

Statement of Common Ground between Devine Homes and the South Downs National Park Authority in regard to Local Plan Policy SD77: Castelmer Fruit Farm, Kingston near Lewes

DATE: 08 / November / 2018

1. Introduction

1.1 This Statement of Common Ground (SCG) is a jointly agreed statement between Devine Homes (the prospective developer) and the South Downs National Park Authority (SDNPA). It sets out the position and understanding with respect to key matters relating to the site allocation SD77: Castelmer Fruit Farm, Kingston near Lewes in the Submission South Downs Local Plan (SDLP).

2. Context

2.1 Section 62 of the Environment Act 1995 requires all relevant authorities, to have regard to the purposes of national parks. These are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the area;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

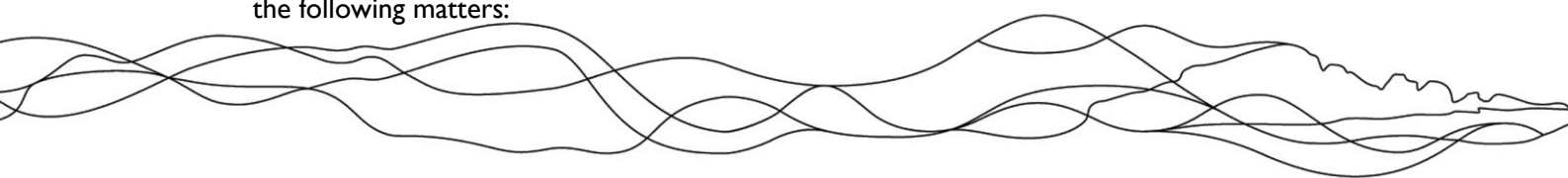
2.2 The SDNPA also has a duty when carrying out the purposes to seek to foster the economic and social well-being of the local communities within the National Park.

2.3 As a National Park Authority and Local Planning Authority, plan-making and the determination of planning applications by the SDNPA is subject to the National Planning Policy Framework (NPPF). This states that Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless specific policies in the NPPF indicate development should be restricted. An example of such restrictions given in footnote 9 on page 4 of NPPF is policies relating to the development of sites within a National Park. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

2.4 The conservation and enhancement of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads. The DEFRA Vision & Circular on English National Parks and Broads is referenced in the NPPF and provides guidance to National Park Authorities how to meet their purposes and duty.

3 Purpose of this Statement of Common Ground

3.1 The purpose of this SoCG is to provide further clarification on site allocation SD77: Castelmer Fruit Farm, Kingston near Lewes in the Submission SDLP. This SoCG addresses the following matters:



- The representations made by DMH Stallard acting on behalf of the landowners as agent regarding whether the access and ecological improvements required by the draft policy and supporting text were justified and achievable;
- The representations made by DMH Stallard questioning the justification of some of the evidence base studies to inform development proposals set out in para 9.138 of the SDL; and
- Representations received from Strutt and Parker, the agent acting on behalf of the landowner of the Omission site, Land at Wellgreen Lane, Kingston disputing that suitable access could be achieved from the site. The representations from DMH Stallard and Strutt and Parker form Appendices 1 and 2 of this document.

3.2 The SDNPA is preparing its first Local Plan – the South Downs Local Plan (SDLP). This is a landscape-led plan, with ecosystem services (the goods and services we get from the natural environment) at its heart. The SDLP will provide a comprehensive development plan document to cover the whole of the National Park, and will include a policy to address all types of development, with the exception of minerals and waste.

3.3 Castelmer Fruit Farm is allocated under draft Allocation Policy SD77 of the Submission Local Plan. A number of changes were made to the policy and its supporting text in answer to representations received during the Pre-Submission consultation. These changes are set out in the Schedule of Changes published as part of the Core Document Library (SDLP01.1). A composite version of the policy and its supporting text showing the proposed changes in track changes along with the reasons for the changes is set out in Appendix 3.

3.4 The first part of the SoCG explains the location, history, site selection, constraints and opportunities for the site. The remainder of the SoCG sets out the main issues regarding the development of the site.

4 SD77: Castelmer Fruit Farm

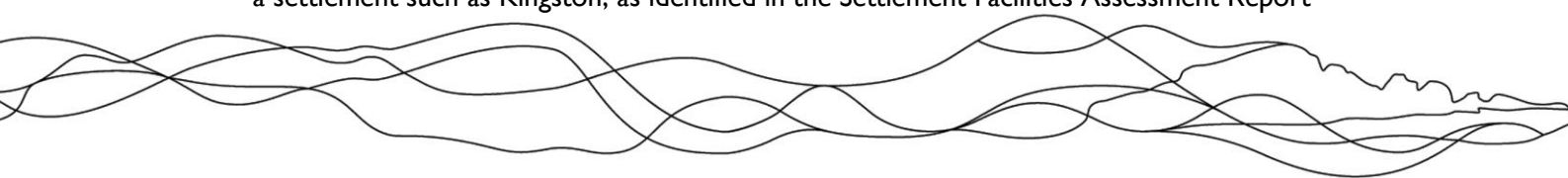
Location of site and adjoining land

4.1 Castelmer Fruit Farm is a mixed use site covering approximately 4.5ha. The site is located in the north east of Kingston near Lewes. It is accessed via a private road off Ashcombe Lane. The same access road serves five other, existing, residential dwellings. Historically, development in this part of Kingston comprised properties with small scale orchards which provide the broad pattern of settlement seen today at the site.

4.2 The site comprises a residential dwelling, former agricultural greenhouses and buildings, an operational garage, orchards and open land. The site also includes part of an historic track which runs perpendicular to Ashcombe Lane. Adjacent to the north of the site allocation and within the same land ownership is woodland and open space that was previously managed but has since been neglected in more recent times. This is designated as a Local Wildlife Site identified as Kingston Hollow as a result of its Lowland Calcareous Grassland which is also a Priority Habitat. The reasons for the designation of Kingston Hollow as a Local Wildlife Site are attached as Appendix 4.

Policy Formulation and Site Selection

4.3 The SDNPA identified a requirement for 11 new homes in the village of Kingston at the Preferred Options consultation stage without, at that stage, actually identifying a site to accommodate these new homes. 11 dwellings were considered an appropriate number for a settlement such as Kingston, as identified in the Settlement Facilities Assessment Report



(ref TSF 01 in the Core Document), and would help to sustain the important services in and close to Kingston. The Sites and Settlements Route Map Background Paper (Ref SS 02 in the Core Document Library) explains that Land at Castelmer Fruit Farm was submitted to the SDNPA after publication of the latest version of the Strategic Housing Land Availability Assessment (SHLAA) in December 2016. The site was subject to a landscape assessment in early 2017, which concluded the site has medium sensitivity due to likely visual impact in wider landscape. It was also recognized that the site was well-related to the village comprising previously developed land with a number of redundant agricultural buildings and greenhouses, a MOT garage repair business, orchards and open land.

- 4.4 Four alternative sites were identified in the SHLAA in Kingston near Lewes. Three of these were unsuitable in landscape terms as they had a high landscape sensitivity. The fourth at Wellgreen Lane, while having a medium landscape sensitivity, was discounted due to the response from feedback from the Parish Council at the Parish Workshops in Winter 2016. In addition, the SDNPA considered that Castelmer Fruit Farm was the better of the two potential allocation options in Kingston, as it can deliver more towards the National Park's purposes and duty.

Constraints and opportunities for the site

- 4.5 Due to the location and landscape character of the site it presents a number of constraints and opportunities for any future allocation. The site comprises a number of redundant structures, and buildings which have a negative impact on landscape character. Redevelopment of the site therefore offers the opportunity to improve the appearance of the previously developed part of the site.
- 4.6 The land immediately adjacent to the north of the site, Kingston Hollow is designated as a Local Wildlife Site for its chalk grassland. This is within the same land ownership as the site allocation and offers the opportunity for improvements to its management to achieve ecological enhancements. The land has remained unmanaged for a number of years and is now reverting to woodland, so whilst the effort needed to re-create solely chalk grassland habitat would be significant, the site could more easily become a mosaic habitat with open areas and scrub and managed as such, perhaps with seasonal conservation grazing.
- 4.7 The allocation site together with additional land within the same ownership has the potential to provide a suitable off-site link, subject to agreement with the landowner of adjacent land to the east, to the existing Right Of Way (ROW) to Lewes, (Lewes footpath 37). This would be a useful addition to the ROW network by better connecting Kingston Village with Lewes which is only approximately 2 miles away.
- 4.8 The eastern part of the application site contains former orchards which creates a distinctive landscape character. This provides the opportunity to deliver a high quality design and layout and create a sense of community in terms of building design and greenspace at this site. A small part of the orchard area could offer the provision of a small community space/shared garden or similar project within the application site which would retain the area's biodiversity value and history of its management
- 4.9 In summary, the redevelopment of this site for a modestly sized housing allocation could therefore improve the appearance of the site, potentially remediate any localised land contamination associated with the garage use, as well as delivering biodiversity net gains and facilitating a potential links from the village to the public ROW network.

5 Key Issues



a) Ecological improvements to Local Wildlife Site/Priority Habitat Area to the north of the site

- 5.1 The prospective developer and SDNPA agree that a net biodiversity gain will be delivered by the implementation of ecological improvement works and long-term management of Kingston Hollow, the Local Wildlife Site and Priority Habitat, immediately to the north the site, working with relevant stakeholders and the local community. This will be achieved through the preparation and implementation of a funded ecological Management Plan informed by up to date survey work. This will be submitted prior to determination as part of any planning application for the site and its implementation secured through a planning obligation. Further advice on the baseline ecological data for and potential management of Local Wildlife Sites will be discussed with the Local Wildlife Sites officer - danielwatkins@sussexwt.org.uk

b) Public access within the site and connections to existing Public Rights of Way

- 5.2 The prospective developer and SDNPA agree that a suitable new footpath across the site between points A and B shown on the attached map at Appendix 5 will be provided to link with the existing Right Of Way (ROW) to Lewes, (Lewes footpath 37). This will be achieved by the identification of the route on the layout plans together with details of its design submitted as part of any application for planning permission. Its implementation and public use will be secured through a planning obligation.

c) High quality design and layout and provision of a small community orchard/shared garden

- 5.3 The prospective developer and the SDNPA agree that a high quality, locally distinctive design and layout will be provided at this site. . The inclusion of a small community orchard or shared garden within the application site could reflect the biodiversity value and history of the past use of the site and its location within the SDNP.

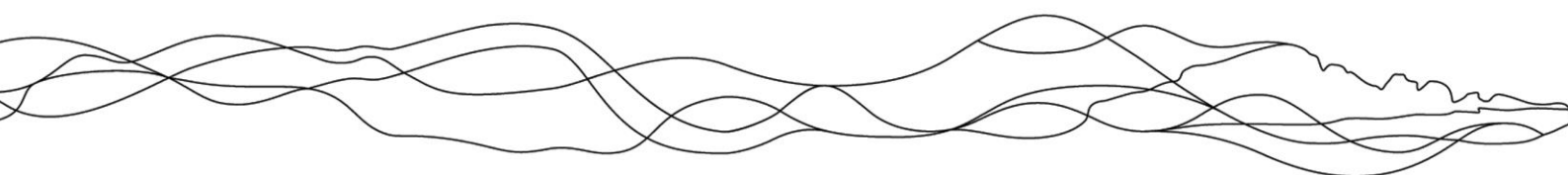
d) Highway issues

- 5.4 The prospective developer and the SDNPA agree that in principle suitable access to this site can be achieved. This is supported by the report prepared by Hampshire County Council's (HCC) Engineering Consultancy set out in the Site Allocations Highways Assessment Report Update March 2018 (Core Document Library Ref SS 08a). Devine Homes as the prospective developer of this site has also carried out more detailed highway survey work following their appointment by the landowners. This detailed appraisal of the access to the site has shown that the allocation could be delivered without adverse impact on the existing road network. A pre-application advice response from East Sussex County Council confirms that the access design is suitable. This is attached as Appendix 6.

e) Affordable Housing

- 5.5 The prospective developer and the SDNPA agree that in principle affordable housing will be provided at this site in line with the SDLP Policy SD28: Affordable Homes. By providing a net increase of 11 dwellings at this site the amount of affordable housing delivered can be maximized and will provide much needed affordable housing in as area of high cost housing.

f) Archaeological Survey




5.6 The prospective developer and the SDNPA agree that an Archaeological Survey is required, that is proportionate to the potential to discover any remains, and which would inform the detailed development proposals. This is because, the Historic Environment Record (HER) has identified some evidence for archaeological remains to be found near the boundaries of the site. This survey would be submitted in support of any application for planning permission.

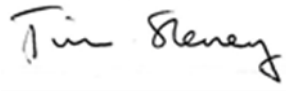
g) Flood Risk Assessment and Surface Water

5.7 The prospective developer and the SDNPA agree that a Site Specific Flood Risk Assessment is required as part of the evidence studies for this site that would inform the detailed development proposals. This is as a result of the SDNPA's Update to Level 1 and Level 2 Strategic Flood Risk Assessment (2017) identifying that a small part of the site is at risk from surface water flooding and that there is the potential for groundwater emergence from the chalk aquifer. The Site Specific Flood Risk Assessment would be submitted in support of any application for planning permission for this site.

h) Land Contamination

5.8 The prospective developer and the SDNPA agree that a land contamination survey is required as part of the evidence studies for this site that would inform the detailed development proposals. This is because there is an existing use on site (the garage business) which could result in a small part of the site suffering from potential land contamination. The land contamination survey would be submitted in support of any application for planning permission for this site.

Signed on behalf of Devine Homes  Daniel Corcoran
Date 08 November 2018
Position Planning Manager

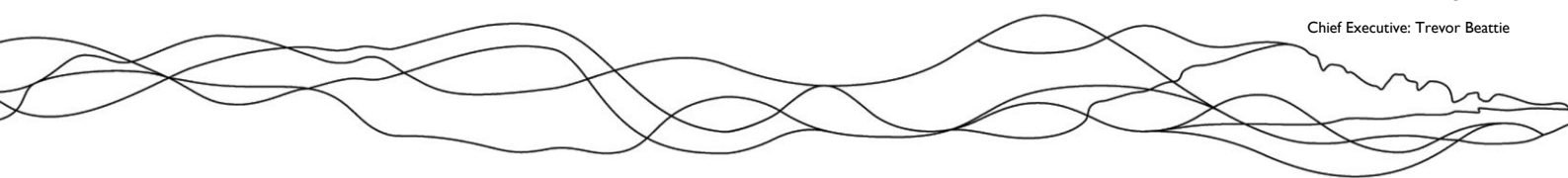
Signed on behalf of the South Downs National Park Authority  Tim Slaney
Date: 09 November 2018
Position: Director of Planning

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Chief Executive: Trevor Beattie





South Downs Local Plan
Planning Policy
South Downs National Park Authority
South Downs Centre
North Street
Midhurst
West Sussex
GU29 9DH

Date 21st November 2017
Your ref SD77 – Castelmer Fruit Farm
Our ref 297821/1

Dear Sir / Madam,

South Downs Local Plan Pre-Submission Consultation Response by DMH Stallard on behalf of the Sharp family.

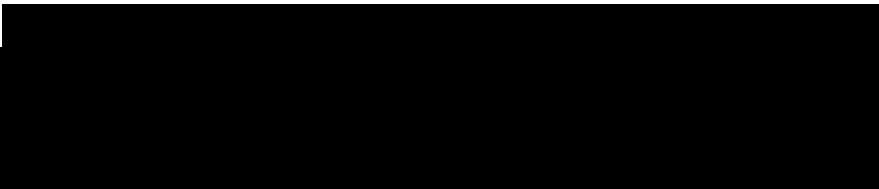
Land at Castelmer Fruit Farm, Kingston Near Lewes.

The South Downs Local Plan Pre-Submission Consultation document (September 2017) is the last full formal consultation stage in the new Local Plan making process. The Plan is proposed to cover the period 2014-2033 and includes the strategy for the South Downs National Park (SDNP) over this period, the proposed level of development and the associated development control policies.

DMH Stallard act on behalf of the Sharp family in relation to their ownership of land at Castelmer Fruit Farm, Kingston near Lewes. Our clients are also close to securing a position with a well known developer to ensure the timely development of this site.

This response sets out our site specific comments relating to the proposed allocation of the Site and the details contained under Allocation Policy SD77. Allocation Policy SD77 states that Land at Castelmer Fruit Farm is allocated for the development of 10 to 12 residential dwellings, and notes that planning permission would not be granted for any other uses.

We **support the proposed allocation** of Castelmer Fruit Farm as a site allocation in the pre-submission consultation plan. However, we are concerned about certain elements and requirements contained within the policy.



Flood Risk

Allocation Policy SD77 states that ‘A very small portion of the site is at risk from surface water flooding’ and that “Groundwater emergence from the chalk aquifer is most likely along the mapped surface water pathways around the edge of the site.”

Allocation Policy SD77 sets out that a Flood Risk Assessment including a Surface Water Management Plan is required, however, it is our view that a FRA is not necessary. The site is located in Floodzone 1, and is not located in close proximity to either a Flood Zone 2 or 3 area. In addition, the site is less than a hectare in area, and as such a Flood Risk Assessment would not usually be required.

In addition, the Council’s own evidence (Level 1 Update and Level 2 Strategic Flood Risk Assessment, (SFRA) September 2017) states that fluvial / tidal flooding is unlikely on the site. The SFRA states that localised surface water ponding is possible in part of the site, but does not advise where this is located. It also states that as the site is on chalk aquifer and due to the topographic context of the site it is possible that groundwater emergence is possible. The policy recommendations in the SFRA are that housing be located outside surface water flood extent, and access to the site and internal site access roads to be designed compatible with potential surface water and groundwater flood risk. The SFRA also advises that a further site-specific assessment of surface and groundwater flood risk should be undertaken. It does not advise that a FRA should be undertaken.

Therefore, it is considered that the requirement for a Flood Risk Assessment should be removed from the policy, as it is not considered to be justified. There is no justification for more onerous criteria than set out in national planning policy, and as such it is considered that this requirement should be removed from the policy.

Publicly accessible woodland on site

Part a) of Allocation Policy SD77 requires that the woodland within the northern portion of the site shall be made publicly accessible. However, this part of the site is outside of the boundary of the site allocation and strictly speaking is therefore outside the remit of the requirements of this allocation policy. Nonetheless, it is the intention of the Sharp family to maintain and conserve this area as a woodland, and they would be happy to discuss this matter further with the SDNPA going forward.

It should be noted that this woodland has never been open to the public. The main reason for this is that the mother of the site owners is buried within this part of the wider site (with the benefit of all the necessary permissions and permits), and ideally they would like to maintain this area as private land for their personal use.

It is noted at paragraph 9.130 that there is an opportunity to provide new homes with both private and shared amenity spaces by using the existing orchards on site. It is therefore, not considered necessary to provide further shared amenity space through making the woodland to the north and east of the site publicly accessible. The need to create publicly accessible woodland on the site is not needed to make the development acceptable, and as such this requirement of the policy is not considered to be justified.

Allowing public access to the woodland without proper management can have a negative impact on the condition of the woodland, and without on-going management of the woodland, may even result in anti-social behaviour within or damage to the woodland. Furthermore, it is thought that in order to make the woodland more accessible / useable by the general public a number of trees may have to be removed and areas of undergrowth cleared. The Sharp family would not wish for this to happen.

Part b) of the policy requires development proposals to enhance biodiversity and provide for protected species, it should be noted that this could be better achieved by keeping the woodland area to the north as private land. The woodland at present is managed and maintained by the family, and there is no intention to build on this area of woodland and it will be retained as such in perpetuity. It would therefore be considered more effective to remove this requirement from the policy.

Access to public footpaths

Paragraph 9.136 states that there is potential to provide suitable off-site links to the existing Public Rights of Way to the north and east of the allocation site.

The location of the footpaths can be seen in the map below, these are shown in purple, green and red, and it should be noted that these are located some distance from the boundary of the site allocation at Castelmer Fruit Farm. As such, it is considered that a connection to either of these footpaths from the site would be too difficult as this would require using land which is outside of the ownership, and therefore, outside of the control of the owners of Castelmer Fruit Farm. This requirement is not considered to be a positively prepared strategy, as it seeks to place an unnecessary burden on any development proposal for the site.

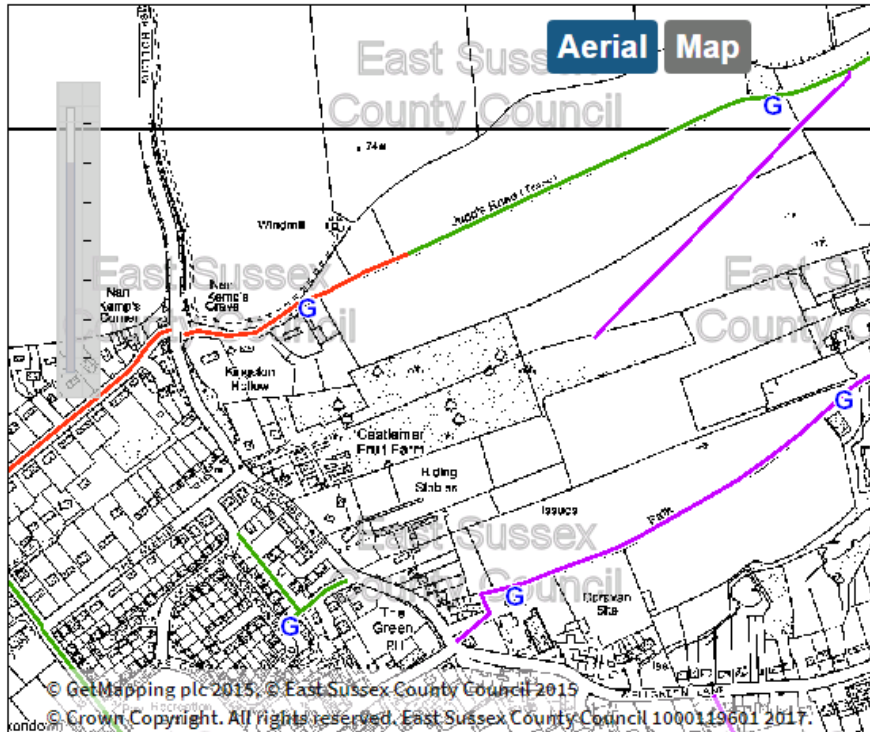


Image courtesy of East Sussex County Council Rights of Way map

There are a number of existing footpaths which are already accessible from the site. Access to the public footpaths to the south and north can be easily and safely achieved via the existing access to Castlimer Fruit Farm and via the pedestrian links on Ashcombe Lane. As such, the requirement to provide off-site links to the existing public rights of way is considered to be undeliverable as it involves third party land, and is not justified as it is considered unnecessary to make the proposed development acceptable. It is therefore requested that this requirement be removed from the policy.

We consider that a far more effective and suitable alternative would be to divert and link the footpath to the north to the footpath to the south along the boundary of the Spring Barn Farm which lies to the east of the allocation site. This route would be less undulating than linking the footpaths further to the west, this route would also have the added benefit of linking to an established tourist site at Spring Barn Farm Park.

Archaeology

Paragraph 9.138 states a list of evidence studies that are required in order to inform the development proposals. This includes an archaeological survey. From a review of the Archaeological Notification Areas for East Sussex (based on data held within the East Sussex Historic Environment Record), there appears to be no evidence of archaeology within or around the site.

In addition, the SDNPA Sustainability Appraisal concludes that the site has neutral / no effect on cultural heritage or cultural activity. It is therefore unclear as to why an archaeological survey is justified or would be required in support of any planning application.

There is no justification for more onerous criteria than set out in national planning policy, and as such it is considered that this requirement should be removed from the policy.

Design Requirements

Paragraph 157 of the NPPF states that Local Plans should “allocate sites to promote development and the flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate”. The NPPF at paragraph 60 states that planning policies “should not attempt to impose architectural style or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.”

Paragraphs 9.129 to 9.132 of the policy are considered to be too prescriptive in terms of setting out the type of design and orientation of the proposed development, and as such this part of the policy does not comply with the advice set out in the NPPF. It is also considered that these sections of the policy are unnecessary, particularly as the SDNP Draft Plan contains a specific policy on the design of new buildings (SD5), which requires all new buildings to be designed in a way which makes a positive contribution to the overall character and appearance of the area, and ensure that the design is appropriate for its location. Part f) of policy SD5 requires development to “Utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and, where relevant, vernacular detailing”.

The National Planning Policy Guidance (NPPG) states that in drafting policies the local planning authority should avoid undue repetition (Ref ID: 12-010-20140306). It is considered that detailing the design of the proposed development under Allocation Policy

SD77 is both unnecessarily repetitious and prescriptive, and this part of the policy is therefore is not consistent with national planning policy or guidance.

In addition, paragraph 9.138 of the Allocation Policy sets out a list of application documents which would be required for any planning application for the development of the site. It is considered that including this list within the policy is unnecessary given that the list of supporting documents for a planning application are set out within both national and local validation lists.

Affordable Housing

There is no mention of affordable housing requirements within Allocation Policy SD77, however, it is noted that Strategic Policy SD28 sets out the approach of the SDNPA to affordable housing, and this sets out that on sites which provide 11 or more homes a minimum of 50% will be provided as affordable homes on-site. On sites with 10 homes, 4 affordable homes should be provided.

Whilst this level of affordable housing requirement is commendable, and the intentions of the policy are understood, we are concerned that this level of affordable housing requirement may result in many potential housing sites being unviable. The Council's Affordable Housing and CIL Viability Assessment (2014) at paragraph 3.3.18 states that the level of affordable housing requirement "must be treated as targets, to be operated practically where the viability circumstances show flexibility to be necessary." It also advises at para 3.3.16 that the tests that were conducted on viability outcomes on a 50% affordable housing target sufficiently narrows down the range of potentially viable sites and scenarios, and also has a restrictive impact on the CIL charging scope.

It is our view that the affordable housing requirement should be considered a target, and there should be an acknowledgement within the Plan of this, and also that where viability is an issue, a lower level of affordable housing may be necessary and will be acceptable.

Conclusion

Whilst we are entirely supportive of the allocation of land at Castelmer Fruit Farm for residential development within the SDNPA Draft Plan, it is our view that some of the requirements of the development as set out within the Allocation Policy are unnecessary and onerous.

The wording of some elements of the policy, in particular those which require that development only be permitted where it meets all listed criteria is not positively prepared

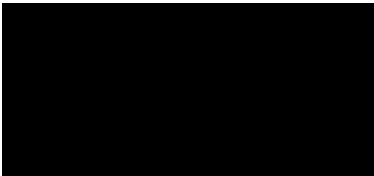


as it seeks to place burden on the development proposal. It is our view that these elements should be removed from the policy.

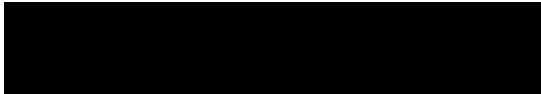
We also consider that a number of these requirements are not justified in order to make the development of the site acceptable. We are also concerned that the need for some of the requirements contained within the policy are beyond the scope and control of the landowner, and if retained could make the development undeliverable.

We would be very happy to discuss any element of this letter further with you should you have any queries or comments.

Yours sincerely



Peter Rainier



**PRE-SUBMISSION SOUTH DOWNS LOCAL PLAN
CONSULTATION**
Representations form for public consultation (Regulation 19)
26 September – 21 November 2017

Part A

Contact Details

Title: Mrs..... Name:Emma Challenger.....

Organisation (if relevant):Strutt & Parker.....

Address:201 High Street, Lewes, East Sussex.....

..... Post Code: ...BN7 2NR.....

Email: [REDACTED]

Tel: [REDACTED]

Do you wish to be notified at the email / address stated above* of any of the following:

- (1) That the Local Plan has been submitted for independent examination X
- (2) That the Local Plan Inspector’s Report has been published making recommendations on the South Downs Local Plan X
- (3) That the South Downs Local Plan has been adopted X

*Note that you will be notified by email rather than by letter if an email address is given.

Important Information:

- Please provide your name and full address. ‘In confidence’ representations cannot be accepted
- Please complete Part A and then Part B for each representation made. Please copy or download additional copies of Part B as required and Part C if necessary
- All representations are publicly available and can be viewed on request
- Please make your responses before the deadline of 23:59, 21 November 2017

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the examination hearings.

Part B

Name or Organisation

Strutt & Parker on behalf of Mr David Hambrook

1. To which part of the Local Plan does this representation relate?

Policy number (SDxx) or section

Sustainability Appraisal (paragraph or table number)

Policies Map (state map title)

Habitat Regulations Assessment (paragraph or table number)

For information about legal/procedural requirements and whether the local plan is sound, please see paragraph 182 of the NPPF and Planning Practice Guidance on Local Plans.

2. Do you consider the document is Sound?

Yes

No

If No, do you consider it is unsound because it is:

(1) Not positively prepared

(2) Not justified

(3) Not effective

(4) Not consistent with national policy

3. Do you consider the document complies with the legal/procedural requirements for preparing a development plan?

Yes

No

Continues over page

4. Please give details in the box below of why you consider the document is not legally compliant, or is unsound. Please be as precise as possible. If you wish to support the legal compliance or soundness of the document, please also use this box to set out your comments.

Policy SD77 (Castelmer Fruit Farm, Kingston-near-Lewes) is not 'justified' because it is not in accordance with the evidence base, and it is not 'effective' because it cannot be delivered during the plan period. The Local Plan would not be sound if this policy were to be included within it.

We object to the policy in its entirety and propose that an alternative site is found to meet the proposed need for 11 dwellings in Kingston during the plan period.

Our objections are explained below:

I. Evidence Base

The Castelmer site was promoted relatively late during the plan-making process, and did not feature in the December 2016 SHLAA. Only one other site was assessed positively in the SHLAA – that being Land to the South of Wellgreen Lane (reference LE014/LE017), identified for approximately 6 dwellings across both parcels (although not based on any Masterplanning exercise). This site is owned by our client, Mr David Hambrook, who appointed us as agent in January 2016 and, up until that point, Mr Hambrook had promoted the site himself through the Lewes District Council SHLAA call for sites some years ago. Mr Hambrook received no correspondence from the SDNPA during the preparation of the SHLAA to confirm site availability, and it is clear that the SDNPA therefore based their December 2016 SHLAA on the work previously done by Lewes DC. The resulting site assessment shows the site as being suitable, available and achievable, which it is, but no further work was undertaken by SDNPA to determine the ability of the site to meet the identified housing need for 11 dwellings in Kingston during the plan period. Simple contact with the landowner would have resolved this.

We met with the policy team in May 2017 to present a policy-compliant scheme for Land South of Wellgreen Lane for 12 dwellings, of which 40% were affordable and which included a mix of dwelling sizes. A copy of that Masterplan is enclosed with these representations. The Masterplan was prepared following advice from an arboriculturalist and highway consultant. The scheme was well received at the meeting, but we were advised that another site had been chosen for the allocation because the policy team did not think that our site was available. Given the positive assessment in the December 2016 SHLAA and lack of subsequent communication, we were surprised to hear this. Clearly little effort had been made by the SDNPA to ensure that all site options had been explored.

Importantly, in March 2017, Hampshire County Council issued their report *Site Allocations Highway Assessment* to support the Local Plan preparation. This report considered the highways impact of all proposed site allocations, and included an assessment of Land to the South of Wellgreen Lane (see page 16 of the report). Clearly the site was earmarked for allocation when the report was commissioned, and it is helpful to know that there was no objection to the site on highway grounds. The report does not, however, assess the Castelmer site that is being proposed for allocation in policy SD77. The SDNPA nevertheless continued to favour the Castelmer site at that stage in the plan-making process.

The Sustainability Appraisal supporting the Pre-Submission draft (dated September 2017) is where the SDNPA attempt to justify the inclusion of the Castelmer site and the omission of the Wellgreen Lane site. The justification is, however, far from being clear. Table 3.8 on pages 44-45 identifies the Wellgreen Lane site as being a 'reasonable alternative' that was not taken forward. A brief appraisal of the site is provided within the table, which shows only two uncertain effects – landscape impact and access to sustainable transport. The supporting text within the table states that:

"The site has some landscape sensitivity, and development at this location would have impacts on the existing villagescape of Kingston near Lewes. The site is not constrained by historic environment or biodiversity considerations and the site is not located within an area at risk of fluvial, surface water or groundwater

flooding.”

The text does not state the degree of landscape sensitivity of the site, but ‘some’ would suggest that it is in the ‘low’ or ‘low/medium’ sensitivity categories. Indeed, one would expect a site that is sensitive in landscape terms to be queried in the SHLAA, regardless of whether or not a specialist landscape advisor has reviewed it. The Settlement Context Study Sensitivity Analysis for Kingston does not show the site to be within a special biodiversity, cultural or landscape character area, nor is it affected by important views into or out of the settlement. Some landscape impact would of course be expected on a greenfield site, but the site’s development could easily provide adequate mitigation through boundary planting and sensitive design. The SDNPA have provided no reason for excluding this site from allocation, other than to suggest that there is a more suitable site for allocation to meet the identified need for 11 homes. We disagree with this.

To determine whether the Castelmer site is more suitable for allocation than the Wellgreen Lane site, we have looked at the appraisal for the Castelmer site and compared with the appraisal for the Wellgreen Lane site discussed above. The Castelmer appraisal is set out in summary at table 5.1 on page 65 of the Sustainability Appraisal, and in more detail on page A106 of Appendix E. Surprisingly, the appraisal indicates a greater number of uncertain effects at Castelmer than at Wellgreen Lane. These include: a ‘medium’ landscape sensitivity; potential impact on adjacent BAP habitats; and risk of surface water flooding within part of the site and along the site access. [Access to sustainable transport is also identified as a potential constraint to no greater or lesser degree than the Wellgreen Lane site, so we have disregarded this.] Clearly the Castelmer site has a greater number of constraints than the Wellgreen Lane site, and no explanation is provided in the evidence as to why it has been chosen for allocation instead of Wellgreen Lane. Given the South Downs location and the SDNPA’s intention for a landscape-led plan, one would expect that a site with ‘low’ landscape sensitivity would be chosen above a site with ‘medium’ landscape sensitivity. The fact that the ‘medium’ landscape sensitivity site is further compounded by ecological and flooding issues should be good enough reason to discount that site. Instead, that site has been chosen for allocation. We acknowledge that the site-specific policy for Castelmer reduces the developable area in order to mitigate these negative effects, but this is done without detailed ecological, drainage and landscape studies to justify exactly what that developable area should be. Without this, it is impossible to determine the ability of the site to accommodate the number of dwellings required by the policy. This is discussed in further detail in (2) below.

In summary, the evidence base does not provide clear reasons for why the Castelmer site has been chosen for allocation over and above the Wellgreen Lane one, especially given the potential negative effects identified in the Sustainability Appraisal. If the SDNPA chose the Castelmer site for allocation because they were not certain that the Wellgreen Lane one was available for development, they should have made reasonable attempts to contact the landowner. In any case, we presented a policy-compliant and viable Masterplan to the policy team before the Pre-Submission draft was presented to committee on 15 June 2017, which confirmed site availability. Changes could have been made to the proposed allocation for Kingston at that point.

As such, the plan is not justified because does not include the most appropriate strategy for Kingston, when considered against the reasonable alternatives, and is not based on proportionate evidence.

2. Deliverability

The site is not deliverable during the plan period because:

- a) it cannot accommodate between 10-12 dwellings on the site; and
- b) it cannot meet policy requirement (f): “Safe vehicular and pedestrian access and egress should be provided and an internal road layout which provides for larger vehicles including refuse vehicles”.

The site at Wellgreen Lane measures 0.49ha. The site was identified in the SHLAA as being capable of accommodating approximately 6 dwellings. This may be the case if 6 large executive homes were being considered (in line with surrounding development), but our Masterplan shows that in fact 12 dwellings could be achieved in line with proposed policies on housing mix and tenure. By way of comparison, Castelmer measures 0.58ha (excluding the access). Of this, only half is developable if the policy requirements for tree retention/protection, landscape transition and ecology are to be met. Surface water drainage may present a further constraint to the developable area, as noted in the Sustainability

Appraisal. The site is also constrained by the need for a turning head to accommodate the on-site turning of refuse vehicles.

Taking all this into account, we do not see how the site could provide 10-12 dwellings in a landscaped approach to a Masterplan.

We commissioned a Traffic/Access Constraints Report to investigate the existing and proposed access arrangement for Castelmer, which is submitted with this representation (report by Monson dated 26 September 2017). The report makes the following observations:

- On egress, visibility to the right (north) along Ashcombe Lane is acceptable, but to the left (south) it is not. This visibility splay crosses land within third party ownership (dwelling known as Pippins), and which includes an obstructing hedge. This presents a safety hazard to traffic and is objectionable in highway terms. There is no way of mitigating this whilst the hedge is outside of the landowner's control.
- The access track to the site is only currently suitable for single-lane traffic and, whilst there may be sufficient land within the same ownership to widen it, this would result in unsightly retaining walls and tree removal.
- The access track is of an unsuitable gradient for refuse vehicles.
- The access track is too long to comply with County policies on bin collection points, meaning that on-site access by refuse vehicles is essential.
- The tight turn at the end of the track would be unsuitable for refuse vehicles and the property known as Appletrees would need to be demolished as a result. A turning head large enough for a refuse vehicle would be required on site, and this would take up valuable space within the small developable area at the front of the site.

Pre-application advice was sought from East Sussex County Council (Kate Bishop) and a site meeting was held on 10th November 2017 to discuss both the Castelmer site and the Wellgreen site. No objections were made to the Wellgreen Lane site, but ESCC confirmed that visibility to the left (south) at Castelmer was not acceptable. No objections were made to the Wellgreen Lane site on the other hand. ESCC's letters are submitted with this representation.

It is clear that the Castelmer site cannot be developed in accordance with the requirements of the policy, both in terms of housing numbers and highway safety/refuse access. As such the plan is not effective because the site cannot be delivered in accordance with the policy requirements. This will in turn impact on the SDNPA's ability to deliver the required number of dwellings during the plan period and, more importantly, to deliver the number and type of homes needed in Kingston.

5. What change(s) do you consider necessary to make the document legally compliant or sound? It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Castelmer site allocated in SD77 should be removed from the plan altogether as safe egress cannot be demonstrated. The requirement for 11 dwellings in Kingsont still stands, and an alternative site should therefore be allocated. The SHLAA does not identify any suitable, available and achievable sites other than Land to the South of Wellgreen Lane and, given that this site can provide the required 11 dwellings and has no constraints to delivery, it should be allocated for 10-12 dwellings.

(continue on a separate sheet if necessary)

6. Do you consider it necessary to participate at the Examination in Public?


No

Yes

7. If you answered Yes to the last question, why you feel it is necessary to participate at the Examination in Public?

To be given an opportunity to respond to the Inspector's questions and to provide additional evidence that may arise between now and the hearings.

Signature:



Date: 20th November 2017

Part C

Additional Comments (note these should relate to all matters relating to the Local Plan other than the tests of soundness and legal compliance)

We understand that the Parish Council has not been given an opportunity to give its thoughts on which sites should be allocated in Kingston until this point. This consultation is the first opportunity they (along with everyone else) have had to comment on the policies being proposed for Kingston. Given the extent of land that the Local Plan covers, and the resulting difficulty for policy officers to be familiar with all the settlements, we feel it is especially important that local communities in the SDNPA are involved in shaping the policies for their local areas. Kingston Parish Council were not given the support they needed during the plan-making process and it is regrettable that it is only now, so late in the day, that they are beginning to get involved.

KINGSTON NEAR LEWES

9.127 Kingston near Lewes is located in the Ouse Valley two miles (3.2 km) south of Lewes.

CASTELMER FRUIT FARM, KINGSTON NEAR LEWES

Site area:	Approximately 0.72ha
Current Use:	Mixed: Residential, Commercial (Garage), Orchard, Woodland
Environmental Designations:	The northern half of the site is Priority Habitat Lowland Calcareous Grassland
Flood risk:	<u>Groundwater emergence from chalk aquifer</u>

9.128 ~~The allocation site comprises a large area of mature woodland, extensive orchards, a small commercial garage, two large but dilapidated greenhouses, and a residential dwelling, and gardens and extensive orchards.~~ There is an existing vehicular access from Ashcombe Lane which serves the allocation site and five other existing residential dwellings.

9.129 Development within the allocation site should take full account of the local topography the trees within the site and be informed by a Landscape Visual Impact Assessment. Ecological and arboricultural improvements should be considered across all of the site including those parts of the proposed for built development.

9.130 The site is considered to provide a particular opportunity to provide new homes with both private and shared amenity spaces through, for example, the utilisation of the existing orchards. It is considered that local distinctiveness could be reinforced through contemporary designs using sustainable materials. The south facing orientation of site should be fully exploited in the site layout and building design.

9.131 Boundaries between dwellings should be carefully considered and must be compatible with the site treescape and local landscape. The site boundaries should be upgraded using suitable local materials. Existing mature trees on the sensitive site boundaries should be retained and protected.

9.132 Residential development will be sited only in the south western portion of the wider Castelmer Fruit Farm site, in the area currently occupied by the existing dwelling, the MOT garage, greenhouses and a small part of the orchard. This area has the lowest elevation of the allocation and is reasonably well-enclosed by existing trees on the southern boundary. However, the final siting of buildings must be informed by a comprehensive arboricultural survey.

9.133 A very small portion of the site is at risk from surface water flooding. The site is situated on the side of a dry valley feature. Groundwater emergence from the chalk aquifer is most likely along the mapped surface water pathways around the edge of the site. The Level 1 Update and Level 2 SFRA provides recommendations for a site specific flood risk assessment, and the suitability and design of SuDS.

9.134 Given there is an existing MOT and servicing garage within the site, development proposals should be informed by a land contamination survey.

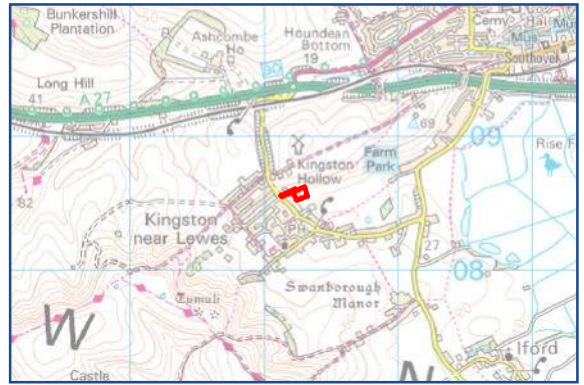
- 9.135** Development proposals should be informed by and come forward in conjunction with Access, Landscape, and Ecological improvement strategies. The undeveloped part of the southern portion of the site should be retained as a publicly accessible open space. Adjacent to the north of the site is a large area of woodland which is in the same ownership as the site allocation and is identified as a Priority Habitat. ~~The northern portion of the allocation site~~ This offers the opportunity to provide both public access to a high quality woodland and ecological improvements to a Priority Habitat. ~~Working with the local community and relevant stakeholders, pedestrian and cycle access for the public should be secured across the site through a planning obligation.~~
- 9.136** Opportunities should be sought ~~There is a potential~~ to provide a suitable off-site link to existing Public Rights of Way to the north and east of the allocation site.
- 9.137** Publicly accessible routes and open spaces within the allocation site will be secured through a suitable planning obligation. Suitable developer contributions to enable off-site cycle and pedestrian improvements may also be secured.
- 9.138** Development proposals should therefore be informed by the following evidence studies:
- Arboricultural Impact Assessment, Arboricultural Method Statement and associated Tree Protection Plan;
 - Archaeological Survey;
 - Ecology Assessment including Protected Species Survey;
 - Flood Risk Assessment including Surface Water Management Plan;
 - Landscape Visual Impact Assessment; and
 - Land Contamination Survey.

Allocation Policy SD77: Castelmer Fruit Farm, Kingston near Lewes

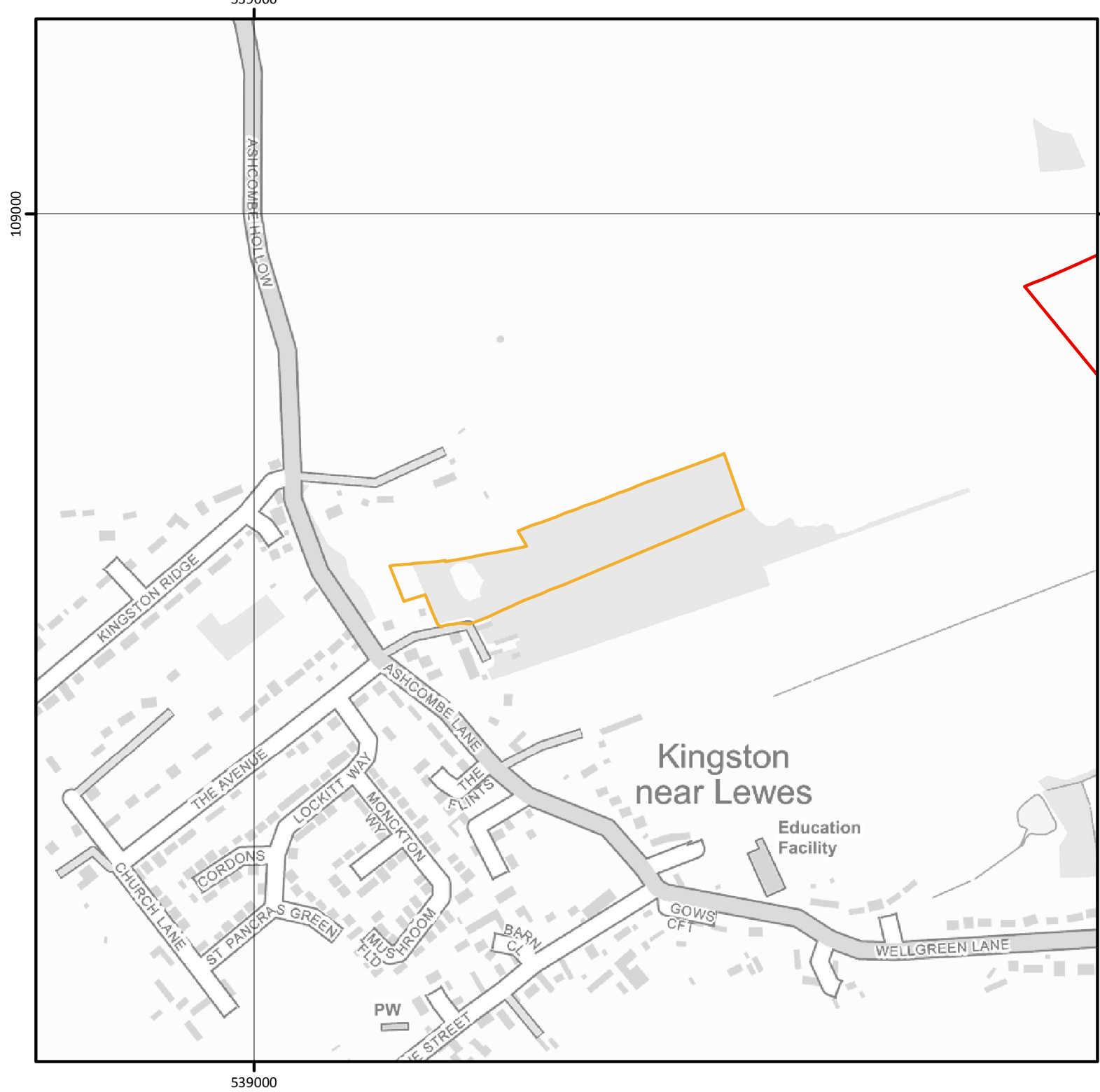
- I. Land at Castelmer Fruit Farm, Kingston near Lewes is allocated for the development of 10 to 12 residential dwellings (class C3 use). Planning permission will not be granted for any other uses. Detailed proposals that meet the following site specific development requirements will be permitted:
 - a) ~~The woodland within the northern portion of the site shall be made publicly accessible;~~
 - b) To enhance biodiversity and provide for protected species;
 - c) Protect and enhance trees within the site worthy of retention;
 - d) Provide a suitably landscaped transition at the site boundaries;
 - e) The location of new housing and access roads to have regard to areas of surface water flooding and potential groundwater emergence;
 - f) Safe vehicular and pedestrian access and egress should be provided and an internal road layout which provides for larger vehicles including refuse vehicles;
 - g) To provide all necessary vehicular parking on-site to avoid additional on street parking in local roads; and
 - h) The site layout must not include opportunities to provide future vehicular access into either adjacent fields or the remainder of the Castelmer Fruit Farm site (other than a narrow single track for the purpose of maintaining the land).

Site Ref: SD77
Land at Castelmer Fruit Farm
Kingston near Lewes



 SDNPA Pre-submission Housing Allocation



Site: L29 - Kingston Hollow



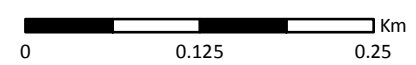
Key to Map:

-  Local Wildlife Site
-  Neighbouring Local Wildlife Site



Local Wildlife Site data maintained by SxBRC on behalf of the Local Wildlife Sites Partnership, supported by local authorities and nature conservation organisations.

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LOCAL WILDLIFE SITE (LWS)

East Sussex

Site Name: Kingston Hollow
Site Ref: L29
District: Lewes
Parish: Kingston near Lewes
National Grid Ref: TQ394087
Size (ha): 2.0
Date: 1992
Surveyors: John Holloway
Further Info: -

SUMMARY

South-facing unimproved chalk grassland. In places it is heavily rabbit grazed so that there are some quite large open areas and areas of scrub, particularly Sycamore (*Acer pseudoplatanus*), Ash (*Fraxinus excelsior*), Hawthorn (*Crataegus monogyna*) and Bramble (*Rubus spp.*). Some trees have been recently planted by the landowner. Part of this site is a private garden which has been specifically managed for wildlife conservation for the past 15 years.

SITE NOTES

1. Chalk grassland and scrub. No detailed species lists available but a wide range of the more common chalk grassland forbs are known to be present. There is an active, large badger sett and a good range of birds including Chiff-chaff, Willow warbler, Blackcap, Kestrel, Green Woodpecker and Jay.

2. Private garden. There are well established colonies of chalk grassland plants including Horseshoe Vetch (*Hippocrepis comosa*), Kidney Vetch (*Anthyllis vulneraria*), Common Rockrose (*Helianthemum nummularium*), Field Scabious (*Knautia arvensis*), Small Scabious (*Scabiosa columbaria*), Devil's Bit Scabious (*Succisa pratensis*), Marjoram (*Origanum vulgare*), Thyme (*Thymus drucei*), Greater Knapweed (*Centaurea scabiosa*) Yellow Rattle (*Rhinanthus minor*) and Common Broomrape (*Orobanche minor*). Many of these have been introduced artificially by the owner.

Thirty species of butterfly have been observed on the site, twenty of which are known to breed. Breeding species include Adonis Blue and Marbled White (see separate sheet). A comprehensive moth list is also available.

MANAGEMENT RECOMMENDATIONS

1. Selected areas are mown several times a year. Generally maintained by owner for natural history and scenic value.

2. Is carefully managed to enhance the chalk grassland habitat by the owner. This includes removal of topsoil and artificial introduction of native chalk plants.

H.M. LAND REGISTRY

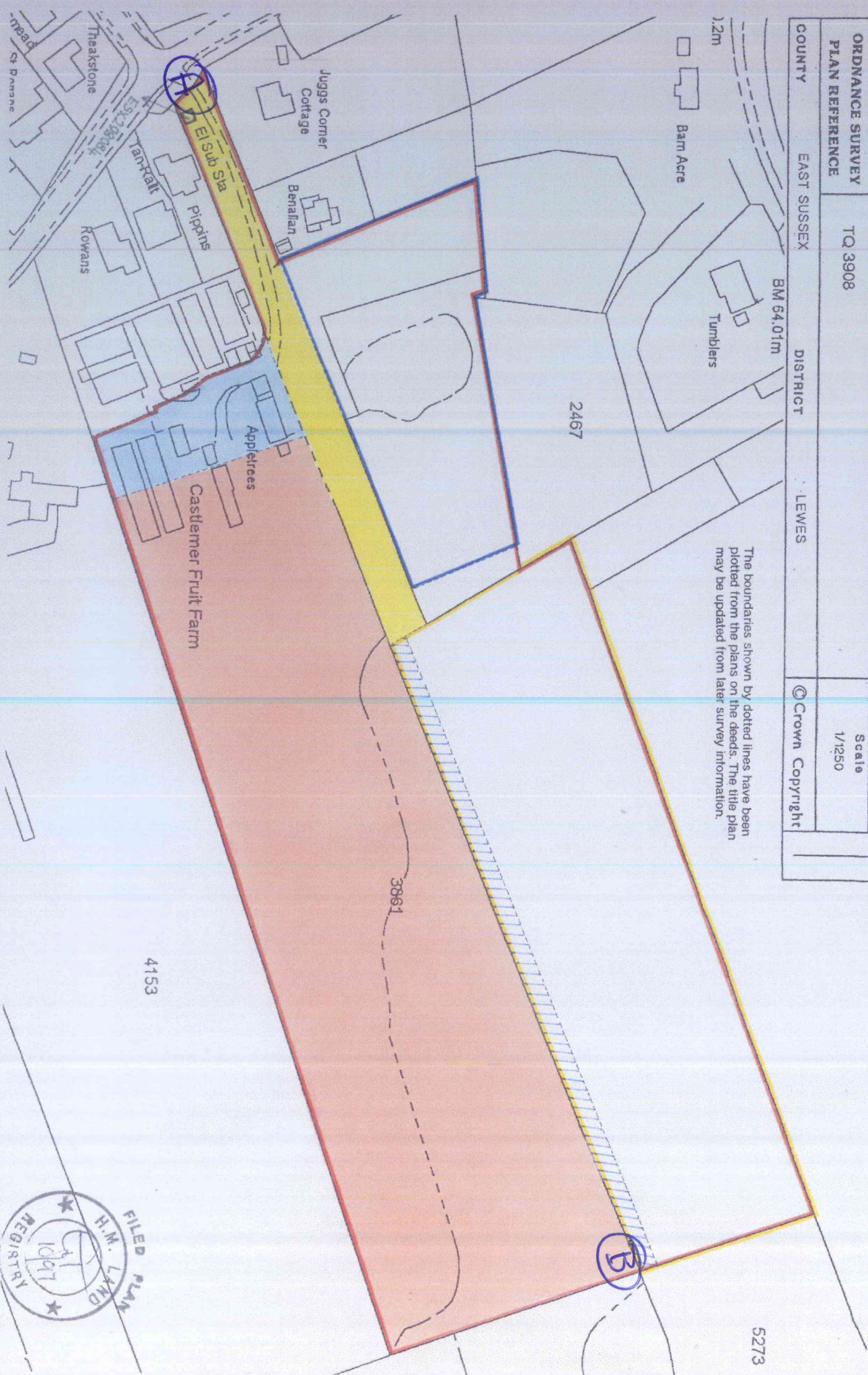
TITLE NUMBER

ESK 222244

Scale
1/1250

ORDNANCE SURVEY PLAN REFERENCE	TQ 3908
COUNTY	EAST SUSSEX
DISTRICT	LEWES
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The boundaries shown by dotted lines have been plotted from the plans on the deeds. The title plan may be updated from later survey information.



This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 08 February 2018 at 17:08:39. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

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Louise Diez

From: Teresa Ford [REDACTED]
Sent: 16 August 2018 09:29
To: Nathan Hanks
Cc: 'planning.south@lewes-eastbourne.gov.uk'
Subject: Pre Application Advice for Castlemere Fruit Farm, Ashcombe Lane, Kingston, Lewes



To: Transport Planning Associates
F.A.O: Nathan Hanks

Copy to: Lewes District Council
Southover House, Southover Road, Lewes

PRE PLANNING NUMBER	PRE/SDNP/18/1240/HW
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Applicant: Nathan Hanks

Location: Kingston Parish Council Castlemere Fruit Farm/Tim Sharp Motors, Ashcombe Lane, Kingston, Lewes, BN7 3JZ

Development: Demolition of Fruit farm and MOT centre / garage and erection of 12 residential dwellings.

Road Name or Number	C324	Consultation Date	31 July 2018	Use Class	
National Grid Reference	539285108544	Contact Officer	Teresa Ford		

Thank you for your email dated 17th July 2018 seeking pre-application highway advice on the above site and development proposal.

I confirm that you have paid our fee on 31st July 2018 for detailed highways and transport pre-application advice.

The existing access onto Ashcombe Lane currently serves Castlemere Fruit Farm with associated dwelling and the Tim Sharp Motors which currently operates from part of the site. It is understood that you wish to demolish existing buildings and extinguish existing uses on part of the site only and provide for up to 12 new dwellings. The proposal would utilise this existing vehicular access.

You can find further information at the link here to assist you with your development proposal.

<https://www.eastsussex.gov.uk/environment/planning/applications/developmentcontrol/tdc-planning-apps/>

For your proposed redevelopment to provide 12 dwellings utilizing the existing vehicular access point onto Ashcombe Lane [C324], the main issues to consider and requirements that would need to be met are:-

- 1) The current uses and what the proposed use classes are.
- 2) Suitable vehicle, pedestrian and cycle access, to include sufficient width, gradient and visibility splays. Visibility sightlines need to be over land that are either in control of the landowner or public highway.
- 3) Appropriate on site vehicle and cycle parking- the number of spaces should be in accordance with ESCC standards an accord with the proposed use.
- 4) Appropriate on site vehicle turning for vehicles likely to visit the site
- 5) The likely trip generation of the existing and proposed development
- 6) Appropriate improvements to the local network to ensure safe access, and accessibility by all modes of transport.

From the information submitted it seems that this proposal is for only part of the land known as Castlemere Fruit Farm. Therefore there could still be a fruit farm operation on the remaining land. From your survey of the access it would seem that 55 existing trips are currently attributed to the existing uses being carried out on the site. The other trips assessed for the Fruit Farm would need to be justified with the Planning Authority to ensure this use is not considered to be abandoned.

The trips for the existing uses would therefore need further clarification.

I note you have used the TRICS database to assess the trip generation for the proposed 12 dwellings. Whilst this is acceptable only one site for private housing has been selected being a site for 37 units in East Sussex with only 2.78 vehicular trips per dwelling. This is not acceptable as it is normal to have approximately 8 – 10 sites to give a more robust figure. Furthermore, the site selected is on the edge of a town where there are very good bus services with links to railway stations at all times including at peak commuting times. This site is not in such a location. Therefore I would not accept the TRICS analysis or the trip data given in your Technical Note, I would expect the trips to be closer to 5 trips per dwelling in this location.

The existing access would need to be improved to provide for a two way flow of traffic [ideally 5 metres wide for 10 metres into the site] at its junction with Ashcombe Lane [C324] together with appropriate junction radii. The impact of the improvements and close proximity to the road junction opposite known as The Avenue would need to be addressed. The gradient should be 1:40 for the access and crossover section over the highway limits and max 1:9 thereafter.

The site lies within a local speed limit of 30mph whereby in accordance with Design Manual for Roads and Bridges the required visibility sightlines should be 2.4 metres x 70 metres. The driver sightlines should be secured over land in the applicant's control or highway. The speed surveys indicate that the 85%ile speed of traffic pass the site is up to 33.5mph which is slightly higher than the speed limit. The plan indicates these required visibility splays and although the south eastern splay demonstrates this to the centre of the carriageway, it is noted that 43 metres is achievable to 600mm out in the carriageway. This is in line with Manual for Streets 2 and given the location of the site within the village this is acceptable in this instance.

The internal layout should accommodate the storage, parking, turning, accommodation appropriate to the use being proposed, which is not clear at this stage as no layout has been given.

Other ESCC guidance documents relating to highway construction can also be found here.

<https://new.eastsussex.gov.uk/environment/planning/applications/developmentcontrol/adoptionandimprovement>
[s](#)

ESCC will expect the following to be submitted as part of any future application:

- A site location plan scale (1:1250) with site boundary indicated
- Schedule of existing uses including planning history
- Description, including site layout plans, of the proposed development/uses and including any remaining uses on the site
- Reference to supporting national, regional, and local planning documents and polices

- Summary to support the site access/highways works proposals, including plan (scale 1:250 or similar) with achievable visibility splays, access widths and gradients indicated
- A 'Transport Statement', including location of key services, availability of sustainable modes of transport and existing/future vehicular traffic generation
- Parking strategy, including provision of parking for all modes of transport
- Relevant data collected to date
- Proposed trip rates supported with TRICS outputs and site selection methodology

The above comments are for guidance only and shall not prejudice any further comments East Sussex County Council wishes to make at any next stage, recognising that policy and material considerations can change. They should however be regarded as highway requirements that would need to be satisfactorily met as part of any formal proposal. The final decision to grant planning permission is made by elected members of the local planning authority.

Signed: Teresa Ford by email Date: 15th August 2018

For Director of Communities, Economy and Transport
On behalf of the Highway Authority

HT401

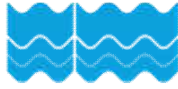
Mrs Teresa Ford MIHE
Senior Transport Development Control Officer
Transport Development Control
Communities, Economy and Transport



East Sussex
County Council



My working days are Mon -Thurs



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