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# Appeal Decision

Inquiry held on 27 February – 2 March, 5 - 9 March, 17 April & 20 - 22 June 2012  
Accompanied site visit made on 16 April 2012

**by Claire Sherratt DipURP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 August 2012**

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**Appeal Ref: APP/L3815/A/11/2160759**

**Easton Farm, Easton Lane, Almodington, West Sussex PO20 7NU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Madestein UK Ltd against the decision of Chichester District Council.
  - The application Ref SI/10/04990/FUL, dated 11 October 2010, was refused by notice dated 30 March 2011.
  - The development proposed is Glasshouse, office building and associated works.
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## Procedural Matters

1. My accompanied visit of 16 April included access to part of the Medmerry Coastal realignment scheme site where work had commenced together with various other sites in the vicinity rented by Madestein UK Ltd and the Almodington and Tangmere Horticultural Development Areas (HDAs). I also viewed the appeal site from a number of nearby residential properties.
2. In addition to the accompanied site visit made on 16 April 2012, I accompanied the main parties to visit the existing premises of the appellant at Runcton, prior to the start of the Inquiry, on 1 February.
3. After the close of the Inquiry, I made a further unaccompanied visit to the area. As part of this visit I walked the section of the lane that would be the subject of the proposed highway widening works should the appeal succeed.

## Decision

4. The appeal is dismissed.

## Applications for costs

5. At the Inquiry, applications for costs were made by Chichester District Council, The Almodington Association and the Manhood Wildlife and Heritage Group, against Madestein UK Ltd. These applications are the subject of separate Decisions.

## Main Issues

6. The main issues are:
  - (a) Whether the development would be acceptable 'in principle' having regard to the development plan;
  - (b) The effect of the development on the character and appearance of the area;

- (c) The effect of the development on highway safety;
- (d) The effect of the development on wildlife and habitats; and
- (e) Economic development considerations – the impact of the development on both the local and wider economy.

## **Policy Background**

7. The development plan includes saved policies from the Chichester District Local Plan Review (April 1999) (LP) and The South East Plan, the Regional Spatial Strategy for the South East of England (May 2009) (SEP).
8. Although it is the Government's intention to revoke regional strategies the SEP remains part of the development plan for the time being. The principal objective of the SEP is to achieve and maintain sustainable development in the region (Policy CC1). Policy C4 requires that outside the nationally designated landscapes, positive and high quality management of the region's open countryside will be encouraged and supported, recognising the aim to protect and enhance the diversity and local distinctiveness of the region's landscape, informed by landscape character assessment. Local policies should secure appropriate mitigation where damage to local landscape character cannot be avoided. Policy NRM5 ensures policies for the conservation and improvement of biodiversity are set out in Local Plans.
9. Policy SCT1 is specific to the Sussex Coast and requires local authorities as a priority to pro-actively pursue and promote the sustainable economic growth and regeneration of the Sussex Coast. In doing so, this will, amongst other objectives, reduce intra-regional disparities and help bring the performance of the sub-regional economy up to the South East average and protect and enhance the sub-regions high environmental quality and nationally designated landscapes, enhance its cultural and historic assets and promote excellence in the design of new developments in recognition of their importance to economic success and quality of life. Also, along the Sussex Coast authorities should deliver sufficient appropriate sites and premises for businesses and other uses that will help to facilitate the regeneration of the local economy (Policy SCT3) and give priority to delivering employment development in strategically accessible locations to ensure an appropriate mix of readily available sites and premises whilst also, among other considerations, providing sufficient space to retain existing firms and their expansion or relocation (within the sub-region).
10. Rural tourism is supported in Policy TSR2, encouraging opportunities to promote tourism and recreation-based rural diversification. The Coastal Strip and the Isle of Wight are highlighted in Policy TSR7 as priority areas for tourism seeking complementary approaches to the development and management of tourism whilst retaining and enhancing the natural character of the area.
11. LP Policy BE11 resists new development that would detract from its surroundings. It requires an assessment to be made of the effect of the development on the local environment, the intrinsic merit of the design, scale, materials, siting and layout; its relationship to and effect on neighbouring development; and its setting in the landscape. Policy BE14 requires a number of criteria to be met to ensure development would adequately protect wildlife habitat, trees, hedges and other landscape features. Highway safety is the subject of Policy TR6 which states that planning permission will be refused for

proposals which would adversely affect highway safety or result in the generation of traffic, which by its amount or type, would overload the highway network.

12. LP Policy RE11A relates to proposed horticultural development inside one of the Horticultural Development Areas (HDAs) identified on the proposals map. Four HDAs are identified at Sidlesham, Almodington, Runcton and Tangmere. The appeal site is outside the HDAs.
13. Policy RE11B relates to horticultural development 'elsewhere'. It supports development where it is in replacement of or in association with existing glasshouses. Development will not be permitted in open countryside areas where glasshouses are at present absent. Policy RE11B confirms that applications will be refused if, when considered individually or cumulatively in association with existing horticultural development in the locality, they, or the activity associated with them, would create a damaging change in the character or appearance of the locality. Such proposals will also be considered against the criteria included in Policy RE11A and will be refused if they fail to meet the criteria. In brief, Policy RE11A stipulates that the development should not:
  - i) unacceptably disturb occupants of nearby residential properties or be likely to cause unacceptable harm to the enjoyment of the countryside;
  - ii) generate unacceptable levels of soil, water or air pollution into the surrounding environment;
  - iii) be likely to result in an unacceptable impact of artificial lighting on the occupants of nearby residential properties or on the appearance of the site in the landscape;
  - iv) generate such vehicular movements to or from the site as would produce unacceptable reductions in the safety of road users or unacceptable harm to the amenities of the occupiers of nearby residential properties or the character of the surrounding countryside;
  - v) be of a height and bulk which would damage the character or appearance of the surrounding landscape;It requires that:
  - vi) adequate vehicular access arrangements exist from the area of horticultural development as a whole to the strategic road network and that the means of access proposed uses roads capable of accommodating the vehicles likely to be generated by the development without detriment to highway safety or residential amenity;
  - vii) it would be appropriately screened in order to prevent noise nuisance or visual intrusion to the occupiers of nearby properties and the surrounding area;
  - viii) it is provided with appropriate facilities for the disposal of surface water.
14. The Chichester Local Development Framework Core Strategy was formally withdrawn following the Inspectors report. It therefore has no status as an emerging policy.

15. Since the determination of the application and during the appeal process the National Planning Policy Framework ('the Framework') has been issued. All the parties have had the opportunity to make representations. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate that development should be restricted.
16. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. However policies in the Framework are material considerations. Where relevant development plan policies have been adopted since 2004, such as the SEP, they may be afforded full weight even if there is a limited degree of conflict with the Framework in accordance with paragraph 214. Where relevant policies were adopted before 2004, such as the LP in this case, paragraph 215 of the Framework confirms that due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
17. Three dimensions to sustainable development are referred to in the Framework: economic, social and environmental. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
18. Paragraph 118 of the Framework requires that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying certain principles. One of these is that certain wildlife sites should be given the same protection as European sites. This includes sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas (SPA), possible Special Areas of Conservation (SAC), and listed or proposed Ramsar sites.
19. The Manhood Peninsula, within which the site is situated, is bounded to its west by Chichester Harbour Area of Outstanding Natural Beauty (AONB) and to its east by Pagham Harbour, a Local Nature Reserve; both of which contain land designated as Sites of Special Scientific Interest (SSSI). Its southern headland is Selsey Bill. The coast between Chichester Harbour and Selsey also enjoys SSSI status.
20. The glasshouses would be situated within 300 metres of land which forms part of the Medmerry Managed Realignment Scheme, a 260 ha open coastal environmental realignment scheme that is underway. Its specific purpose is to manage flood risk by allowing a new inter-tidal area to form between Selsey and Bracklesham. It has been identified in the Pagham to East Head Coastal

- Defence Strategy as having potential to deliver intertidal and also freshwater habitat, required as compensatory habitat under the Conservation of Habitats and Species Regulations 2010.
21. Following the publication of the Framework further consultation responses were received from Natural England and the Environment Agency in relation to the application and relevance of paragraph 118 to the Medmerry scheme. In their response the EA indicate that the Medmerry scheme is identified as compensatory SAC and SPA habitat. Natural England also confirmed that the Medmerry site is identified as compensatory habitat so that paragraph 118 of the Framework applies. I agree that paragraph 118 applies to the Medmerry scheme given its compensatory status.
22. The Conservation of Habitats and Species Regulations 2010 requires that an Appropriate Assessment in respect of a site designated as one of European Importance is carried out by a responsible body (the decision maker) when a project is likely to have a significant effect alone or in combination with other projects on the integrity of the protected habitat / species.
23. The Medmerry scheme is underway and at this stage does not provide a site designated as one of European Importance defined in Regulation 8. To that extent, Regulation 61 (1) of the Habitats Regulations 2010 that requires an assessment of the likely impact on a European site to be made can not apply as a matter of law. However, in accordance with paragraph 118 of the Framework, it is still appropriate to consider, as a matter of policy, whether the proposed development is likely to have a significant effect alone or in combination with other projects on the integrity of the Medmerry scheme as compensatory habitat.
24. Natural England has reconsidered the proposals in light of the Framework and consider 'that it is unlikely that there will be an impact on the Medmerry site from this scheme'. I am mindful that they consider that *any* impact would be unlikely, let alone an adverse impact. I give substantial weight to the views of Natural England. There would be a distance of 300m between the nearest point of the Medmerry coastal realignment scheme and the actual Glasshouses and some 100m to the appeal site boundary. Even approaching the question on a precautionary basis, based on the evidence before me and from my observations on site, I am satisfied that the proposed development would not, either alone or in combination with other projects, have a significant effect on the integrity of the Medmerry scheme.
25. It was suggested that the scale of the development would require an Environmental Impact Assessment (EIA)<sup>1</sup> under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. It would not be development falling with Schedule 1. Agricultural development is included in Schedule 2.1. However, the appeal proposal is not a project for the use of uncultivated land or semi natural area for intensive agricultural purposes (2.1(b)). Water management projects for agriculture, including irrigation and land drainage projects can be EIA development (2.1(c)) where the area of works exceeds 1 hectare. Three water storage lagoons are proposed to accommodate rainwater run-off and would be used, in part, for irrigation.

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<sup>1</sup> EIA is a procedure required under the terms of European Union Directives 85/337/EEC and 97/11/EC on assessment of the effects of certain public and private projects on the environment.

However, these lagoons are only ancillary to the Glasshouse development and could not, in themselves, be considered to have a significant effect on the environment by virtue of their nature, scale and location.

26. Towards ICZM (Integrated Coastal Zone Management)<sup>2</sup> is a document that was adopted by Chichester District Council on 20 September 2011. It is an aspirational plan that reflects the views and aspirations of the community on the Manhood Peninsula. The working group included representation from the horticultural sector. I consider this document is a material consideration that can be afforded significant weight in the determination of this appeal.
27. The West Sussex Grower's Association Strategy (WSGA) Document 'Growing Together' was published in March 2010<sup>3</sup>. It is supported by a 2009 WSGA report<sup>4</sup> and a WSGA implementation plan (September 2011)<sup>5</sup>. These documents were part funded by Chichester District Council. Although they can be afforded some weight they are not documents that have been adopted by the Council or have been the subject of wider consultation or had any community involvement. Although material, the weight I attribute to them is nevertheless limited.

## Reasons

### Principle of development

28. The proposed development comprises a glasshouse building together with associated offices. The appeal site covers some 36 hectares. It involves the erection of four glasshouses, erected close together and arranged in a line. In total, the glasshouse development would comprise some 21 ha of glass. Access would be from Almodington and Batchmere Lane, although I shall simply refer to it as Almodington Lane for the purposes of my decision. Three raised and bunded irrigation reservoirs, storm water attenuation measures, wetland habitat creation and a comprehensive landscaping scheme form part of the proposal.
29. I turn first to consider whether the proposal would accord with the development plan in principle. As the site is outside one of the designated HDAs, LP Policy RE11B applies. No explanatory supporting text accompanies the policy and regrettably it is somewhat unclear. A number of different interpretations were put to me. As the Supreme Court has made clear in the recent judgement *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13<sup>6</sup>, the interpretation of planning policy is a matter of law, the meaning to be ascertained objectively in accordance with the language used, read in proper context.
30. It is useful to break the policy down in to four limbs. Policy RE11B effectively provides:
- i) The glasshouse must be sited in replacement of or in association with existing glasshouses;
  - ii) Glasshouses will not be permitted in open countryside in areas where glasshouses are at present absent;

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<sup>2</sup> Core Document 13

<sup>3</sup> Core Document 16

<sup>4</sup> Core Document 15

<sup>5</sup> Core Document 16

<sup>6</sup> Core Document 155

- iii) Applications will be refused if they fail to meet any of the criteria in RE11A;
  - iv) Applications will be refused if, when considered individually or cumulatively in association with existing horticultural development in the locality, they, or the activity associated with them, would create a damaging change in the character or appearance of the locality.
31. Turning to the first limb, there are no existing glasshouses and so the proposal would not therefore be a 'replacement of' existing glasshouses. To meet the first limb of the policy it must therefore be 'in association' with an existing glasshouse. The Council asserts that the Policy contemplates both a functional and physical / geographical link between the proposed development and an existing glasshouse, otherwise large tracts of open countryside could be developed outside the HDAs. On this basis, it would not therefore be sufficient to argue, as the Appellant does, that the development would be an expansion of an existing lettuce growing operation elsewhere at Runcton.
32. That may well have been a natural reading of the first limb in isolation but the language used must be construed logically in the context of the whole Policy. The second limb of the policy effectively seeks to restrict glasshouse development in open countryside outside HDAs where existing glasshouses are at present absent. It therefore serves to ensure that large tracts of open countryside are not developed outside the HDAs. If the Council's interpretation of the words 'in association with' were correct, the second limb of the policy would serve no purpose. It would be wholly unnecessary as a proposed glasshouse could never satisfy the first limb, on the Council's interpretation, unless it was close to an existing glasshouse in any event. It follows therefore that development could never be construed as being in an area where glasshouses are at present absent.
33. The development would operate in conjunction with the appellant's existing premises at Runcton where lettuces would be propagated before being transferred to the appeal site. I therefore acknowledge that there would be a business and functional connection with these existing premises. For the reasons I have already set out, it seems to me, that such an association is sufficient to meet the first limb of the policy.
34. Turning to the second limb, it is unclear from reading the policy how wide the net should be cast in deciding whether glasshouses are at present absent in an area. The Manhood peninsula is scattered with glasshouse development. However, to my mind that is casting the net far too widely. Whilst it is an area well suited to the growing of lettuces and other crops in the ground, compared to the rest of the district, it seems unlikely that Policy RE11B was to be interpreted to mean anywhere on the Manhood peninsula would be acceptable in principle. Such an approach would leave no meaningful purpose for the designation of HDAs on the Manhood Peninsula.
35. The appeal site is situated on the opposite side of the lane to the boundary of the Almodington HDA. Although not immediately apparent from the appeal site, glasshouses do exist on the opposite side of the lane. There is no requirement in the policy for them to be visually present. Glasshouses are not therefore 'absent'. On the contrary, there is an HDA opposite that contains a good number of glasshouses. I do not accept the proposition put to me at the

inquiry that glasshouses in HDAs are to be ignored for the purposes of interpreting this aspect of Policy RE11B. Whilst it is clear that the policy is directed at new development outside HDAs, the question to be asked is simply whether existing glasshouse development is at present absent in the area. There is no suggestion or indication that 'area' only refers to areas outside HDAs. Had this been the intention, surely it would have said so. I find no conflict with this limb of Policy RE11B.

36. To conclude, the proposed development would accord with the first two limbs of Policy RE11B and thus would be acceptable in principle subject to meeting the individual criteria contained in RE11A and not resulting in a damaging change in the character or appearance of the locality. I deal with these matters below.

#### Character and Appearance of the Area

37. The appeal site incorporates a number of fields separated by hedges and ditches. The Phase 1 glasshouse would measure some 295m x 200m whilst each of the remaining phases would measure approximately 232m x 205m. There would be a narrow physical break between each linked by dual harvesting and lorry control parking buildings. The glasshouses would be some 6m to the eaves and 6.9m to the ridge, although the eaves along the southern elevation would be reduced to 5.4m. This is similar to the height of some of the modern glasshouses I saw at Tangmere and substantially greater than the small scale nature of the older glasshouses situated in the Almodington HDA.
38. The Framework requires local planning authorities to set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.
39. The appeal site is located within National Character Area 126 the 'South Coast Plain'. Its characteristics can be broadly summarised as coastal inlets and harbours containing diverse landscapes; small woods and a few windswept individual trees in the farmland or occasional poplar shelter belts – trees are not a dominant feature; a pattern of large arable fields, defined by low hedgerows which are often interspersed by horticultural glasshouse 'estates' and isolated remnants of coastal heath. Within the National Character Area the identified changes that are occurring include the development of large modern glasshouses; future changes in sea level which make the area vulnerable to such rises; loss of hedges and hedgerow trees owing to field enlargement; and recent significant loss of tree cover due to Dutch Elm disease and storm damage.
40. The West Sussex Landscape Land Management Guidelines places the site within Character SC2 'Manhood Peninsula', and areas to the immediate west and north west of the site within character Area SC3 'Chichester Harbour'. In Area SC2 there are a number of characteristics identified. These include mainly low-lying flat landform; pockets of small enclosed pasture fields and horse paddocks; linear villages; narrow, right-angled or winding lanes; few trees or hedgerows; large scale arable farming with large often hedgeless fields, extensive farms and associated buildings; large expanses of glasshouses; rife



and ditch systems and associated unimproved grassland; and busy roads. These are all characteristics that would describe the general area within which the appeal site is situated. Key sensitivities include large-scale glasshouse expansion which can be highly visible and prominent in long views and the close proximity to internationally important landscapes Chichester Harbour AONB and Pagham Harbour LNR.

41. The Council's Landscape Witness carried out a more localised assessment which distinguishes between the land to the west of Almodington Lane and that to the east. I agree that to the west the built development is generally well integrated into the area as a result of established landscape structure adjacent to Almodington Lane and along property boundaries. Given the small scale of the glasshouses in the Almodington HDA and the existing hedges along the lane, I have found them to be barely discernable on each of my visits other than where they are located near to access points.
42. To the east there is a distinct absence of any large scale development. The existing development is primarily restricted to individual farmsteads and residential dwellings. The land is generally far more open with large arable fields, low hedges and individual and occasional pockets of trees. There are distant views including views towards the South Downs National Park visible on the horizon to the north of the site. Although the site is situated between the Almodington and Sidlesham HDAs (some distance to the east) the existing glasshouses do not figure prominently in the character and appearance of the area generally. They are not apparent in views from or around the site.
43. The site is a considerable size and not insignificant in comparison to the area of the Almodington HDA as a whole. From a general prospective, due to the sheer industrialised scale of the development, the change in the character of this area will be very noticeable. The extensive landscaping proposed will in itself fundamentally change the existing open characteristics and far reaching views gained from various viewpoints around the site once it has matured. This would include alterations to long distance views from sections of the new Medmerry Coastal footpath which will run along the top of the realigned sea wall some 1.2 m above ground level.
44. The Land management guidelines contained in the West Sussex Landscape Strategy document include the creation of a new large scale tree and hedgerow framework which complements the open, intensively farmed landscape, whilst maintaining significant views; encouraging the replacement or restoration of derelict glasshouses where these appear detrimental to the landscape; promotion of the sympathetic design of new roads; encourage bold tree planting associated with large agricultural buildings and glasshouses to assimilate them into the landscape more satisfactorily; maintain and link existing remnant hedgerows and tree lines to re-establish coherent field boundaries and wildlife corridors, strengthening the wider network schemes.
45. The proposed landscaping is bold as advised in the West Sussex Landscape guidelines. The development would be phased so that the landscaping would already be in place in advance of the later phasing of the glasshouse. Due to the huge scale of the building and the extensive area it covers - some 21 hectares - the landscaping required is substantial. For the most part, where trees do currently exist, they puncture the skyline above the hedgerows and are of varying shapes and heights. The substantial on and off-site planting required in this case to screen the proposed building would be far more

extensive than the re-establishment of coherent field boundaries. It may well contain differing species creating texture and variations in height within it once matured, but from any distant vantage point it would appear as a tall 'green' barrier or 'curtain' as it was described at the inquiry. It would appear as an incongruous feature, restricting long distance views from some areas, particularly the longer distance views currently available to the South Downs National Park. In my opinion it would not be part of the creation of a new large scale tree and hedgerow framework which complements the open, intensively farmed landscape. Significant views would not be maintained. It would fail to adequately mitigate the harmful impact of the development on the character and appearance of the surrounding area.

46. For a number of years, while the planting is maturing, the development would have an even greater impact. It is possible that phases 1, 2 and 3 could be constructed from the outset and so the impact of the development would be far greater than indicated in the photomontages produced on behalf of the appellant showing the development from various viewpoints at year 1 and 7.
47. The glasshouses together with the main entrance, the associated access arrangements within the site, parked vehicles and the coming and going of additional vehicles including large articulated vehicles would all have an urbanising impact that would be harmful to the character and appearance of the area.
48. I have also considered the impact of the proposed scheme of highway works which comprises 15 widened areas along about a 1.7km stretch of the lane between the site and the junction of Batchmere Road and Mapsons Lane, in order to achieve minimum road passing areas of 6m in width. In most places along this stretch of road, the existing verges are quite narrow. Further reductions would, in some cases, bring the carriageway edge closer to existing ditches which may result in the need for reinforced edges to ensure vehicles do not overrun the carriageway in close proximity to a ditch. Nevertheless, I do not consider the further reduction of verges in the areas and the introduction of kerb edging along short stretches, where necessary, would unduly undermine the rural quality of the lane.
49. Of more concern is the need to trim and cut back hedges and trees to achieve adequate intervisibility between vehicles. From my observations on site and what I heard at the Inquiry I consider it will be necessary to cut hedges back far more extensively than suggested by the appellant, even if only to allow for a reasonable amount of growth between cutting. This would detract from the character of the lane. It was suggested that fencing or barriers may also be required for safety reasons where the carriageway is close to a ditch although I do not envisage the likelihood of drivers parking and passengers stepping out of the vehicle in the dark and falling into the ditch, a likely proposition.
50. Given the rural nature of the lane and notwithstanding the location of the Almodington HDA, larger articulated vehicles would be rather unexpected, particularly to visitors to the area. The additional traffic and in particular the larger HGVs would detract from the overall tranquillity of the surrounding area.
51. To conclude on this issue, I consider the proposed development would be of a height and bulk that, together with the associated activity, would seriously damage the character and appearance of the surrounding area. I find conflict

with relevant development plan policies, in particular LP policies RE1, RE11B, BE11 and BE14.

#### Highway safety

52. The site is some 7.5 km from the strategic road network (the A27). Given the nature of the lanes that vehicles will have to negotiate to gain access to the site, the appeal site is not well located in relation to the strategic road network. Almodington Lane is a relatively narrow rural lane. The proposal would undoubtedly result in an increase in traffic which will include articulated vehicles.
53. The lane already accommodates vehicles going to the Almodington HDA. I do not doubt that these will sometimes be large articulated vehicles. Indeed I heard about the business that was growing Aubergines within the Almodington HDA which had articulated vehicles making collections. I observed that vegetation and overhanging trees would currently force larger vehicles in particular into the centre of the carriageway. In places the lane is not wide enough to allow two large vehicles to pass without encroachment onto the verge.
54. A scheme of highway works is proposed which involves 15 areas of widening to allow large articulated vehicles to pass. The implementation of the scheme could be secured by the imposition of a Grampian style condition relating to the particular scheme advanced at the inquiry should I find that the scheme would result in a safe means of access to serve the development and not prejudice wildlife, landscape or residential amenity.
55. I walked the full distance of the lane, where the widening works are proposed, in both directions. There are no footpaths. I walked along the road, stepping onto the verge where I was able to when vehicles passed. I felt vulnerable walking along the lane and would not have chosen to do so for 'recreational' walking. I did not observe any other pedestrians using the road during my unaccompanied visit. I did however see a number of cyclists using the lane and I am aware that it is also used by horse riders; I saw one horse rider turning into Mapsons Lane and others along Easton Lane. I did not observe any OGV1 or OGV2 vehicles using the lane, the largest vehicles being transit type vans.
56. Various surveys have been carried out and put before the inquiry since the initial traffic assessment. Of these, the largest number of daily HGV movements (Class 5 and above) identified in any of the surveys was 58 (May / June automated traffic count) while the lowest number was 5 (16/17 December 2011 video survey). The lowest number of OGV2s identified was 0 (16/17 December 2011 video survey) with the highest number identified as 25 (May / June automated traffic count). It was estimated that 17 additional trips would be generated by the appeal development. Accordingly, the appellant has offered to restrict the total number of OVG1 and OVG2 vehicle movements to no more than 20 per day. Even taking the higher survey figure of 58 vehicle movements (Class 5 and above) the increase in large vehicles would be substantial.
57. I recognise that the lane is already used by vehicles going to and from the existing HDA. However, there are no current proposals to expand the Almodington HDA. Indeed the 2007 Core Strategy submission, albeit now withdrawn, sought to retain the HDAs and directed large scale development to

either Runcton or Tangmere. It was felt that the areas around Almodington and Sidlesham had, by contrast, poor access arrangements<sup>7</sup>. This approach was accepted by the Inspector in her report. She considered this approach *'appropriately reflects the need to protect the character of the countryside and of land ....., whilst taking appropriate account of the needs of the horticultural operators'*. There remains spare capacity within the Almodington HDA and so even small scale development in the HDA could potentially increase traffic levels in the future. The more recent publication Towards ICZM sets out aspirations for the various sectors. For Horticulture and Agriculture the aspirations identify relocation and concentration as key factors for planning policy for horticulture. The relocation of businesses from the central peninsula to the east is identified as an aspiration to reduce lorry movements on small roads.

58. I acknowledge that the highway authority raise no objections in principle to the development. However, based on the evidence before me and my own observations on site, I have serious concerns about the amount of and nature of the additional traffic that would be generated along this rural lane and the highway safety implications. Should two large vehicles meet, even in a widened area, they would still need to pass with care.
59. Added to this, there are some stretches of the road where a minimum stopping sight distance (SSD) of 43m for intervisibility calculations between passing areas can not be achieved. A SSD of 43m would only be appropriate assuming the articulated vehicles are not travelling at speeds above 30mph. Recorded 85<sup>th</sup> percentile speeds for general traffic were greater and did not include articulated vehicles. As such, the suggested reduction to 30mph is only an assumption and may not be accurate for the whole stretch of the lane where the improvements are proposed due to variations in road alignment. It was agreed at the Inquiry that realistically the driver position of these vehicles would be the centreline of the carriageway. Accordingly I consider it is appropriate that the forward visibility or intervisibility between passing locations should be measured centreline to centreline. It follows therefore, that even with the widening works one of the drivers of the on-coming vehicles would not always be able to see the other vehicle approaching in sufficient time. In these circumstances, a good deal of reliance would therefore be placed on the driver who is able to see, slowing sufficiently to ensure that this vehicle remains in a suitable passing place to enable the other vehicle to pass. Furthermore, the level of intervisibility indicated on the submitted drawings is reliant on hedges and trees being trimmed or cut back regularly.
60. The scheme may well result in an improvement over the existing sub-standard situation. Nevertheless, for the reasons set out, the proposed scheme of highway widening works would still not result in a satisfactory means of access to the site. This is simply not an acceptable proposition. I consider highway safety would be unacceptably prejudiced as a result of the increase and nature of the traffic that would be associated with the development.
61. To conclude, even with a cap of 20 vehicle movements in place, I am not persuaded that the proposed development would not adversely affect highway safety. I therefore find conflict with LP Policy TR6 and RE11B. I am not satisfied that the scheme of highway works proposed would overcome these concerns for the reasons I have explained. I have some concerns about imposing such a

<sup>7</sup> Core Document 22, paragraph 21.8, A19.

cap on vehicle movements in any event. In my view, it would not be sustainable to permit a development that could not then be used to its full potential or capacity in the future for example if it were to be used to grow other higher yielding crops or by a number of different suppliers. The need for a cap would simply reinforce the proposition advanced by the Council and other parties that the location is inappropriate for such a large scale development.

#### Ecological considerations

62. The application was supported by an ecological assessment. It established that there are no statutory designated sites of nature conservation interest within or adjacent to the site. The assessment concluded that on the whole the proposed development would greatly increase the diversity of habitats within the site and enhance the quality of the habitats that already exist through increased lengths of hedgerows; the provision of re-routed ditches of greater width and length that would be managed and planted with appropriate native species; the creation of ponds that will enhance the aquatic features of the site; and improved grassland habitat.
63. Two Great Crested Newts, a European Protected Species (EPS)<sup>8</sup> were found during one of the surveys within Pond 1 although they were not recorded during any of the other five survey dates. Pond 1 would be lost during the development and the appellant would therefore require a European Protected Species (EPS) Licence to undertake a translocation exercise. Having regard to judgements in the cases of *Woolley*<sup>9</sup> and *Morge*<sup>10</sup>, which clarify the duties imposed on the decision maker, it is necessary to consider whether the derogation tests under Regulation 53 of the Habitats Regulations can be met. In this case those tests may be met if there were imperative reasons of overriding public interest including those of an economic nature. This would depend on my overall conclusions.
64. Circular 06/2005 'Biodiversity and Geological conservation – Statutory obligations and their impact within the planning system' confirms at paragraph 99 that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
65. A medium population of Common Lizard and small populations of both Slow Worm and Grass Snake, protected by Schedule 5 of the Wildlife and Countryside Act 1981 were recorded. Appropriate mitigation measures are proposed. The survey failed to identify the presence of a Barn Owl known to the Manhood Heritage and Wildlife Group<sup>11</sup>, also protected and various species listed in Schedule 41 of the Natural Environment and Rural Communities (NERC) Act 2006 as being Species of Principal Importance and Habitats of Principal Importance. Given these and other omissions<sup>12</sup>, I understand the concerns raised by the Manhood and Wildlife Heritage Group about the adequacy of the surveys to identify protected species in particular. However, I am satisfied, as suggested on behalf of the appellant, that these omissions would not result in any material amendments to the conclusions of the

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<sup>8</sup> Species that are listed in Schedule 2 to the Conservation of Habitats and Species Regulations 2010.

<sup>9</sup> The Queen (on the application of Simon Woolley) v Cheshire East Borough Council 2009 EWHC 1227 (Admin)

<sup>10</sup> The Queen on the application of Mrs Vivienne Morge and Hampshire County Council [2011] UKSC 2.

<sup>11</sup> There was an owl box on the site.

<sup>12</sup> Refer to Closing submissions of Manhood Wildlife and Heritage Group - paragraph 7.16.3

ecological assessment as the proposals would provide enhanced habitat for birds generally. I have noted the recording of a Giant Oak Aphid and the associated jet black ants near to the site. Not surprisingly, it is Oak trees that provide suitable habitat for this Aphid. Notwithstanding the concerns raised about the Oak trees in Areas 1 and 2 of the proposed road widening scheme, I am mindful of the pre existing site conditions referred to in the June Statement of Arbortech Consultancy<sup>13</sup>. I am satisfied that subject to best practice being applied that the proposed widening works would not have a detrimental impact on this group of Oak trees.

66. Of particular concern to the Manhood and Wildlife Heritage Group is the impact of the proposal on Water Voles, particularly in light of the displacement and relocation that has already occurred as a result of the Medmerry scheme. The addition of the Water Vole to Schedule 5 of the Wildlife and Countryside Act 1981, with protection under Sections 9(4)(a) and (b), aims to ensure that man does not intentionally disturb the Water Vole in its place of shelter or damage its chosen habitat. There was no disagreement between the relevant experts that connectivity is important.
67. The proposed developed would result in disruption to ditches within the site and potentially as a result of the road widening scheme, not far from the Medmerry site. Surveys were carried out on the appeal site in December 2009 and April 2010, only the latter being within the period when field surveys can usually be reliably taken according to the Water Vole Conservation Handbook. The habitats within the appeal site were considered to be sub-optimal for Water Voles and specific surveys undertaken in December 2009 and April 2010 found no evidence of the species. I note that it was a particularly dry Spring and the ditches were dry so there is at least the possibility that despite the appropriate timing of the survey, Water Voles may have been based themselves in more suitable ditches. Notwithstanding that no Water Voles were found to be present on the appeal site, Water Voles have been recorded in the vicinity of the appeal site and in the Easton Rife.
68. It is acknowledged by the parties that many ditches seen around the appeal site are overgrown with scrub and need to be improved in order to create optimal habitat conditions. Initial concerns raised by Natural England about the potential of the development to affect off-site water levels, potentially affecting Water Voles have been overcome.
69. Prior to the inquiry no assessment had been carried out in relation to the impact, if any, on wildlife interests as a result of the highway improvement works. In any event, that highway scheme evolved throughout the process of the inquiry so that any assessment would not have related fully to the scheme now before me. It is the Manhood Wildlife and Heritage Group that has carried out the most detailed assessment of the impact of these works on Water Voles rather than the appellants to assist the inquiry.
70. There is agreement between the parties that most of the ditches along the route where widening is proposed appear unsuitable for permanent Water Vole habitat but form part of the network that crosses the Manhood Peninsula and which allows the metra-population to connect. The ditch that is known to contain Water Voles and connects Haydons Pond and Morgans Pond comes south to the Grange Rife and then travels towards and onto the Medmerry site.

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<sup>13</sup> Document 130

Here there is a barrier in place to prevent voles gaining access into the Medmerry site. As a consequence it is reasonable to conclude that the Water Vole population is being pushed north and into the ditches and ponds parallel to and joining Batchmere and Almodington Lane.

71. The widening scheme will in many cases reduce the width of verges adjacent to ditches and obviously bring the carriageway edge closer to the ditches that provides routes and connectivity. This would reduce the foraging areas associated with the ditches. There may well be a requirement for carriageway reinforcements and appropriate measures would need to be put in place to ensure any such details would not deter the use of the ditches by Water Voles. There was no substantive evidence before me to demonstrate that the reduction in the verges and increases in traffic would have any adverse consequence on the use of the ditches as a means of connectivity to other important areas of habitat by Water Voles.
72. I am mindful that Natural England does not have any outstanding concerns with regard to ecology or nature conservation matters and have not raised any concerns about the suitability of the assessments carried out on behalf of the appellant. It was accepted at the Inquiry<sup>14</sup> that the mitigation plan proposed in respect of Water Voles 'looked fantastic on paper'. A flood risk assessment also accompanied the application and the Environment Agency has indicated that it is confident that the development would not have a negative impact on water levels in ditches or pose a potential issue to the delivery of the Medmerry realignment scheme. My conclusions on this issue are balanced but overall I consider that any impact on wildlife and habitat could be adequately mitigated against even having regard to the Medmerry scheme. I find no conflict with relevant development plan policies in this regard.

#### Economic benefits

73. In support of the appeal the appellant refers to the economic benefits that it is considered the development would secure both locally and nationally. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. Accordingly, the Framework instructs that significant weight should be placed on the need to support economic growth through the planning system.
74. The WSGA report contains strategic policies. The reports characterise the HDAs as not being 'fit for purpose' in their current format and calls for more flexibility around the boundaries of HDAs to enable growth. Strategic Policy 1 seeks to ensure that planning and land use policies support the horticultural sector and identify suitable locations for development.
75. The National Farmers Union made reference to various Government reports that emphasise the need to increase food production. Defra statistics show that some 64% of fresh produce is imported<sup>15</sup>. Notably the Government has established the Fruit and Vegetables Task Force to report on how to promote domestic production and consumption. The report noted a decline in self-sufficiency of vegetable production from 73% to 60% over the 10 years to

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<sup>14</sup> XX of Jane Reeve.

<sup>15</sup> Core Document 67: Defra Basic Horticultural Statistics 2011; table at page 4.

2008<sup>16</sup> and set a target of 5 years to reverse the trend and regain the 73% level.

76. Outstanding light levels, good soil quality, above average temperatures and proximity to major markets of London and the South East have historically made the West Sussex Coastal Plain a preferred location for horticulture. Towards ICZM, together with other publications, recognises that the manhood peninsula enjoys the most hours of sunshine in the UK, making it a particularly good area for growing food, and tourism. Shielded from prevailing south westerly weather fronts by the Isle of Wight, the resulting micro-climate is attractive for tourism and agriculture, the areas two most important industries<sup>17</sup>.
77. It was not disputed that Madestein is one of a number of successful growers in the area that make a substantial contribution both to the economy. Its major customers for whole head lettuce include Sainsbury's, Waitrose and the Co-op.
78. I heard that growers of salad crops are strongly influenced by the highly competitive supermarkets that buy in a world market and prefer to deal with a small number of large suppliers. Growers must therefore produce on a large scale and remain competitive with overseas suppliers to ensure continuity of supply by keeping pace with modern production methods. New glasshouse designs with better light transmission have produced significant yield increases. They can be equipped with the latest and most efficient equipment and their design affords the flexibility to grow a range of crops, if economic and marketing circumstances change<sup>18</sup>. In general terms, there is no doubt about the importance of the horticultural sector to the local economy and the pressures that the sector faces in continuing to provide produce for the nation. The combination of increased production and lower energy use achieved in new, larger glasshouse gives a double benefit in the calculation of carbon footprints.
79. Two relatively recent studies were conducted on the West Sussex horticultural industry to establish the current status and future prospects of the horticultural industry in the West Sussex area, glasshouse production in particular, with regard to the implications for the planning process and to feed into the formulation of the Local Development Framework<sup>19</sup>.
80. The reports highlighted the major contribution which the horticultural industry makes to the local economy and to employment in the area and the national significance of the West Sussex growing sector. The report concluded that the changing structure of the horticultural industry, to much fewer but larger businesses, generated a requirement for larger parcels of land for future glasshouse development and industry sustainability, in the Chichester District Council area in particular.
81. In general, horticultural development, particularly in West Sussex, would help to secure economic growth in order to create jobs and prosperity and contribute to meeting the twin challenges of global competition and of a low carbon future, an important material consideration.

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<sup>16</sup> Report of the Fruit and vegetables Task Force August 2010; paragraph 1.3.

<sup>17</sup> Page 18 of Core Document 13.

<sup>18</sup> My Hayman's proof of evidence paragraph 3.8.

<sup>19</sup> The Viability of the Horticultural Glasshouse Industry in West Sussex: Prospects for the Future and Likely Scale of Development over the Next 10 to 15 years (March 2009) – Core Document 15 & Growing Together, a Strategy for the West Sussex Growing Sector (March 2010) – Core Document 16.



82. Turning to this particular development, the scale of the building in terms of its height in particular, is driven by the demands of a modern industry. To remain successful the company clearly needs to remain competitive and therefore continue to meet the demand of some of the main supermarkets. It became apparent at the inquiry that all four phases of the development were not essential to meet the current needs of Madestein UK; but only phases 1 & 2 which largely involved relocating business from existing premises elsewhere. I do not doubt that this would be a more sustainable and efficient arrangement than having various rented premises scattered around not least because of obvious efficiency losses in occupying multiple sites but also because these rental units were older glasshouses and so less efficient. However there is not an overriding need now for all four glasshouses with phase 4 in particular being no more than speculative at this stage.
83. In terms of additional job creation, it was asserted at the outset that an additional 65 permanent jobs would be created. This was not supported by the evidence put to the inquiry. Core Document 99 sets out the current and projected labour requirements. The current labour summary includes 18 FTE at Cranleigh and 10.5 in Hertfordshire which are other premises rented by the appellant. These would not be retained. Of the projected FTE jobs, only 7.5 permanent jobs can be directly attributable to lettuce growing. Some 25.5 new jobs would relate to the appellant's new venture of growing herbs and an increase of 11 permanent FTE jobs would relate to the expansion of the Leythorne ornamentals business in Runcton, neither of which would take place at the appeal site. Of course, all job creation is to be welcomed and the proposed development would help to facilitate such expansion at Runcton but this has a bearing, in my view, on the arguments advanced by the appellant in relation to the lack of alternatives in the HDAs.
84. In support of the appeal, the appellant argued that a development of the scale proposed could not be accommodated in one of the existing HDAs. Since the conception of the HDAs in the LP to support and encourage horticultural businesses, it is argued that over time they have become outdated and increasingly irrelevant to modern producers; that monopolies in land ownership at Tangmere and Runcton have led to inflated land prices and access problems, contributing to the slow development of the HDAs; and the relatively small size and large number of fragmented land holdings together with the dwellings in the Sidlesham and Almodington HDAs that are not the subject of agricultural occupancy conditions, has led to structural difficulties.
85. Further reasons advanced in support of the assertion that existing HDAs were unsuitable included concerns about contamination on ex-airfield land at Tangmere and the existence of composting facilities on the sites around which a minimum distance of 250 metres from any food preparation facility must be maintained. The appellants consider a self imposed distance of 500m to be appropriate although the need to impose such a restrictive constraint was not supported by any substantive evidence put to the inquiry. In any event, at the very least, the proximity to the composting facility would not prevent additional land being acquired for the expansion of the appellant's ornamental business. The diversion of a footpath and private road would facilitate the potential availability of further land in the Runcton HDA.
86. It was not clear if land referred to as 'Tangmere roundabout' was within the HDA although it is clearly well located to the strategic road network and close

to the existing HDA. This option appeared to have been discounted due to land value rather than any issues of poor soil quality and the like.

87. Land values appear to have been artificially inflated in the Tangmere HDA due to the aspirations of the land owners for housing and employment development. The withdrawn Core Strategy<sup>20</sup> appeared to recognise the need to ensure that the use of land in existing HDAs was not frustrated by landowners. Paragraph 326 stated that the Council would consider using its compulsory purchase powers where necessary to ensure that existing HDA land was used efficiently before additional land was identified through the Delivering Development Plan Document. Large scale development was to be directed towards Tangmere and Runcton as opposed to the Almodington and Sidlesham HDAs. Whilst land values may be greater than outside the HDAs the appellant has not demonstrated that the proposed expansion would not be a viable option in the larger HDAs.
88. I am not persuaded that there is any overriding need for a glasshouse development of the scale proposed. With this in mind, and for the reasons set out above, I am not satisfied that no alternatives exist that would still permit the expansion of the appellants lettuce, ornamental and herb business within one of the HDAs particularly Runcton. The functional relationship between the lettuce growing, ornamental and herb business is not clear.
89. Overall, whilst the growth of businesses generally gains support from both national, regional and local policies, based on the evidence before me, I give little weight to the proposition that the expansion requirements of the appellant could not be accommodated in the HDAs or an area outside that would not conflict with Policy RE11B in terms of highway safety or impact on the countryside. On this basis it is also unlikely that the derogation tests referred to in paragraph 63 could be secured.

#### Adverse impact on tourism

90. A case was advanced by the Almodington Association that the development would have an adverse impact on tourism thereby off-setting any economic benefits. As stated earlier the document Towards ICZM recognises that the Manhood peninsula enjoys a micro climate that is attractive for tourism and agriculture. These are recognised as the areas two most important industries<sup>21</sup>.
91. An Economic Impact Assessment of the proposals on the tourism industry on the Manhood Peninsula was commissioned by the Almodington Association. A survey of local businesses was carried out. This found that of the recipients the majority (72%) thought that previous / existing greenhouses had no impact and 26% a negative impact<sup>22</sup> on individual businesses. When asked about the proposals, 1% thought the impact would be positive, 14% thought there would be no impact, 28% a low adverse impact, 33% a medium adverse impact and 25% a high adverse impact. I note the inclusion of volunteer TAA members (who objected to the proposals) in the teams conducting the surveys. This is clearly not ideal and opened up the validity of the survey to the criticisms advanced by the appellant at the inquiry in relation to potential impartiality. Those criticisms are not without merit in my view and reduce the weight I

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<sup>20</sup> Core Document 20.

<sup>21</sup> Page 18 of Core Document 13.

<sup>22</sup> 22% a low adverse impact and 4 % a medium adverse impact – figure 3.13 in paragraph 3.20 of the EIA.

afford to the survey results although I do not consider it necessary to give the results no credence at all.

92. Development plan policies are supportive of both sectors as is the document Towards ICZM. It is not a case that one is to be off set against the other but rather a balance is to be struck. LP Policies support new horticultural development outside the HDAs subject to highway safety considerations and the impact on the character and appearance of the area. It follows in my view that the greater the impact of any individual development, the more negative the impact that the development will have on tourism will be perceived to be. Bearing in mind my own conclusions on these issues the survey results are perhaps not therefore surprising.
93. It is nevertheless difficult to ascertain whether the development is likely to actually deter visitors to the area, particularly bearing in mind the positive benefits that the Medmerry scheme is expected to have as a visitor attraction for recreational walkers, horse riders and cyclists. Overall, I am not satisfied that the proposed development would adversely impact on tourism.

#### Residential amenity

94. I viewed the appeal site from a number of residential properties. The glasshouse development would be visible from some and thus change the outlook from these properties. However, sufficient distance would be retained to ensure the development would not unduly compromise outlook or be oppressive such that occupiers living conditions would be unacceptably compromised. Conditions restricting the use of inappropriate lighting and restrictions on times for deliveries and collections would adequately safeguard the living conditions of occupiers from noise and general disturbance from within the site.
95. Of most concern, is the increase in traffic generally which would include large vehicles, using the route past nearby residential properties. Given the large nature of these vehicles, I take the view that the change in activity would be very noticeable and sufficient to unduly compromise the living conditions of occupiers of properties along Almodington and Batchmere Lane by reason of noise and general disturbance from the increase in vehicular traffic. There would also be conflict in terms of pedestrian safety for occupiers wishing to access the bus stop or the local footpath network from their properties. The rural tranquil character of the lane would be unacceptably diminished to the detriment of the living conditions of nearby properties.

#### Overall Conclusions

96. To conclude, the Manhood Peninsula is an area that experiences a number of conflicting interests which need to be balanced. I consider that the relevant development plan policies are generally supportive of new glasshouse development in the district. In particular development is directed towards the Manhood peninsula where the HDAs are identified. The LP policies may now well be dated and a timely review through the LDF will undoubtedly be of benefit not least to steer the direction of new housing to resolve aspirations of landowners in the Tangmere HDA in particular. However, that is not to say that they are no longer of relevance or out of date in terms of what they are seeking to achieve. In 2007 the HDA approach was reviewed as part of the CS submission and found by the Inspector to be acceptable. The LP policies are

supportive of new glasshouse development both inside and in certain circumstances outside the HDAs where new development is in the right location. In fact, as demonstrated by my own interpretation of Policy RE11B, there are few locational constraints. Policy RE11B is not in conflict with the Framework as a whole.

97. I find conflict with the development plan in relation to the impact of the development on highway safety and on the character and appearance of the surrounding area. In relation to the promotion of sustainable transport, paragraph 32 of the Framework clarifies that plans and decisions should take account of whether, amongst others, safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
98. A safe and suitable access can not be achieved. These concerns together with the serious impacts of the development on the character and appearance of the area are severe. The arguments advanced by the appellant to justify a development of the scale proposed and the lack of any alternative options was undermined during the inquiry process. Only *sustainable* growth is supported in national & regional policies. The Framework clarifies that there are three dimensions to sustainable development: economic, social and environmental. The harm to the environment would not be outweighed by overall economic benefits of the scheme.
99. To conclude overall, the development would conflict with relevant policies in the development plan, in particular Policy RE11B in so far as it would cause a damaging change in the character and fail to meet RE11A (iv), (v) and (vi). No other material considerations exist that would indicate otherwise. For the reasons given above I conclude that the appeal should be dismissed.

*Claire Sherratt*

INSPECTOR

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Tom Cosgrove, Counsel

Instructed by Nicola Golding, Principal Solicitor  
for Chichester District Council.

He called:

Brian Duckett  
BSc (Hons) BPhil CMLI

Mark Daniel Smith  
BA (Hons) MCIHT

Ian Ellis  
BA MRTPI

Director of Hankinson Duckett Associates  
(Landscape witness).

Senior Transport Planning Engineer for Paul  
Basham Associates (Highways Witness).

Director of Southern Planning Practice Ltd  
(Planning witness).

### **FOR THE APPELLANT:**

Mr Katkwoski QC

Instructed by The Douglass Brigg Partnership.

He called:

Mr Phillip Russell-Vick  
DipLA CMLI

Michael Bedwell  
CEng, FIHT MICE

Timothy Goodwin  
BSc(Hons), MSc, MI EnvSc,  
MIEEM, MIALE

Bridgett Rosswell  
BA (Hons), MPhil in  
Economics

Gerald Hayman  
BSc, FIHort, MBPR Hort

Douglas Brigg  
B Arch (Hons) RIBA BTP  
MRTPI IHBC

Partner of EnPlan, landscape, planning and  
environmental consultants (Landscape Witness).

Executive Director of Waterman Boreham Ltd.  
(Highways witness)

Director of Ecology Solutions Ltd (Witness  
dealing with ecological matters).

Partner of Volterra Partners (Economic matters).

Principal of Hayman Horticultural Consultancy  
(Horticultural Matters).

Planning witness of Douglas Brigg Partnerships.

### **FOR THE ALMODINGTON ASSOCIATION:**

Mary Cook of Counsel

Instructed by Mike Washbourne of Washbourne  
Field Planning.

She called:

Domonic Houston  
BA (Hons) DipMRS

Graham Bellamy  
BSC CEng MICE

Michael Washbourne  
BSc (Hons) LM MRICS

Senior Associate at Roger Tym & Partners  
(Economic witness).

Partner in Bellamy Roberts (Highways evidence).

Director of Washbourne Field Limited (Planning  
witness).

### **FOR THE MANHOOD WILDLIFE & HERITAGE GROUP:**

Dr Jill Sutcliffe PHD MSc

She called:  
Herself, Dr Jill Sutcliffe  
Jayne Reeve                      Water Voles witness

FOR THE CPRE SUSSEX COUNTRYSIDE TRUST:

Stuart Meier

He called:  
Mr Small                      Director of Oak Tree Planning  
BA (Hons) BPI DipCM MRTPI

FOR THE NATIONAL FARMERS UNION:

Mr John Archer

He called:  
Himself, John Archer              Regional Environment & Land Use Advisor in the  
South East.

INTERESTED PERSONS:

Mr Darling	Local resident
Carolyn Cobold	Local resident
Colin Frampton	West Sussex Growers Association
Mrs Pexton	Horse owner & rider.
Diana Pound	Parish Council
Richard Hill	Friends of Chichester Harbour.
Angela Parks	Ellscott Park touring and camping site.

**CORE DOCUMENTS<sup>23</sup>**

- 1 South East Plan policies (May 2009).
- 2 Chichester District Local Plan First Review 1999 (Relevant saved policies).
- 3 Chichester District Local Plan First Review 1999 – extracts from text.
- 4 – 8 Various Planning Policy Guidance Notes.
- 9 Draft National Planning Policy Framework (July 2011).
- 10 Inspectors report on Chichester District Local Plan First Review, 21 Jan 1997 (extracts).
- 11 Chichester District Council Interim Statement on Planning and Climate Change 2008.
- 12 Chichester District Council 'Chichester – A very Special Place' – Sustainable Community Strategy (Summary Strategy).
- 13 Towards ICZM.
- 14 CPRE Report 'Saving Tranquil Places' (Oct 2006).
- 15 West Sussex Growers Association (WSGA) Report 'Viability of the Horticultural Glasshouse Industry in West Sussex' (March 2009).
- 16 WSGA Report 'Growing Together – A Strategy for the West Sussex Growing Sector'.
- 17 WSGA Report 'Growing Together – Implementation Plan' (Sept

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<sup>23</sup> Documents 1- 126 as set out in list of Core Documents circulated at the Inquiry (version dated 21 June 2012)

- 2011).
- 18 'The Future Growth of Chichester: Landscape and Visual Amenity  
Considerations.
- 19 WSCC Report 'A Strategy for the West Sussex Landscape'  
(October 2005).
- 20 2006 Core Strategy Submission Strategy May 2006 (extracts) –  
Withdrawn.
- 21 2006 Core Strategy Examination Topic Paper TP11 – Horticultural  
Development.
- 22 2006 Core Strategy Inspectors Report June 2007 (extracts).
- 23 CDC Statement on Core Strategy (17 Jan 2012).
- 24 Statement of Common Ground.
- 25 Completed Section 106 agreement.
- 26 Appeal Decision APP/L3815/A/97/287705/P4 - Walton Farm,  
Bosham & plan.
- 27 Appeal Decision APP/L3815/A/00/1041778 – Wophams Lane  
Nursery, Birdham & plan.
- 28 Officer's report to Committee 30 March 2011.
- 29 Application Plans.
- 30 - 46 Various application documents.
- 47 Making Space for Nature in a Changing World – lettuce slides by  
John Lawton (11 Jan 2011).
- 48 Government White Paper - The Natural Choice: Securing the value  
of nature (June 2011).
- 49 Government response to the Making Space for Nature review,  
Defra (June 2011).
- 50 Report to Secretary of State – Making Space for Nature: A Review  
of England's Wildlife Sites and Ecological Network (Sept 2010).
- 51 Defra document: Biodiversity 2020: A Strategy for England's  
wildlife and ecosystem services (2011).
- 52 Think Big – How and Why. England Biodiversity Group.
- 53 Nature Check – An Analysis of the Government's Natural  
Environment Commitments by Wildlife and Countryside Link (Oct  
2011).
- 54 Our Life Insurance, our natural capital: an EU biodiversity strategy  
to 2020 – European Commission (May 2011).
- 55 European Landscape Convention – Natural England's 2009/2010  
Action Plan (undated).
- 56 Mainstreaming sustainable development – The Government's  
vision and what this means in practice – Defra (Feb 2011).
- 57 State of the natural environment in the SE – Natural England  
(2009).
- 58 Medmerry Managed Realignment Scheme – planning permission  
and extracts from approved plans.
- 59 PPG24.
- 60 West Sussex Land Management Guidelines – Sheet SC2: Manhood  
Peninsula.
- 61 The Regional Economic Strategy 2006 – 2016: A Framework for  
Sustainable Prosperity (2006) – South East England Development  
Agency.
- 62 West Sussex Structure Plan 2001 – 2016 (2005).
- 63 Coastal West Sussex: Spatial Area Fact Sheet – WSCC (2010).
- 64 Economic Development Strategy 2009 – 2019 – CDC (2008).

- 65 Focus on Strategic Growth Options – Local Development Framework (2010).
- 66 Appeal decision: APP/H1840/A/08/2074216.
- 67 Basic Horticultural Statistics 2011 – Defra.
- 68 PPS12.
- 69 Manhood Peninsula Destination Management Plan 2011 – 2016.
- 70 Council’s list of 60 questions asked at application stage and index of replies.
- 71 Appeal decision APP/L3815/A/96/265036 at Tangmere Airfield Nurseries.
- 72 Appeal decision APP/L3815/A/97/288717 at Tangmere Airfield Nurseries.
- 73 Plans submitted by TAA (20 Feb 2012).
- 74 Ownership plan submitted by the appellant (27 Feb 2012).
- 75 Email from British Gas dated 23 February 2012.
- 76 Draft section 106 agreement (submitted 27 Feb 2012).
- 77 PINS Good Practice Advice Note 16.
- 78 Note on MfS2 from Paul Basham Associates Website.
- 79 Email correspondence from WSCC Highways.
- 80 Statement and email correspondence from the Environment Agency.
- 81 Email correspondence re Core Strategy and HDAs dated 1 March 2012.
- 82 Roundstone Nursery – traffic generation information.
- 83 Email correspondence re Draft Section 106 agreement.
- 84 ODPM letter dated 25 Nov 2002 (Grampian conditions).
- 85 MWHG – list of suggested conditions.
- 86 Evidence in chief by Dr. Jill Sutcliffe (MWHG).
- 87 Evidence in chief by Jane Reeve (MWHG).
- 88 Officer’s Report to Committee on 24 Nov 2010 re: Medmerry re-alignment scheme including update sheet and minutes.
- 89 Supplementary note on economic impact (submitted by D Houston for TAA).
- 90 Water Voles – extract from JNCC Red List.
- 91 Water Voles – JNCC spreadsheet.
- 92 Nomis employment statistics – arts, recreation and tourism.
- 93 Email correspondence dated 6 March 2012 re: employment statistics.
- 94 Plan: typical detail of carriageway edge.
- 95 Email and photos showing lorry in ditch.
- 96 Note by Mrs B Rosswell re: Tourism employment.
- 97 (Updated) Letter from Friends of Chichester Harbour.
- 98 Letter from PINS dated 7 March 2012 to Andrew Tyrie MP and associated correspondence.
- 99 Madestein UK Ltd Labour Summary.
- 100 Plan of land at Runcton HDA.
- 101 MWHG note re: Beany blocks.
- 102 Note by Tim Goodwin (for the Appellant) re: Water Voles.
- 103 Email correspondence dated 9 March 2012 and plans relating to gas main diversion.
- 104 MWHG response on Beany blocks.
- 105 Further response by Tim Goodwyn (on behalf of Appellant) to road construction and water voles.



- 106 Comments from Friends of Chichester Harbour.
- 107- Comments on National Planning Policy Framework from the main
- 112 parties.
- 113 Draft conditions (Appellant's comments).
- 114 Draft conditions (MWHG comments).
- 115 WSCC – submission re: TAD contribution.
- 116 Signed 106 agreement between the appellant and Chichester District Council.
- 117 Signed 106 agreement between the appellant and West Sussex County Council.
- 118 Draft conditions – suggested by CDC.
- 119 Letter from Briggs Partnership dated 13 April 2012).
- 120 Graph of Stopping Sight Distances by Ian Smith (for CDC).
- 121 Letter from Environment Agency dated 4 May 2012 re: implications of paragraph 118 of the NPPF & status of Medmerry re-alignment scheme.
- 122 Letter from Environment Agency dated 4 May 2012 in response to highways scheme including suggested conditions.
- 123 Letter and attachments from the Environment Agency dated 8 May 2012 relating to support position that Medmerry re-alignment scheme is to provide compensatory habitat.
- 124 Letter from Natural England dated 14 May 2012 re: implications of paragraph 118 of the NPPF & status of Medmerry re-alignment scheme.
- 125 MWHG – suggested conditions.
- 126 MWHG – note on extra conditions.
- 127 Letter from Mrs Carter dated 10 June 2012.
- 128 Revised scheme of proposed highway works – '15 area scheme' including Written Statement on Proposed Highway Improvements by Michael Bedwell (submitted 17 April 2012).
- 129 Supporting topographical survey.
- 130 Written statement by Arbotech Consultancy – Tree Issues related to Proposed carriageway widening scheme.
- 131 Supplementary proof of Mark Smith on behalf of Chichester District Council (24 May 2012).
- 132 Mark Smith Appendices 1-6.
- 133 Technical Note by Brian Duckett for Chichester District Council & appendices.
- 134 2<sup>nd</sup> Rebuttal Proof of Mr Graham Bellamy on behalf of TAA (May 2012).
- 135 Graham Bellamy Appendices.
- 136 Barrell Tree Consultancy Report of Tree Issues (TAA).
- 137 MWHG Rebuttal Proof of Jane Reeve (May 2012).
- 138 Rebuttal Statement by Michael Bedwell.
- 139 Rebuttal Statement by Phillip Russell-Vick.
- 140 2<sup>nd</sup> Rebuttal Statement of Andrew Tagg in relation to Flooding Issues related to the proposed highway improvements. (12 June 2012).
- 141 Statement in respect of the revised highway works on behalf of CPRE Sussex Countryside Trust.
- 142 Supplementary evidence of Chris Darling RIBA.
- 143 Appellant's opening submissions.
- 144 Opening Statement on behalf of Chichester District Council.

- 145 Opening Submissions on behalf of the Almodington Association.
- 146 Opening Statement on behalf of CPRE Sussex Countryside Trust.
- 147 Opening Statement on behalf of Manhood Wildlife & Heritage Group.
- 148 Commentary from West Sussex Growers Association.
- 149 Statement of Angela Parks, Ellscott Park.
- 150 Statement by Mrs Pexton.
- 151 Statement of Carolyn Cobold.
- 152 Evidence of Chris Darling RIBA.
- 153 Submission by Dr. Paul Sopp, President of west Sussex Growers' Association.
- 154 Historic aerial photograph
- 155 Various authorities submitted on behalf of the appellant and referred to in Closing.
- 156 Various authorities submitted on behalf of Chichester District Council and referred to in Closing.
- 157 Rebuttal proof of Jill Sutcliffe on Local Environmental Impacts (MWHG)
- 158 Closing Submissions on behalf of CPRE Sussex Countryside Trust.
- 159 Closing submissions on behalf of the Manhood Wildlife & Heritage Group including Summary.
- 160 Closing submissions on behalf of the Almodington Association.
- 161 Closing submissions on behalf of the National Farmers Union.
- 162 Closing submissions on behalf of Chichester District Council.
- 163 Closing submissions on behalf of Madestein UK Limited.