



**Storrington, Sullington and Washington Neighbourhood Plan Examination.**

**Statement by Horsham District Council on Behalf of Storrington, Sullington Parish and Washington Parish in response to the Further Initial Comments of the Independent Examiner.**

**Question 16.**

**31 August 2018**

## 1.0 Introduction

***I would welcome the Qualifying Body's comments on the Regulation 16 comments submitted on behalf of the owners of the Chantry Industrial Estate.***

- 1.1 Storrington and Sullington Parish Council, Washington Parish Council and Horsham District Council have had the opportunity to meet and discuss this question. In light of this meeting, a response has been prepared by Horsham District Council on behalf of the qualifying body for relevant sections of the question, and the QB have agreed this response.

## 2.0 Background

- 2.1 Although it is recognised that the Examiner is familiar with the content of the comments submitted in connection with the Chantry Industrial Estate, it is considered that it would be helpful for wider readers of this response to briefly outline the proposal for the site and the key issues raised in this letter. The response will then address those in turn.

### The Site

- 2.2 Land at Chantry Lane Industrial Estate, Storrington is a site located outside the existing settlement boundary of Storrington. It is approximately 800m by road from the village centre. The site is not contiguous with the settlement edge of Storrington and access is via Chantry Lane, which connects to Manley's Hill to the north. The site is currently used for industrial purposes. The promoter of the site has indicated that the site is available for a redevelopment of 98 homes with re-provision of business uses on Chantry Quarry which has been excavated for sand. This land is located to the north east of the Chantry Lane Industrial Estate (approx. 150m as the crow flies) and is also accessed from Chantry Lane.
- 2.3 In terms of constraints, both sides directly adjoin the South Downs National Park boundary. Chantry Quarry is a designated Site of Special Scientific Importance (SSSI) as a result of the geological interest on this site. Chantry Lane, from which both sites are accessed, is in an area of flood risk (both flood zone 2 and flood zone 3). Please refer to Figure. 1

### Land Owner Comments

- 2.4 CPA property, on behalf of the landowner have challenged the exclusion of this site from the plan for the following broad reasons

- 1) Inconsistency with the conclusions of the Strategic Housing Availability Assessment (SHELAA) published by Horsham District Council in 2016.
- 2) Contend that the Chantry Quarry SSSI would not be adversely impacted by the proposals
- 3) Inconsistent approach to the re-provisioning of employment land elsewhere in the Neighbourhood Plan
- 4) Contend that the site would be in conformity with other higher level planning policies (including flooding and site access).

### **3.0 Comments by the Qualifying Body**

- 1) Inconsistency with the Horsham District Council 2016 SHELAA assessment.

3.1 It is unclear to the Qualifying Body as to where CPA properties have sourced their comments on the HDC SHELAA. This is available to view on the Council's website by clicking on the link below:

[https://www.horsham.gov.uk/\\_data/assets/pdf\\_file/0013/40441/Storrington-And-Sullington.pdf](https://www.horsham.gov.uk/_data/assets/pdf_file/0013/40441/Storrington-And-Sullington.pdf)

SA544 – Chantry Lane Industrial Estate is assessed as not currently developable, and SA620 – Chantry Quarry has been excluded from residential assessment as at the time of the assessment the site had been proposed to Horsham District Council for educational purposes and not residential or employment use.

3.2 The 2016 SHELAA assessment of SA544 – Chantry Lane Industrial Estate conclusion is as follows:

*'The site is in a countryside location not contiguous with the settlement edge of Storrington. The site is currently in use as an Industrial Estate, however this use is under-occupied. The site is available and redevelopment may provide opportunity to deliver new employment units if allocated through the emerging Storrington, Sullington and Washington Neighbourhood Development Plan or Local Plan. The site abuts the Chantry Mill SSSI to the north and consideration of the impacts on this area would need to be taken into account through any allocation process. The site is considered 'Not Currently Developable' for residential use and will be considered in detail as part of the Economic Land Assessment'*

3.3 This conclusion is clearly not consistent with the wording set out in the CPA Properties response (dated the 6 April 2018) which contends that the site could come forward for development in a 6-10-year period. The conclusion does recognise that there may be some prospect for further intensification of **employment use** on the site, but that this would be a matter for the Parish Council to consider through the Neighbourhood Planning process.

3.4 With regard to Chantry Quarry, it is noted that CPA Properties also state that Chantry Quarry is not disused as it has permission for sand extraction until 2042. The Qualifying Body would therefore question the ability of the site to accommodate any re-provisioned employment uses if quarrying is either ongoing or likely to continue in the future. No evidence has been provided as to whether such a proposal would be acceptable to the Minerals and Waste Authority (WSCC), who are currently reviewing their policies in relation to Sand Extraction. Please refer to Appendix 2.

## 2) Chantry Quarry SSSI

3.5 In light of the comments made by CPA Properties in relation to the SSSI, Horsham District Council on behalf of the Qualifying Body contacted Natural England in order to clarify what advice and guidance had been provided to CPA Properties. A copy of this correspondence is attached as Appendix 1. In conclusion however, Natural England state “it is not quite correct for the Representation Form to state that ‘*we have...proved that the SSSI will not be affected*’. NE has described to Mr Aldridge how development is possible on the quarry floor without damaging the geological interest, and how to maintain the exposures that are the interest feature. However, we have not had any correspondence to describe how the masterplan has taken account of that advice”

At this stage the Qualifying Body has had insufficient evidence to demonstrate that a proposal can come forward without an adverse impact to the SSSI. Given the national significance of such a designation, it is not considered that it would be appropriate to allocate a site for development without this level of certainty.

## 3) Inconsistent Approach to re-provisioning of employment use

3.6 Notwithstanding the response to the Examiner (Question 12) in connection with Land at Robell Way, the parish has considered the suitability of each site proposed to Storrington, Sullington and Washington parishes for allocation against a common set of criteria to allow the consistent comparison of each site. The results of this assessment process are set out

in the Site Assessment Report. Whilst Robell Way and the Chantry Lane Site are both current or previous employment sites, the circumstances relating to the two sites are not the same.

3.7 Firstly, Robell Way is located within the existing built-up area for Storrington whereas the Chantry Lane site is not contiguous with the settlement edge of Storrington. Secondly, whilst an argument could be made that the Industrial Estate is previously developed land and as such its redevelopment could be considered to have a reduced impact upon the surrounding area, the loss of the commercial site to residential use would, in itself, be contrary to Policy 9 of the HDPF. This policy states that the redevelopment of employment sites and premises outside of Key Employment Areas must demonstrate that the site/premises is no longer needed and/or viable for employment use. The Steering Group has not been presented with evidence to demonstrate a comprehensive marketing strategy sustained over a period of time that alternative employment uses on the site would not be viable.

3.8 It is noted that CPA Properties make reference to Thakeham Tiles. It should be noted that this is a site allocated for development in the Thakeham Neighbourhood Plan. The assessment processes and decision to allocate this site are therefore not a matter for this QB. Different Neighbourhood Plan areas will however take slightly different approaches to development taking into account the characteristics and needs of the parish in question, and the two sites are therefore not directly comparable in this context.

#### 4) Other Planning Policy considerations

3.9 It is noted that the response from CPA Properties contends that the proposed site would be in conformity with the Horsham District Core Strategy and General Development Control Policies. Although this site adjoins the boundary of the South Downs National Park, where these documents remain part of the development plan, the Qualifying Body has primarily referred to the Horsham District Planning Framework in relation to this site as this the adopted development plan covering this site.

3.10 The HDPF looks to direct development to the most sustainable locations, which are considered to be those within existing built-up areas or through extensions to settlements set out in Policy 4.

3.11 Both sites lie outside of the defined built-up area boundary of Storrington and as such are deemed to be situated in a countryside location. Policy 4 of the HDPF sets out that

settlement expansion will only be supported where the sites are adjacent to an existing settlement edge and are allocated within a NP or the Local Plan (amongst other criteria). Whereas Policy 26 seeks to protect the countryside from development that is not essential to such a location. Given the overarching strategy of the HDPF to locate development in the most sustainable locations (i.e. within built-up areas), or only on allocated sites that are outside of such areas, the principle of development at either of the above sites would be likely to be unacceptable, unless the site were to become allocated – either through a revised SSWNP or through the District’s Local Plan Review.

- 3.12 For a range of reasons, including those set out in this response, the Qualifying Body is of the view that the Chantry Lane Site is not a sustainable location for development. Furthermore, the Chantry Lane Industrial Estate is not directly adjacent to the settlement edge of Storrington limiting the conformity of the site with this policy.
- 3.13 Furthermore, the proposed linkage to improve access by connecting Chantry Mill Quarry to the A283 Sullington Lane traverses across the South Downs National Park landscape. Such a proposal will be assessed against the aims of the National Park Authority to preserve and enhance the integrity of the South Downs and the proposed access to the satisfaction of the Highways Authority.
- 3.14 The position WSCC County Highways regarding Chantry Lane as of the 29 August 2018 is as follows: *‘The existing A283/Chantry Lane junction has substandard visibility to the east when viewed against current design standards. It is not suitable in its present form to accommodate any significant increase in vehicular activity. If a more intensive use of this junction is proposed, there would need to be suitable improvements or a new access formed onto the A283 at an alternate location. Any improvement or new access should be designed to the appropriate standards. This new access could then serve all or part of the proposed development as indicated in the representation submitted by CPA during the Regulation 16 consultation. Access for non-motorised users would also be required to provide safe and suitable connections towards likely destinations. Such improvements would need to be carefully considered in light of the constraints of the surrounding road network. A Transport Assessment would be required. This amongst other things would need to consider the potential impact of additional traffic within Storrington. The TA may identify specific mitigation. Notwithstanding there are number of significant issues that have not been fully addressed as part of the proposed allocation process.’*



## **4.0 Conclusion**

- 4.1 In summary, the redevelopment of Chantry Lane Industrial Estate for 98 dwellings and accompanying commercial use on the Chantry Land Quarry with its SSSI status is currently contrary to policies of the HDPF in particular. Consequently, its inclusion in the emerging SSWNP as a formal allocation cannot be justified.

## Appendix 1

### Communication between Natural England and HDC on the status of the Chantry Quarry dated 08/08/18

From: [REDACTED]@naturalengland.org.uk>

Sent: 08 August 2018 21:59

To: Norman.Kwan <Norman.Kwan@horsham.gov.uk>

Subject: RE: Chantry Lane Industrial Estate and Chantry Quarry (land south of the A283 Storrington)

Dear Norman,

Marian passed me your e-mail as I'm the lead adviser covering Horsham. I've looked back through the files and it doesn't appear that there has been any further correspondence after Louise dealt with the issue. So the situation Louise described is still the case.

The timeline and our comments are as follows:

Dec 16 – Horsham DC consultation on the proposal to allocate the Chantry Quarry site in the NP, and also copying us a pre-app submission (undated) by Dudman Group.

Jan 17 – NE ([REDACTED]) replied with concerns about the allocation of the site in the NP (letter attached). This was because it did not appear that alternatives to allocation of the SSSI had been considered. Also because the pre-app information contained proposals that could be damaging to the SSSI.

Aug – Nov 17 - As a result of the allocation not being taken forward in the NP, Andrew Aldridge from CPA Planning had a lot of correspondence with Louise. The e-mail chain is attached including the advice from our geologist that Louise provided to Mr Aldridge.

Having looked through all the correspondence, Natural England's view is that some development may be possible within the SSSI, but this will have to be carefully planned to maintain the geological interest. Our initial comments on the allocation of the SSSI in the NP are still valid, ie that the NPPF requires that planning policies should prevent harm to geological interests; and that the SSSI should be allocated for development only if a feasibility study shows that development can occur without causing damage. The only plans that we have been shown regarding the site, which [REDACTED] responded to, gave us cause for concern as it did not appear that consideration had been given to maintaining the SSSI interest, particularly as works to the quarry sides were proposed.

Our geologist has given CPA Planning detailed advice on how to maintain the geological interest of the SSSI (in the e-mail chain, and also attached document (Chantry Mill Exposure Criteria). Key points from this are that:

- Any development on the quarry floor would have to take account of the long term instability of the quarry faces and mitigate for this (the e-mail gives some options on how to achieve this)
- To maintain the interest of the SSSI, the layers of Folkestone Formation, iron-grit and Gault Formation should be exposed for a section of 15-20m length. The location of the exposure does not need to be in the same place as described in the 1994 restoration plan, but needs to be accessible for future study. However, as Louise's e-mail of 15 Nov 17 points out, we have not agreed the location of the exposure.

I note that the Representation Form (Apr18) submitted by Mr Aldridge contains a proposed Masterplan for the Chantry Quarry site. This had not been provided when Louise was in correspondence with our geologist, so he has not seen it, and I cannot confirm whether the proposals comply with his advice.

Therefore, it is not quite correct for the Representation Form to state that 'we have...proved that the SSSI will not be affected'. NE has described to Mr Aldridge how development is possible on the quarry floor without damaging the geological interest, and how to maintain the exposures that are the interest feature. However, we have not had any correspondence to describe how the masterplan has taken account of that advice.

Apologies for the long e-mail but I thought it was important to be clear as to exactly what NE has said.

Hope this helps, but happy to discuss further.

Regards,

[REDACTED]

[REDACTED]  
Sussex and Kent Area Team

Tel: 0208 225 7693

## Appendix 2

### Communication between Waste and Minerals Authority and HDC on the status of the Chantry Quarry dated 17/08/18

**From:** [REDACTED]@westsussex.gov.uk>

**Sent:** 17 August 2018 12:46

**To:** Norman.Kwan <Norman.Kwan@horsham.gov.uk>

**Cc:** [REDACTED]@westsussex.gov.uk>

**Subject:** FW: Waste and Minerals

Norman

Please find below a response from [REDACTED] regarding your recent query on Chantry Quarry, Storrington.

Chantry Lane Quarry has minimal activity taking place on it at present, and is considered to be inactive at this time. The site has the benefit of planning permission for the extraction of sand until 21 February 2042. As the site is considered to be inactive (and therefore not dormant), further extraction can take place under the existing planning permission.

The proposed extension area (M/HO/2) was considered to be "acceptable in principal" when assessing sites as part of the site selection process for the Joint Minerals Local Plan (JMLP), which was formally adopted on 20 July 2018 - [https://www.westsussex.gov.uk/media/11736/mlp\\_adoption.pdf](https://www.westsussex.gov.uk/media/11736/mlp_adoption.pdf).

The site was not allocated in the Joint Minerals Local Plan (submission version Jan 2017) due to the joint Authorities concluding that exceptional circumstances did not exist to warrant major development in the national park (where the extension area lies). During the examination of the Plan (Sept 2017), the Inspector indicated that the approach to soft sand set out in the Plan was unlikely to be sound, therefore modifications were required. Policy M2 of the now adopted Joint Minerals Local Plan (see link above), sets out a requirement for the Authorities to undertake a Single Issue soft sand review.

This review has begun, and the Authorities will be reconsidering area M/HO/2 for allocation to meet identified needs for soft sand in West Sussex. At this stage, we understand that the Dudman Group of Companies are still seeking allocation of the extension area in the JMLP, via the Single Issue Review.

As the JMLP is now adopted, Policy M9 (Safeguarding Minerals) is also relevant. This policy safeguards the soft sand resource from sterilisation (by non-minerals development), as well as existing sites (including Chantry Lane) from non-mineral development which may prejudice their ability to supply minerals in the manner associated with the permitted activities.

Kind regards

[REDACTED]

[REDACTED]

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# Plan of Proposed Chantry Lane Extension (Waste and Minerals)

## Chantry Lane Extension (SDNPA M/HO/2)

