makes a positive contribution to the setting of the Conservation Area which "...means that the development must be designed to a high standard". However, both paragraphs 9.209 and 9.210 ignore the evidence from the

SDNPA's Landscape Architect and from its Conservation Officer regarding the previous two planning applications.

7. In both cases, the SDNPA's Landscape Architect said " ... the existing site provides a gap in the built form along Elsted Road with positive views over the rolling field with views to an undeveloped horizon providing a positive contribution to the setting of South Harting. Therefore any housing development on the site will give rise to adverse landscape and visual effects".
8. The SDNPA's Conservation Officer said "I would regard the proposal site as being firmly beyond the original built confines of this peripheral point of the historic settlement. any development on it would close off a significant view to open country and undermine the currently dispersed and intermittent built character on this northern side of Elsted Road. This would have some impact on the setting of the Conservation Area at this point and it is clear that harm to character would ensue. I would judge this as 'less than substantial' in the parlance of the NPPF, but still significant."
9. Hence **any** development in this gap, whether or not well designed, would neither conserve nor enhance "Views from publically accessible areas which are within, to and from settlements which contribute to the viewers' enjoyment of the National Park" (SD6).
10. Nor would development preserve and enhance the setting of the Conservation Area as required under SD15, for example, clauses:
 - (b) Overall settlement layout and relationship to established landscape setting;
 - (c) Historic pattern of thoroughfares, roads, paths and open spaces, where these provide evidence of the historic evolution of the settlement, and the historic street scene;
 - (i) Existing views and vistas through the settlement, views of the skyline and views into and out of the conservation area
11. The *Sustainability Appraisal* (page A138) assesses the impact on the Conservation Area as having an 'uncertain' effect:

"The site is of importance to the setting of South Harting Conservation Area. The historic environment value of the site is recognised by the policy, which seeks to preserve and enhance the setting of the South Harting Conservation Area, with special regard to views from the west."

Why a Conservation Area should only be specially regarded from one viewpoint is not explained in SD91, but an appraisal that is 'uncertain' is a wholly inadequate basis on which to give the go-ahead to this site allocation.
12. This is especially so, given the SDNPA's vision for 2050 as set out in its *Partnership Management Plan*. The very first sentence of that Vision is:

"The iconic English lowland landscapes and heritage will have been conserved and **greatly** enhanced." (italics and bold added for emphasis).
13. The reduced depth of the site relative to that in the recent planning applications removes some very significant issues, but it raises others. The 2016 *SHLAA* states:

"3.8 ... a minimum yield-based threshold of 5 dwellings has been applied to the study. The consideration of whether a site has potential for 5 or more dwellings

will take into account opportunities and constraints on the site, as well as the site size, for example the potential impacts on landscape character of developing the whole site, or conversely, the opportunity for *higher density development in urban areas.*" (Italics added to the text for emphasis).

14. This allocation will have a housing density of 50-60 per hectare, at least twice that of any other rural allocation and surpassed only by one site in the nearby town of Midhurst. In terms of linear density, the site frontage is only about 45m long, hence the development would be 5-6 dwellings per 45m relative to 2 per 45m in the adjacent Conservation Area. To re-state a part of the SDNPA's Conservation Officer's comments above "... any development on it would undermine the currently dispersed and intermittent built character on this northern side of Elsted Road", hence the impact of such dense development would be substantial.
15. With this allocation, the SDNPA is inflicting housing at a density twice as great as Chichester District Council's benchmark of 30 per ha on a site not only adjacent to a rural Conservation Area but which has also previously been deemed unsuitable in landscape terms.
16. Indeed, paragraph 7.14 relating to SD25 states:

"It is equally important to recognise that efficient use of land does not translate to overdevelopment of sites in the context of the surrounding area and setting. In some contexts, a more diffuse built form may be more appropriate."
17. It should also be noted that opposite the site, therefore also within the setting of the Conservation Area and of listed and 'positive' buildings, there has been a relatively recent development of about 16 houses and flats (permission granted in 2007). Further development would have a negative cumulative impact and hence be contrary to the ethos of core policy SD1.
18. As noted in paragraph 9.209, the site forms part of a much larger arable field: this tract of land is some 100 acres in area and stretches for 2 kilometres northwards from the Elsted Road. Development of the site would close off the access route which is currently used for large agricultural vehicles and machinery. The SDNPA is aware that two other entrances are available, but the fact they are not currently used indicates that the site of SD91 is the preferable and practical one
19. The Council contends that the other entrances would create significant problems. One (on North Lane) is not viable due to parked vehicles and the tightness of the turn off the Lane. The other is via Bohemia Hollow, a very deep, steep and **narrow** hollow-way with extremely poor sight lines. In consequence, development of this site of SD91 would remove the one safe access route to the field and would transfer powerful and wide farm vehicles to a historic rural road which already has major road-safety issues for normal traffic.
20. The development would be in breach of Policy SD21. Paragraph 6.31 states that it would have to be demonstrated that:

“... changes to traffic levels and patterns arising from the development would conserve or enhance the ecological, landscape and recreational value of those roads. Cumulative impact must be taken in to account.”

The roads in question are Elsted Road and North Lane which leads into Bohemia Hollow. These are historic rural roads as defined in paragraph 6.28 and are vulnerable to extra unsuitable traffic.

21. Also, there is the impact accumulative to that of the relatively recent development on land opposite the allocation: despite that development having the required standard number of on-site parking spaces per dwelling, parking on the Elsted Road is now the norm as it is elsewhere in South Harting. The Village is already blighted by too many vehicles with nowhere to park other than on pavements and dangerous corners and by too much traffic.
22. Any additional development in this part of the historic core of the village would be contrary to the definition of sustainability in both the NPPF Ministerial forward (2012) “Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations” and the English National Parks and the Broads: UK Government and Circular 2010: “Sustainable development is about ensuring a better quality of life for everyone, both now and for generations to come.”
23. Paragraph 9.214 states that “Surface water flood risk is an issue adjacent to and overlapping the site...”. This is a curious comment as knowledge of the site and affected area would show that it is run-off from the site and the land beyond which is the cause of the flooding. The land drops from the north to the south by about 10m over a distance of about 70m and is steeper over the last 30m or so.
24. A Sustainable Drainage System (SuDS) is suggested, while noting the ecological value of the adjacent stream corridor. The stream in question is a headwater of the River Rother which is a source of drinking water. The stream corridor is a wild damp meadow, rare in this locality, which is undoubtedly a habitat for reptiles; it is also in different ownership. Any development will produce some impermeable areas, if only the footprints of the dwellings themselves. It is hard to see how a SuDS could fit within the site itself and cope with run-off, including elements of the run-off from the field which will contain herbicides and pesticides. Drainage to the stream must not be an option.
25. **Summary:** The allocation ignores the evidence of the SDNPA’s own Landscape Architect and its Conservation Officer regarding the impact of development on the local landscape, the Conservation Area and views from within it. The proposed housing density is excessive for a rural location and there is a cumulative impact, including additional parking, as a site opposite was developed in the recent past. Furthermore, the development will transfer agricultural traffic to a narrow winding historic rural road exacerbating road safety issues. It will also potentially increase local flooding as well as impact on the ecology of an environmentally sensitive damp meadow associated with a headwater of the River Rother which is a source of drinking water.
26. In conclusion, this allocation is ill thought through: it does **not** conserve and enhance the natural beauty, wildlife and cultural heritage of the area. It should be removed from

the Plan and the settlement boundary should be re-instated. The site had previously been rejected for very good reasons. Those reasons have been overlooked in a last minute **target-led** allocation.

Comments on 'Fairness' and Neighbourhood Planning in the context of the SD91 site allocation

27. While it might be said that communities likely to be allocated sites for development ought to have done a Neighbourhood Plan, such plans are not necessarily the answer, especially as the process has proved to be very divisive in some communities where suitable non-controversial sites were not available.
28. The SDNPA should have supported, rather than penalised, communities like Harting which chose not to do Neighbourhood Plans and which expected the Authority to be fair about allocations rather than foisting additional sites upon them at the last minute, well after the Regulation 18 consultation had closed.
29. As a result of *Moseley v. Haringey* 2014, the Gunning/Sedley Principles have been extended. These now incorporate the concept that the demands of fairness are likely to be higher when a consultation relates to a decision which is likely to deprive someone of an existing benefit.
30. In case law, an existing benefit might well be interpreted as fairness over enlarged sites, additional sites or increased housing number allocations: only settlements not preparing a Neighbourhood Plan have been allocated more sites and additional housing numbers in last-minute target-led changes. The key issue is the demand of 'fairness'.
31. In conclusion, the SDNPA must look to its duty of care to all communities and settlements in the National Park, be they large or small, with or without a Neighbourhood Plan and with or without settlement boundaries (see below).

A proposed alternative allocation in Harting Parish to replace SD90 & 91

32. Harting Parish Council has argued in its response to SD25 that the SDNPA has not adopted a landscape-led approach to site allocations. In particular, the spatial strategy starts from the premise that development has to be in settlements with a settlement boundary, but this has led to 78% of all allocations appraised in *The Sustainability Appraisal* having an uncertain or potentially negative impact on the landscape.
33. In settlements where highly inappropriate sites have been allocated, other sites might be positive in landscape terms but not be currently available.
34. Nevertheless, within a parish as a whole paragraph 7.11 is noteworthy:
“...SD25 also provides some limited flexibility, in exceptional circumstances, to allow 'brownfield' development outside settlement boundaries, where demonstrably necessary to meet the wider objectives of this Local Plan. An example would be where development necessary to uphold the purposes of the

National Park can be provided on previously developed land ***as an alternative to encroaching on undeveloped countryside.*** (Italics added to the text for emphasis).

35. In our own parish of Harting, a 'brownfield' site has been ignored because it is not in or close to a settlement with a settlement boundary. Development of that site would have no impact on the wider landscape but would enhance the local setting and the vitality of the small community within which the site sits. This contrasts with the *Sustainability Appraisal's* 'uncertain' landscape and cultural heritage impacts of the two site allocations in South Harting (SD90 & 91).
36. Harting Parish Council made representations about the problems with the two allocations in South Harting (SD90 & 91) to the SDNPA's Planning Committee in March 2017 (the first time at which SD91 was in the public domain and prior to the increase in size of SD90). As a result, a confidential meeting with SDNPA officers was proffered.
37. The meeting on 11 April 2017 was ostensibly to enable alternative sites in South Harting to be discussed with the Council: frustratingly none were in fact proposed by the officers. However, the Council suggested the 'brownfield' alternative but was told it could not be considered because only sites in settlements with a settlement boundary are being allocated. That response is apparently contrary to the SD25 (paragraph 2) which was already drafted in its current form by 11 July 2017 when it was considered at a meeting of the Authority.
38. The total housing number allocation for South Harting is 13 dwellings over two sites. Both allocations are inappropriate in landscape and cultural heritage terms, and one (SD91) has a potentially negative wildlife and ecological impact. Removing both from the Plan and accepting the alternative outside of South Harting would leave a shortfall of four dwellings: a reduction of five dwellings in West Meon was not considered to be significant (*The Sustainability Appraisal*, page AECOM 43), nor was the increase of 3-6 in South Harting relative to the *Preferred Options* (page AECOM 42).
39. Furthermore, this 'brownfield' site would straightforwardly provide five affordable homes in a total of nine. There would be no loss in the provision of affordable dwellings and potentially a gain: together SD90 & 91 would be required to provide a maximum of five affordable homes and a minimum of three, but possibly not all on-site. The NPPF makes it clear that provision of affordable homes in National Parks is the priority over any other development.
40. Despite a shortfall of four dwellings in Harting Parish, were the alternative to be allocated, there would be substantial gains to the landscape of the National Park in this area, to the setting of South Harting's Conservation Area and to its historic rural roads.
41. Indeed, the housing numbers in SD26 total 2905, not 2787 as incorrectly shown in Figure 7.3, hence the SDNPA has 118 more dwellings than it thought it had (in addition to the leeway it has afforded itself between the Policy total housing figure and that in figure 7.3: see paragraph 7.25).

42. Rather than SD25 providing “... limited flexibility, in exceptional circumstances ...”, it could provide “... flexibility ...” and thus ameliorate the shockingly high percentage of allocations that have an uncertain or potentially negative impact on the landscape (*Sustainability Appraisal* Fig. 5.1). That flexibility might even be extended to small-scale development on ‘greenfield’ sites associated with settlements without a settlement boundary, provided they have no landscape, wildlife or cultural heritage impacts and substitute for allocations which do have such impacts.
43. Such flexibility would support a landscape-led Plan and be in line with the SDNP’s first purpose and its Vision for 2050.
44. In conclusion: Remove the site allocations SD90 & 91 and substitute the ‘brownfield’ site proposed by Harting Parish Council; also re-instate the previous settlement boundaries in these locations.

Changes necessary to achieve soundness and legal/procedural compliance

45. Remove the SD91 allocation from the Local Plan and re-instate the previous settlement boundary: even a windfall development on this site would contravene many of the policies in the Plan.
46. For this site and SD90, substitute the brownfield site proposed by Harting Parish Council which has no landscape or other adverse impacts; it will also provide *at least* as many affordable homes as SD90 & 91 added together.