

Harting Parish Council's comments on SD90: Land at Loppers Ash

Not compliant with legal and procedural requirements

1. There has been no public/statutory consultation on the 60% increase in the size of this site nor on the associated settlement boundary change: this is required under Regulation 18. The current consultation is only on the matter of 'soundness' and legal/procedural compliance under Regulation 19.
2. The Gunning Principles have been ignored. These state *inter alia* that
 - 2.1 consultation must be undertaken at a time when proposals are still at a formative stage,
 - 2.2 consultation must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response, and
 - 2.3 the demands of fairness are likely to be higher when the consultation relates to a decision which is likely to deprive someone of an existing benefit (Moseley v. Haringey 2012).
3. Also, the *English National Parks and the Broads: UK Government and Circular 2010* requires National Parks to engage with their communities "... in an effective and co-ordinated way ..." (para 101). The consultation which has taken place has failed to "understand the resident community's economic and social view of the area they live in ..." (para 102).
4. The new allocation has not followed the process required by the *Strategic Housing Land Availability Assessment (2016)* as outlined in Figure 1. The additional 60% was not proffered with the original allocation and is not in the same ownership.

Unsound, Contrary to the SDNPA's First Purpose and Contrary to National Policy

Site-specific comments:

5. *The Preferred Options* consultation in 2015 proposed an allocation 'Land at Loppers Ash' which had an area of about 0.4ha. That site was one of four in South Harting which had been assessed at that time, the other three being rejected as had previously been the case in Chichester District Council's SHLAA prior to the establishment of the SDNPA.
6. The site was a rectangle which filled the gap between Loppers Ash and the northernmost houses on New Lane, its eastern boundary being in line with the boundaries of the latter and therefore some 44m from New Lane. As such it was in keeping with the sort of linear development typical of the periphery of most rural villages. Even so, the New Lane houses and therefore the site are visible from the South Downs Way. The site sits between 1.2 and 1.4m above New Lane which is a single-track historic rural road, much used by walkers and to get to the Downs, thus

the impact of increased traffic is a significant issue. Reluctantly, recognising the lack of better alternatives at that time, the Parish Council provisionally supported the allocation subject to concerns regarding the issues, as outlined above, being adequately addressed. As a partial mitigation measure it recommended that the housing numbers be reduced from 8 to 6. These concerns were re-iterated at the SDNPA's Planning Committee meeting on 9 March 2017.

7. It is noteworthy that in August 2016 an appeal for a replacement shed in the rear garden of one of the properties at Loppers Ash was dismissed (APP/Y9507/D/16/3145623). The main issue noted in the Inspector's report was:
"the effect of the proposal on the character and appearance of the area, including its impact upon the landscape and scenic beauty of the South Downs National Park".
8. Although it was a large shed, the mass was small in relation to 6-8 houses.
9. Only in the papers for the Authority meeting on 11 July 2017 was the 60% increase in the size of the Loppers Ash allocation revealed.
10. At its furthest extremity, the site is now 84m from New Lane and, at 70m distant, the S-E corner is some 26m behind the rear boundaries of the existing New Lane properties. The new allocation encroaches well into an arable field. Rather than respecting the traditional linearity of development on New Lane and on the Elsted Road to the north, the new site 'blocks in' a substantial corner of the field: in so doing, it is highly visible from the South Downs Way which is less than 1km to the south.
11. Given the proposal is now for 6-8 houses, the reason for such a large increase in area is unclear.
12. In the previous version of the allocation considered by the SDNPA's Planning Committee in March 2017, the north end of the site was not to be used for development:
"To protect a view of the Downs from the north end of New Lane, the space between the access road and the northern end of the site should either be retained as agricultural land, or converted to use for a small number of community allotments or other local green space, in such a way as to retain the view of the South Downs across the land."
and the associated draft policy (then SD87) said:
"A publicly accessible green space must be left at the ***northern end*** of the development". (Italics and bold added for emphasis).
13. Precisely the same statement regarding allotments etc. appears in the *Pre-Submission Local Plan* as paragraph 9.205, but the location of the green space is different in the associated policy:

“Development to incorporate open space in the **centre** of the site to retain wider landscape views from New Lane” (SD90 clause 1d). (Italics and bold added for emphasis).

14. We presume that 9.205 should not have been carried over into the Plan as two virtually contiguous open spaces would be a nonsense. Assuming only one is the intention, the previous size of the site was clearly considered adequate to retain a view to the Downs: re-location of that line-of-sight to the centre of the plot, if that was the intention, should not have resulted in a 60% increase in area.
15. However, if retaining a view to the Downs does require such an increase, then the whole of the relevant clause of SD6 regarding conserving and enhancing certain types of view is crucial:

“Views from publically accessible areas which are within, **to** and **from** settlements which contribute to the viewers’ enjoyment of the National Park is in keeping with one aspect of SD6 (Safeguarding Views, clause 2b). (Italics and bold added for emphasis).
16. This enlarged site will be highly detrimental to views from the South Downs Way towards South Harting, especially from Harting Down which has a particularly high footfall given the proximity of a car park. Furthermore, the oddity of the shape of the site will be detrimental to the local landscape and from New Lane it will distract the viewer’s eye from the Downs beyond.
17. It is very surprising that the *Sustainability Appraisal* assessed the landscape impact of this much enlarged site as ‘uncertain’ rather than negative. It must be assumed that it was appraised via a desk-based exercise rather than a visit to the South Downs Way at Harting Down.
18. Even an ‘uncertain’ impact falls far short of the very first sentence of the SDNPA’s Vision for 2050, as set out in its Partnership Management Plan:

“The iconic English lowland landscapes and heritage will have been conserved and **greatly** enhanced.” (Italics and bold added for emphasis).
19. As well as development on this site having a highly negative effect on the local and wider landscape, it is in conflict with Policy SD21 as New Lane is a historic rural road, hence:

“Development will not be permitted where it would reduce the biodiversity, landscape and amenity value and character of historic rural roads. Particular attention will be given to new access points and other physical alterations to roads, and to the impacts of addition traffic” (SD21: Public Realm, Highway Design and Public Art, clause 2).
20. The lane is single-track and its width prohibits access by most agricultural vehicles. It has long been a safe pedestrian access to the Downs for villagers and others wishing to avoid the busy narrow roads in the centre of South Harting. Where a development would create an increase of more than 10% in traffic

“it must be demonstrated that the changes to traffic levels and patterns arising from the development would conserve or enhance the ecological, landscape and **recreational value** of those roads” (paragraph 6.31). (Italics and bold added for emphasis).

21. The proposed development is for 6-8 houses and there are only 6 properties to the south of the site, hence traffic levels would at least double.
22. The lane is also sunken relative the adjacent land. Although SD90 requires that there should only be one access point from New Lane to the allocated site, paragraph 6.29 states that:

“The integrity of **banks**, hedges, walls and roadside trees must be maintained.” (Italics and bold added for emphasis).
23. It is challenging to envisage how development of this site can conserve and enhance the character of New Lane in terms of its recreational value, let alone maintain its eastern bank.
24. **Summary:** The area of the site has been increased by 60% without consultation. Its development will not respect the traditional layout of a typical village edge but will encroach well into an arable field. It will be highly visible from the South Downs Way. The site is on a single-track historic rural road, the traffic on which would at least double thus impacting on the recreational value of this much-used pedestrian route to the Downs.
25. **In conclusion**, in a landscape-led plan, and bearing in mind the first purpose of the SDNP, this site is wholly unacceptable: it should be removed from the Plan and the previous settlement boundary should be re-instated.

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

26. Harting Parish Council has argued in its response to SD25 that the SDNPA has not adopted a landscape-led approach to site allocations. In particular, the spatial strategy starts from the premise that development has to be in settlements with a settlement boundary, but this has led to 78% of all allocations appraised in *The Sustainability Appraisal* having an uncertain or potentially negative impact on the landscape.
27. In settlements where highly inappropriate sites have been allocated, other sites might be positive in landscape terms but not be currently available.
28. Nevertheless, within a parish as a whole paragraph 7.11 is noteworthy:

“...SD25 also provides some limited flexibility, in exceptional circumstances, to allow ‘brownfield’ development outside settlement boundaries, where demonstrably necessary to meet the wider objectives of this Local Plan. An example would be where development necessary to uphold the purposes of the National Park can be provided on previously developed land **as an**

alternative to encroaching on undeveloped countryside.” (Italics added to the text for emphasis).

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

addition to the leeway it has afforded itself between the Policy total housing figure and that in figure 7.3: see paragraph 7.25).

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

Changes necessary to achieve soundness and legal/procedural compliance

39. Remove the SD90 allocation from the Local Plan and re-instate the previous settlement boundary.
40. For this site and SD91, substitute the brownfield site proposed by Harting Parish Council which has no landscape or other adverse impacts; it will also provide *at least* as many affordable homes as SD90 & 91 added together.