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11th July 2017

Dear Mr Chapman,

Request to the Secretary of State to “call in” two applications for major development at Adur, West Sussex, under section 77 of the Town and Country Planning Act 1990.

Application ref: AWDM/0961/17 Hybrid planning application seeking (1) Full planning permission for the demolition of existing buildings and erection of 249 dwellings with temporary access via Grinstead Lane, a Country Park, relocation and extension of the Withy Patch Gypsy and Traveller site, permanent access via a new roundabout on the A27, landscaping, and other associated infrastructure (including pumping facility at the River Adur); (2) Outline planning permission (with only landscaping reserved) for a non-food retail store (Use Class A1); and (3) Outline planning permission (with all matters reserved other than access) for the erection of a further 351 dwellings, community hub, primary school, and landscaping. Land West of New Monks Farm, Mash Barn Lane, Lancing West Sussex

Application ref: AWDM/1093/17 Outline planning permission for the erection of new commercial buildings to provide up to 25000m2 of floorspace for Light Industrial (Use Class B1c), General Industrial (Use Class B2) and Storage and Distribution (Use Class B8) with access, landscaping and associated infrastructure (including a new pumping facility on the River Adur). This application is accompanied by an Environmental Statement (ES). Land at Shoreham Airport, Cecil Pashley Way, West Sussex

I am writing on behalf of CPRE Sussex, to seek the Ministerial “call in” of two planning applications for major development in Adur District. The first application (**AWDM/0961/17 Land West of New Monks Farm**) is due to be determined at committee on **18th July**. The second application (**AWDM/1093/17 Land at Shoreham Airport**) is scheduled for committee on **30th July**. The officer’s report for AWDM/0961/17 Land West of New Monks Farm, dated 10th July 2018 proposes that the application is approved subject to referral to the Secretary of State and the completion of a S106 legal Agreement.

We believe that the two applications should be considered in combination due to the cumulative impacts, particularly in terms of the impact on the A27 trunk road (where improvements are currently being considered by Highways England) and the impact of flooding and drainage (the sites are on the tidal flood plain of the river Adur.) Plans for access and drainage (including the pumping facility) are shared.

These applications have prompted considerable local debate and public concern, particularly in terms of the impact on the strategic gap between Lancing and Shoreham; flood risk; the A27 trunk road; and the local landscape and heritage. The application sites are both close to (and in the case of AWDM/0961/17 directly adjoins and extends slightly into) the South Downs National Park.

We have considered the following documents in making this request for call in;

- The National Planning Policy Framework (2012)
- The National Planning Practice Guidance (2014 and as updated): particularly “Determining a planning application” (paragraph 014)
- Ministerial policy on call in applications made to Parliament on October 26th 2012
- Adur District Local Plan 2017

The Town and Country Planning Act 1990 indicates that for major development (over 5,000 sqm) which consists of retail use and which is to be carried out on land out-of-town and not in accordance with one or more provisions of the development plan should be referred to the Secretary of State.

The evidence base put forward for the Adur Local Plan examination in 2017 supported the development of 600 homes and 10,000 m2 floorpace for commercial use at Land West of New Monks Farm (New Monks Farm or NMF) and 15,000 m2 floorspace for commercial use at Shoreham Airport. During the local plan examination, the Inspector agreed that these figures should be reflected as a minimum “to ensure that the most effective use of land is achieved” **with the caveat that “there is no reason to conclude that the floorspace figure would be significantly exceeded”** with a planning application following the adoption of the Local Plan. However, applications AWDM 0961/17 and AWDM /1093/17 are materially different and we would argue that they do ‘**significantly exceed**’ the floorspace figures first proposed in the Local Plan.

The planning application for AWDM/0961/17: New Monks Farm includes a large IKEA which is 35,900 m2, significantly larger than the evidence submitted to the Inspector. The airport allocation for 15,000m2 commercial use is significantly exceeded by the application AWDM/1093/17 which proposes 25,000m2. It is our belief that the extent of floorspace proposed and associated impacts in terms of landscape, reduction of the Green Gap and the reduction of the proposed country park are in conflict with Policy 5, Policy 7 and Policy 14 of the adopted Adur Local Plan.

The officer’s report in relation to the New Monks Farm development states that the huge IKEA is necessary to ensure the viability of the development, an issue which the Local Plan Whole Viability Assessment failed to identify. However, there is no hard evidence that a different type of ‘high skilled’ employment offer, with less negative impacts and infrastructure costs than an enormous retail outlet could not be realised. The viability issue also puts other proposed benefits of the scheme, such as the delivery of affordable homes - particularly the affordable rented homes needed by the District, into question.

We believe that a Ministerial call in and examination of both applications together in a public inquiry, prior to decision is justified because the applications conflict with national policies on important matters, have significant effects beyond their immediate locality, and give rise to substantial cross-boundary or national controversy.

1. Conflict with national policies

Landscape impacts and the South Downs National Park

The South Downs National Park Authority objected to the New Monks Farm application (dated 12 March 2017) due to the major harm it would have on the character of the park and in views to it. Since this time, the applicant has resubmitted plans for the development, however in its addendum response dated 5th July 2018, the Park states that

*“Unfortunately, the measures proposed are considered to fall short of mitigating the major adverse harm identified on the character of the South Downs National Park and in views to it. The SDNPA agrees that the mitigation steps outlined in the Sheils Flynn comments are necessary to have a more demonstrable impact on the major adverse effect on the character of, and in views to and from, the SDNP. Whilst the SDNPA does not object to the principle of the allocation, there remain significant concerns regarding how the policy has been interpreted, with particular regard to the commercial element of the proposed scheme. Therefore, the SDNPA **maintains its objection to the proposed development.**”*

We believe that these applications will cause harm to a nationally protected landscape and that the Local Planning Authority is contravening Section 11A(2) of the National Parks and Access to the Countryside Act 1949, section 85 of the Countryside and Rights of Way Act 2000. The National Planning Policy Framework (NPF) affords National Parks and Areas of Outstanding Natural Beauty the ‘highest protection’ in terms of landscape and scenic beauty. There is no compatibility between the visual prominence requested by IKEA and the need to protect the ‘beauty’ of the National Park.

Heritage Impacts

In their letter dated 24th October 2017, Historic England **objects** to the Shoreham Airport application on the following grounds;

“The proposals represent significant harm to a unique historic airfield landscape that makes a major contribution to the significance of principal listed building within it and also causes harm to the setting and appreciation of the Grade II listed toll bridge and the Grade I listed Lancing College Chapel. Historic England therefore objects to this proposal.”*

The West Sussex County Council Principle Archaeologist **objects** to the Airport application (05/10/17) as

*“I consider that the harm to the setting of the highly graded designated heritage assets Old Shoreham Bridge and the Lancing College complex, as they are viewed and experienced from the open riverside environment, would be substantial. I recommend that on these grounds the application should be **refused.**”*

We therefore believe that this application conflicts with paras 131 to 137 of the NPPF in terms of Heritage.

Biodiversity and Protected Species

In its letter dated 9th March 2018, Natural England **objected** to the application for New Monks Farm as it would;

- have a significant impact on the purposes of designation of the South Downs National Park (SDNP);
- damage or destroy the interest features for which Adur Estuary Site of Special Scientific Interest (SSSI) has been notified.

We understand that this objection still stands. Natural England does not believe that the (revised) application demonstrates that significant impacts on the SDNP and Adur Estuary SSSI have been mitigated. Their key concerns are as follows:

- The application lies within the setting of the SDNP. As submitted, the application has not sufficiently addressed the significant landscape/visual impacts on the SDNP;
- The development results in the direct loss of a notified feature (saltmarsh) within the SSSI. Insufficient evidence has been provided to demonstrate that the habitat identified to compensate for this loss is suitable or that successful habitat creation is feasible in the proposed location. We expect the applicant to furnish the Local Planning Authority with sufficient information with which to demonstrate, with confidence, that this habitat can be compensated for;
- We are concerned that the application includes land which has been secured as compensatory habitat for the Adur Tidal Walls scheme, and is a requirement for that scheme. The applicant has not provided sufficient detail to show that the Environment Agency (EA) has been consulted regarding this. We advise that this is addressed urgently;
- The discharge of freshwater from the proposed pumping station into the Adur Estuary SSSI may have a significant impact on saltmarsh species, which are a notified feature of the SSSI. This could lead to a further loss of/damage to this habitat which has not been quantified or adequately assessed.

The letter goes on to advise that *“the application as submitted does not support the provisions of the Adur Local Plan pertaining to the New Monks Farm Site Allocation (Policy 5)”*

The Sussex Wildlife Trust have raised concerns in both their response to New Monks Farm and the Shoreham Airport applications, they do not feel the applicant has considered fully the impact on the Adur Estuary SSSI.

In Sussex Wildlife Trust’s final responses to both applications (June 20th 2018) they state that the applicant’s report is too narrow in its approach and has failed to consider the impact on wading birds, which are a designating feature of the Adur Estuary SSSI as stated on the citation for the site.

We do not believe that the council is compliant with section 40 of the NERC Act 2006 and that there is therefore a conflict with national policies in relation to protected species.

2. Significant effects beyond the immediate locality

Highways

The site adjoins the A27 trunk road which already carries around 60,000 vehicles per day in this area, about two-thirds of which is local traffic and one-third through traffic along the south coast. The standard of the A27 is very variable. To the east of the application site, the Brighton & Hove By-Pass is a high capacity dual carriageway road with grade separated junctions. However, to the west through Lancing and Worthing, the standard of the road varies between single and dual carriageway. In addition, there are many busy junctions at grade with roundabouts and traffic lights, together with residential and business properties with access directly onto the A27, all of which slow traffic. As a result, the road is very often congested and has a poor accident record. Highways England carried out consultation a package of improvements to the A27 between Worthing and Lancing in 2017 but the option proposed was not supported locally. The proposal focused on improving the capacity, safety and free flow of traffic around key junctions. No further decision has been made public in relation to this stretch of the A27. It is not clear how the application proposals relate to Highways England's wider package of proposals for A27 improvements.

The addition of a set of large scale traffic generators on the application sites – particularly the proposed IKEA - will add considerably to traffic on the A27. The applicants have proposed a new signal-controlled roundabout to act as the main access to the site. CPRE Sussex is concerned about the design of this 3-arm roundabout, which restricts traffic from Coombes Road, and the capacity of the local highway network to handle this extra traffic, particularly given the propensity of the proposed retail use to generate longer distance trips.

Access to the South Downs National Park for Non Motorised Users (NMU)

The West Sussex Local Access Forum objects to the proposals for replacement of the Sussex Pad crossing citing *"serious concerns as to its suitability for all NMUs (walkers, cyclists and equestrians), as it fails to meet current standards for a bridleway regarding height (minimum 3.4m) and width (minimum 3m, preferably 4m for a well-used path)."*

Attached to their letter dated 4th July 2018, a consortium of local organisations represented by Brighton and Hove Friends of the Earth have submitted a report by ActivePlanning and City Infinity which shows that the *"removal of the existing pedestrian and cycle crossing at the site known as Sussex Pad and its replacement with inadequate and diversionary alternatives is contrary to Local Plan policies 5 [which requires provision of 'sustainable transport infrastructure' including **improved** cycle, pedestrian and equestrian links to Lancing, Shoreham-by-sea and the South Downs National Park] and Policy 28 [which seeks to 'encourage' developers to extend the existing cycle network and secure a network of cycle, pedestrian and bridleway facilities linking urban areas, key sites, open space, countryside and coast... as well as **improved** access across the A27]"*

The Government has provided two statutory purposes for National Parks in England. All public bodies, when undertaking any activity which may have an impact on the designated area, have a duty to have regard to these purposes. One of these purposes is to 'promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.' Inadequate plans for the Sussex Pad Junction conflict with this purpose.

Flooding: Sewers/NMF

There are concerns about the foul waste scheme for New Monks Farm and the impact this will have on the wider area. Variable speed pumping (with some localised storage) into the area's available main sewer capacity is proposed to serve the whole site including the 5 year old Brighton & Hove Albion Training Academy (south west corner of the site). The latter currently uses a localised PTP system because of lack of main sewer network capacity. The NMF site's connection to the sewer network will be into the same sewer lacking capacity for the Academy. In extreme weather, as in 4 out of the previous 6 winters this main sewer and the subsidiary sewers have experienced inundation from rising groundwater – surcharged manholes, foul waste in the roads and gardens with tankering and over pumping into ditches for up to 8 weeks. In such weather events this additional flow into an already overburdened sewer will exacerbate the community problems mentioned above. When the main sewer is inundated, pumping from the proposed new site will not be possible. For the long periods that these conditions can exist (with their increasing frequency), millions of litres of foul waste would have to be withheld on the NMF site for tankering away.

Flooding: Ground water

The New Monks Farm site sits within an EA rating of Zone 3, high risk of flooding. It is also within an area where there is a >75% risk of flooding from ground water. The FRA references monitoring during the previous 18 months across the site during a period of which have been low in rainfall. This masks the impact of rising groundwater on the drainage of the site. Realistic data is vital to ensure that all the calculations of ditch capacities/flows are correct. We also have concerns with regard to management of water quality prior to discharge to the receiving ordinary watercourse for the residential area of the development.

Flooding: Tidal Rise/sluices

Lancing Brooks ditch network drains the whole of Lancing catchment area. Flows run south/south eastwards and outfall through tidal sluices into the Adur River lagoon next to the estuary. Within the FRA documents and the Environment Agency submission documents there has been no evidence to show that these tidal sluices (open when tide out, closed when tide in, twice daily) will manage the ditch drainage sustainably, including that of New Monks Farm for the lifetime of the development.

Environment Agency tidal rise projections have been made until the year 2115. As sea level rises, sluices will be open for less and less time. It is estimated that within 2 decades, flows into the ditches will have to be contained for well over 8 hours as opposed to the 6+ hours experienced at present – a 30 to 40% increase. Year by year containment time becomes longer. The longer the time, the higher the ditch water level. In extended 1/100 year events, this may mean flooding of not only the New Monks Farm site but upstream and downstream of the site. This infrastructure is as important as the increased protection from tidal walls enhancements currently being installed. This omission means that the NMF drainage scheme does not demonstrate that it will be sustainable for its lifetime and will not cause problems elsewhere.

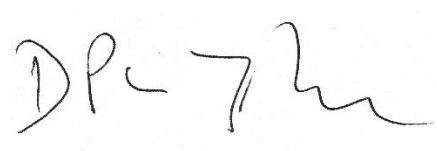
3. Give rise to substantial cross boundary and national controversy

Although almost all the application site lies outside the South Downs National Park, the impact of the proposed development on the purposes and setting of the national park are material planning considerations. This means that the impact of the proposed development on **views out from the higher ground to the north within the national park** and **views into the national park from the application**

site and other undesignated areas to the south, both have to be taken into account. CPRE Sussex is concerned that this material consideration has not been given due weight in the application proposals and that this creates cross boundary and national controversy.

I would be grateful if you would formally acknowledge receipt of this request for a 'call in.' Please could you also confirm that no decision to approve these applications should be made by the LPA until the Minister has made a decision as to whether to call these applications in.

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPC 72', followed by a stylized flourish.

David Johnson,
Chair, CPRE Sussex