WSGA

Statement of Common Ground

Chichester Local Plan Examination Hearings

Statement of Common Ground
Between
Chichester District Council
And
West Sussex Growers Association

1.0 Introduction

1.1 This statement of common ground relates to the West Sussex Growers' Association (WSGA) responses to the Chichester Local Plan Inspector's Matter 4; The Economy – Horticultural Development Policies of the Local Plan.

1.2 The statement sets out the areas of the Chichester District Council's (the council) proposed approach to and policy wording for Horticultural Development in the draft Chichester District Local Plan (2014-2029) where WSGA and Chichester District Council can;

- Agree common ground on the approach
- Agree common ground on amendments to the draft policy wording
- Identify where WSGA consider further amendments are still required to the above for the Local Plan to be sound.

1.3 The statement includes an amended policy wording put forward by Chichester District Council at appendix A and an alternative amended policy wording put forward by West Sussex Growers Association at appendix B to assist in identifying where the differences still lie.

Declaration: This statement has been agreed between the above parties;

Signed on Behalf of
West Sussex Growers Association

Date 9/12/14

Position Consultant to the WSGA Executive

Signed on Behalf of
Chichester District Council

Date 12/12/14

Position Planning Policy Conservation and Design Service Manager

2.0 Common Ground between WSGA and the Council

2.1 The common ground between WSGA and the Council in the policy approach is that;

2.1.1 Land outside the existing allocated HDAs may be required by the horticultural industry to expand through the plan period both; in the interim, where land has not been forthcoming within the HDAs and; where there is insufficient land within the HDAs to meet the industries needs over the plan period.

2.1.2 The second arm of the draft Horticultural Policy entitled 'outside HDAs' is intended for; extensions to existing horticultural sites outside HDAs; in the interim to provide development land where land is not available, suitable or viable for horticultural development, even when undeveloped land remains in the HDAs; for the longer term needs of the industry when there is no longer undeveloped land available within the HDAs.

2.1.3 The council will monitor and where necessary use its powers to assist with the availability and delivery of land for horticultural development within the HDAs over the plan period.

2.2 Where the council and WSGA do not agree is in the area of monitoring. The council will monitor land use as part of the Authority's Monitoring Report (AMR). The WSGA considers that the Council should take records of availability and land price within HDAs which should be made available to applicants and potential applicants at or before the time of their application to; assist applicants in locating available land within HDAs and; for use in demonstrating why their proposals cannot be located within a HDA to satisfy the first criteria of the second arm of the Horticultural Policy (Criteria 8). The Council considers that it would be inappropriate for it to become involved to such an extent in commercial considerations where it may have incomplete or inaccurate information and that each case will need to be assessed on its merits.

2.3 Appendix A and Appendix B includes an amended text put forward by the council and WSGA respectively for the draft Horticultural Development Policy 32 and relevant accompanying explanatory text (Paragraphs 16.33 to 16.44).

2.4 WSGA would prefer that the three purposes of the second arm of the Horticultural Policy (Criteria 8-11) be explicitly stated in the explanatory text preceding the draft Policy and have included an amended wording in paragraphs 16.39 and 40 in Appendix B. The council considers that the text as written is clear and there is no need for further clarification relating to development outside HDAs.

2.5 While the WSGA agrees to the council's amendment of paragraphs 16.35 and 16.36 to refer to 'horticultural glasshouses' rather than 'horticultural operations', the concept of defining a difference between 'Large-scale' and 'Smaller-scale' glasshouses within the allocated HDAs is considered by the WSGA to be unworkable, with no frame of reference to determine what 'large' or 'smaller' is and as these paragraphs only seek to reinforce what is an existing situation, where development within the Sidlesham and Almodington HDAs has been constrained in plot size by the size and separation of

the land parcels, these two paragraphs are deleted from WSGA's alternative wording at Appendix B. The Council considers that the wording agreed at the examination as outlined in Appendix A is appropriate.

2.6 The above and appendices describes the common ground and remaining differences between the WSGA and the Council in relation to the overall approach of the draft Horticultural Policies, identifying the areas of the council's approach where the WSGA consider amendments are required in order for the plan to be sound.

3.0 Draft Policy 32 - policy wording

3.1 In order for the council's approach to deliver sufficient, suitable and viable land for horticultural development to meet the industries needs, WSGA consider that the draft policy wording also requires amendments and the following section identifies the common ground and remaining differences between the Council and WSGA in relation to the alternative policy wordings at Appendix A and B for the Council and WSGA respectively.

3.2 The Council and WSGA have discussed amendments to the policy wording and explanatory text during the examination process with the aim of agreeing amendments to the policy wording to put forward to the inspector and while progress has been made, differences remain.

3.3 The Council's draft policy wording is included at Appendix A with amendments to the submitted policy text **highlighted**. WSGA draft policy wording is included at Appendix B and highlights changes to the Appendix A text, to indicate where WSGA differ from the Council, it is accepted where the policy wording at Appendix A and Appendix B do not differ, the Council and WSGA have agreed as common ground.

3.4 The following identifies the differences between the policy wording and why the WSGA consider their amendments are required for the plan to be sound.

3.5 The WSGA have put forward an amendment to the proposed Criteria 4, identified at Appendix B, to replace the words 'residential amenity' with 'the amenity of residential properties' as the WSGA is concerned that impacts on 'residential amenity' may be construed to include traffic impacts on residents using the road network and not the impact on residents within their property as intended. The council considers that the term 'residential amenity' is a commonly used term and is appropriate.

3.6 Reference to damage of the 'appearance' of the surrounding countryside in Criteria 5 has been deleted in the WSGA amendments identified at Appendix B, as while a change in Landscape Character can be measured and damage quantified with reference to the Landscape Institutes guidance for Landscape and Visual Impact Assessments, damage to the appearance of a landscape has no equivalent objective test and any change may be construed to be damaging, unacceptably limiting horticultural development. The council is content that a judgment over appearance can be made.

3.7 Appendix B offers a simplified text to the 'Outside HDAs' introductory text of Policy 32, whereby 'including the extension to' is replaced with 'outside'. This relates to the purpose of the 'Outside HDA' arm of the policy to not only assess proposals outside HDAs when the land within the HDAs has been used up but to; also assess proposals when land within HDAs is not available, suitable or viable and; extensions to existing horticultural sites, both of which may not necessarily be located close to an existing HDA and consequently not be 'an extension to existing Horticultural Development Areas'. The Council considers that an extension to an existing glasshouse or HDA would be preferable than a new unrelated site.

3.8 The WSGA consider the wording of Criteria 11 to preclude any horticultural development located in open countryside or interrupting long views across open land, to remove the vast majority of suitable sites within the district with the remaining land that might comply with these requirements to be so small as to be insufficient to meet the industry's needs.

3.9 The WSGA also consider the use of 'open countryside' and undefined 'long views' is so open to interpretation that it would be impossible to predict whether a proposed site complied or not, removing any degree of certainty for an applicant in considering purchasing land in preparation for an application.

3.11 The WSGA consider that the very wide spread of the wording of Criteria 11 would unacceptably limit the land available for horticultural development outside HDAs so as to not meet the industry's needs over the plan period.

3.12 The WSGA have proposed an alternative wording at appendix B based on the impact of proposals on the 'open character of the countryside' as opposed to a moratorium of all development on open land (i.e. most of the district) and impact on 'identified significant public views', so as to guide applicants as to where development can go, not place a ban on development over the only land in the district that would be suitable for it. The Council considers that it is possible to make a judgment about whether countryside is 'open' countryside or not, on a case by case basis.

Appendix A

Draft Amendments to the Submitted Horticultural Policy 32 and explanatory text put forward by Chichester District Council.

Amendments to submitted text highlighted as Underlined

Horticultural Development

16.33 To ensure that the District's horticultural industry remains nationally and internationally competitive, it is important that sufficient suitable sites are available. To support this activity, the Council has designated Horticultural Development Areas (HDAs) in the countryside, where glasshouses and related facilities, including packhouses, may be allowed and the impact of their large size and bulk is minimised.

16.34 There are four designated HDAs (please refer to Section 21 Policies Map for further details):

Tangmere;

Runcton;

Sidlesham and Highleigh; and

Almodington.

16.35 Large-scale horticultural ~~operators~~ glasshouses at Tangmere and Runcton are characterised by major expanses of large buildings, which have good access to the main road network. Their businesses supply large supermarkets, garden centres and food chains, and are required to adapt and improve constantly to maintain this market. Consequently, operators seek to increase production volume, with larger premises to achieve the economies of scale required to remain viable. The Council considers that the HDAs should remain available for growing and packing horticultural products and other process directly related to the preparation of vegetable and salad products, such as washing and shredding. Other related processes, including cooking, which do not require a countryside setting, should be located on industrial estates.

16.36 Smaller scale horticultural ~~operators~~ glasshouses will be focused within the existing HDAs at Sidlesham and Almodington. This is due to the nature of the land as former Land Settlement Areas formed in the 1930s, which were later designated as Horticultural Development Areas in 1992. Many of the horticultural businesses located in these areas are smaller scale. However the patchwork nature of the landholdings makes land assembly, and therefore expansion, difficult. These areas are further from the A27 than the Tangmere and Runcton HDAs and are less well served by the road network.

16.37 It is not expected that large scale ~~operations~~ glasshouse development will occur in the Sidlesham and Almodington HDAs to the same extent as at Tangmere or Runcton .The principle to be followed in the Local Plan is therefore to reinforce the use of the Sidlesham and Almodington areas for smaller scale horticultural / market garden operations rather than larger scale glasshouse development.

16.38 It is acknowledged that additional land may be required by the horticultural industry to expand further through the plan period. The preferred approach for horticultural development is for land within existing HDAs to be used first and if not possible, land adjacent to an HDA. When no suitable land within HDAs is available land outside HDAs may be considered.

16.39 Policy 32 is divided into two parts, the first part applies to land designated as an HDA where in principle horticultural development is acceptable. The second part of the policy is criteria based policy which applies to new horticultural development outside HDAs including extensions. The criteria in the first part of the policy apply to applications outside HDAs in addition to those in the second part.

16.40 The policy requires applicants to demonstrate why the development cannot be located within an HDA. It is important therefore for the applicant to provide reasons why the new development cannot be located within an HDA. For example, why the land within HDAs is not available for development. This may need to be substantiated with evidence such as an enquiry log including how it was followed up and why it was unsuccessful i.e. whether the marketing price was realistic or; where proportionate extensions are proposed to an existing horticultural site outside an HDA.

16.41Where it can be demonstrated that development within HDAs is hindered, particularly at Runcton and Tangmere, the Council will where appropriate use its compulsory purchase powers to ensure that the expansion of the horticultural and associated industry is not frustrated.

16.42 When considering the proposals for new development outside HDAs including; packhouses and polytunnels, attention will be given to transport and accessibility, visual impact on the landscape and the amenity of local residents. In addition that soil, water, air noise and light pollution levels are minimised and mitigated.

16.43 Water resources are managed by the Environment Agency through a Catchment Abstraction Management Strategy (CAMS) approach. This assesses how much water is available in each catchment, how much is allocated to people and how much is needed to sustain the environment. The Arun and Western Streams Abstraction Licensing Strategy (March 2013) *https://www.gov.uk/government/publications/arun-and-western-streams-catchment-abstraction-licensing-strategy* sets out the current situation within the Chichester District.

16.44 Any future applications for abstraction licences will be considered in accordance with this Strategy, taking into account the needs of the environment and existing abstractors are met. Any proposals for horticultural development should consider any potential impact on water resources and consider mitigation measures to reduce its impact and maintain security of supply.

Policy 32

Horticultural Development

Within HDAs

Large scale horticultural ~~operations~~ glasshouses will continue to be focused within the existing horticultural development areas at Tangmere and Runcton. The Sidlesham and Almodington horticultural development areas will continue to be the focus for smaller scale horticultural ~~businesses~~ glasshouses.

Within designated Horticultural Development Areas (HDAs), as shown on the Policies Map, planning permission will be granted for new glasshouse, packhouse and polytunnel development where it can be **demonstrated that all the following criteria (1 – 7) have been met:**

1. There is no ~~material~~ significant adverse increase in noise levels resulting from machinery usage, vehicle movement, or other activity on the site, which would be likely to unacceptably disturb occupants of nearby noise sensitive properties or be likely to cause unacceptable harm to the enjoyment of the countryside;

2. The proposal does not generate unacceptable levels of soil, water, odour or air pollution and there is no significant adverse impact resulting from artificial lighting on the occupants of nearby ~~noise~~ sensitive properties or on the appearance of the site in the landscape;

3. New planting is sufficient to benefit an improvement to the landscape and increases the potential for screening;

4. Adequate vehicular access arrangements exist or will be provided from the site to the road network to safely accommodate vehicle movements without detriment to highway safety or result in unacceptable harm to residential amenity;

5. The height and bulk of development, either individually or cumulatively, does not damage the character or appearance of the surrounding countryside, and mitigation measures are included for any detrimental affects ~~i.e. appropriate landscaping and screening~~ e.g. in order to mitigate the height and bulk of new horticultural structures;

6. It can be demonstrated that adequate water resources are available or can be provided and appropriate water efficiency measures are included.

7. Acceptable surface water drainage capacity exists or can be provided as part of the development including sustainable drainage systems or water retention areas.

Outside HDAs

Planning permission will be granted for new horticultural development proposals including the extension to existing Horticultural Development Areas **where the above (1-7) and following criteria (8-11) have been met:**

8. There is a ~~proven need~~ horticultural justification for the development and it can be demonstrated that the proposal cannot be accommodated within existing HDAs;

9. The land is sufficiently well drained, level and of a quality to be suitable for horticultural development;

10. Necessary ~~essential~~ infrastructure and services ~~related to the development~~ are available or will be provided; and

11. The proposal is not located within open countryside and ensures that long views across substantially open land are retained.

Appendix B

Draft further amendments to the Submitted Horticultural Policy 32 and explanatory text put forward by West Sussex Growers Association.

Amendments to Appendix A text highlighted with grey highlight

Horticultural Development

16.33 To ensure that the District's horticultural industry remains nationally and internationally competitive, it is important that sufficient suitable sites are available. To support this activity, the Council has designated Horticultural Development Areas (HDAs) in the countryside, where glasshouses and related facilities, including packhouses, may be allowed and the impact of their large size and bulk is minimised.

16.34 There are four designated HDAs (please refer to Section 21 Policies Map for further details):

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16.39 Policy 32 is divided into two parts, the first part applies to land designated as an HDA where in principle horticultural development is acceptable. The second part of the policy is criteria based policy which applies to new horticultural development outside HDAs including extensions and where development cannot be located in an HDA. The criteria in the first part of the policy apply to applications outside HDAs in addition to those in the second part.

16.40 The policy for development outside HDAs requires applicants to demonstrate why the development cannot be located within an HDA. It is important therefore for the applicant to provide reasons why the new development cannot be located within an HDA. For example, why the land within HDAs is not available for development. This may need to be substantiated with evidence such as an enquiry log including how it was followed up and why it was unsuccessful i.e. whether the marketing price was realistic or; where proportionate extensions are proposed to an existing horticultural site outside an HDA.

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3. New planting is sufficient to benefit an improvement to the landscape and increases the potential for screening;

4. Adequate vehicular access arrangements exist or will be provided from the site to the road network to safely accommodate vehicle movements without detriment to highway safety or result in unacceptable harm to the amenity of residential properties ~~residential amenity~~;

5. The height and bulk of development, either individually or cumulatively, does not damage the character ~~or appearance~~ of the surrounding countryside, and mitigation measures are included for any detrimental affects ~~i.e. appropriate landscaping and screening~~ e.g. in order to mitigate the height and bulk of new horticultural structures;

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Planning permission will be granted for new horticultural development proposals outside ~~including the extension to~~ existing Horticultural Development Areas **where the above (1-7) and following criteria (8-11) have been met:**

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