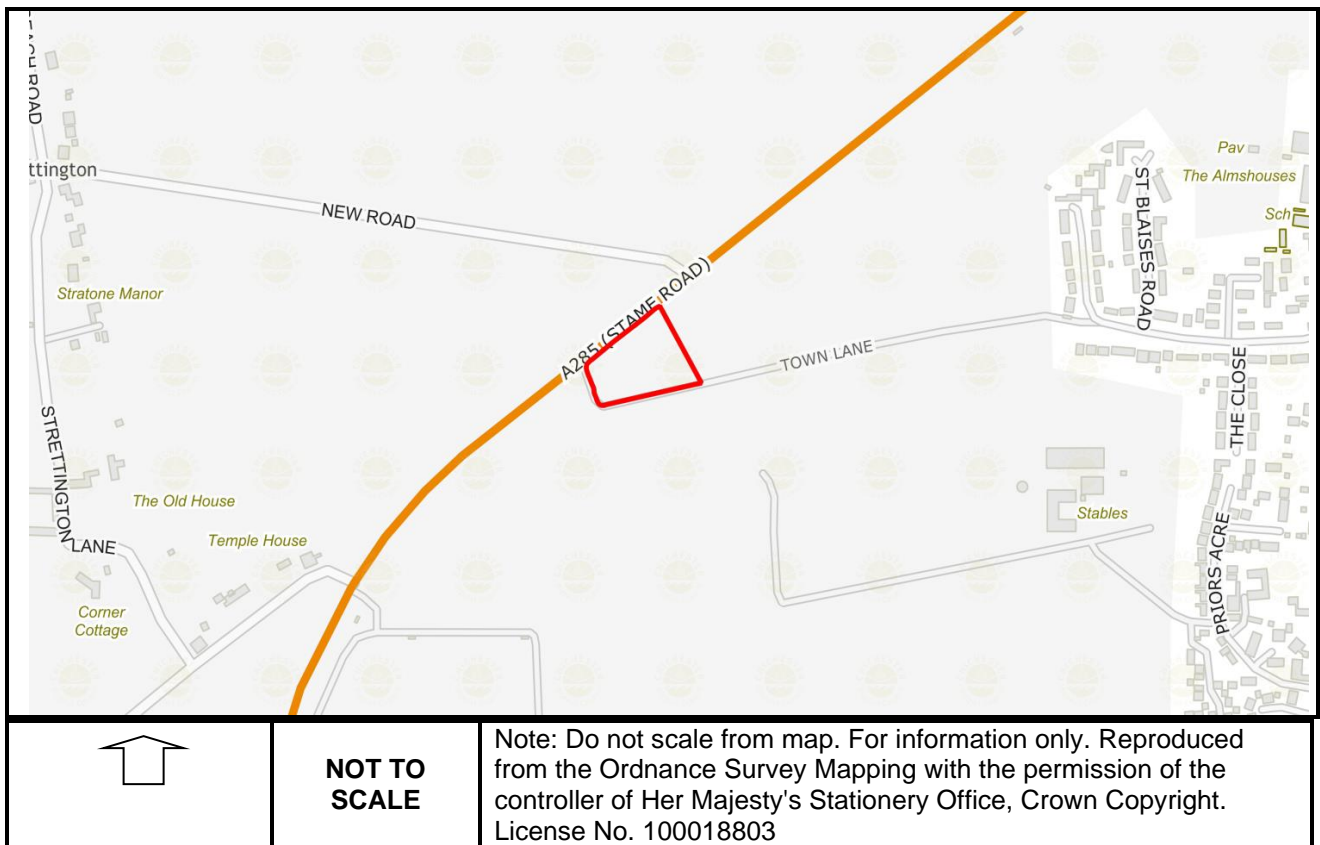


Parish: Boxgrove	Ward: Goodwood
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BX/23/01279/FUL

Proposal	Highways depot comprising maintenance building, salt barn and ancillary offices plus parking, landscaping and all associated engineering works.		
Site	Land North Of Town Lane Adjacent Junction With New Road Hainaker Boxgrove West Sussex		
Map Ref	(E) 490018 (N) 107458		
Applicant	National Highways	Agent	Sarah Cox

RECOMMENDATION TO REFUSE



NOT TO SCALE

Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803

1.0 Reason for Committee Referral

- 1.1 Application on which Officers consider decision should be by Committee due to the recommended reason for refusal not addressing the full concerns set out within the Parish Council Objection.

2.0 Site and Surroundings

- 2.1 The 2.2ha application site is located on the corner of Stane Street and Town Lane (now a public footpath) and forms part of a larger agricultural field. The site lies south-west of the junction of Stane Street and New Road. The site is within approximately 40m of the South Downs National Park to the north and is located in the countryside, divorced from any settlement. The site is surrounded by agricultural fields to the south and east, Stane Street to the north/north-east with fields beyond, and a solar farm to the south-west. The site falls within the 12km buffer of the Singleton and Cocking Tunnels Special Area of conservation (SAC) and is within an Archaeological Protection Area due to its proximity to Stane Street, a roman road.

3.0 The Proposal

- 3.1 The application seeks full planning permission for a highways depot comprising a maintenance building, salt barn and ancillary offices plus parking, landscaping and all associated engineering works.
- 3.2 The details of the application include:
- Offices for operational purposes
 - Salt storage barn – Approximately 21m D x 30m W x 13m H
 - Office and garage building – Approximately 19m D x 28.5m W x 7.5m H
 - Hardstanding areas
 - 12 staff parking spaces
 - Cycle storage (10 cycles)
 - Refuse store
 - Vehicle wash area and gantry
 - Vehicle Fuel Island
 - Salt saturator tanks
 - Rainwater harvesting tank
 - External plant area for solar PV
 - Material storage bunkers
 - Soft landscaping and tree planting
- 3.3 The site would be accessed directly from Stane Street to the north of the site, following the removed of three trees. It is proposed that the office and garage building would be located towards the centre of the site with car and cycle parking to the north/ north-west of the building. To the south of the garage building there would be a vehicle wash down area. The salt barn would be located to the western side of the site facing onto Stane Street. The salt saturator tanks, rainwater harvesting tanks and external plant area for solar PVs would be located to the rear of the salt barn, hidden from view from Stane Street.

The fuel island would be situated to the south of the site, with parking bays for gritting vehicles on either site. The site would have sufficient space for a 25m turning circle for such vehicles. There are locations set aside for external storage to the eastern edge of the site.

- 3.4 The site would be laid in high density concrete within the service yard, surrounded by a paladin fence (height unconfirmed), beyond which would be landscaping strips along the perimeters of the sites including planting of 21 trees. A total of 6 trees are proposed for removal. A SUDs pond is proposed to the south-west of the site within the landscape area, with a 'possible swale area' proposed to the western edge of the site.

4.0 **History**

None.

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	Zone 1
Historic Parks and Gardens	NO

6.0 **Representations and Consultations**

6.1 **Boxgrove Parish Council**

Boxgrove Parish Council STRONGLY OBJECTS to this application. This proposed National Highways Depot would be a significant development in the open countryside between Boxgrove and Westhampnett. It should not be located on grade 3 agricultural land in a highly visible location with poor sustainable transport links. This would be a complete eyesore in a rural location with access onto a fast section of the 60mph A285 close to the junction with New Road, which already has a poor accident record. The development would also generate a high number of traffic movements (many of them slow moving) onto this road. Boxgrove Parish Council has worked hard in its Neighbourhood Plan to protect open countryside and vistas across the Parish which this would destroy. Boxgrove Parish Council suggests that National Highways consider an already established industrial site such as Bognor Road or the airfield at Tangmere.

The application flouts the following policies in the made Boxgrove Neighbourhood plan:

- SB1 Outside of the settlement boundary
- EH5 Development on Agricultural land
- EH7 Dark Skies
- EH8 Respecting Landscape and Historic Environment
- EE1 Employment uses

6.2 Tangmere Parish Council

Tangmere Parish Council strongly OBJECT to the proposed location of this development.

Tangmere Parish Council feel that the development is totally inappropriate for a site which is set in a rural location on agricultural land currently used to grow crops and in a wider landscape of agricultural land.

It is adjacent to land that is part of the South Downs National Park and the Goodwood Estate. The area currently provides a buffer between Boxgrove and the adjacent boundary of Westhampnett. There is no established settlement in close location. The area is outside the settlement boundary set in Boxgrove Neighbourhood Plan in open countryside and is contrary to current Chichester Local Plan (CLP) Policy 48 (Natural Environment, NE10 of the proposed Chichester Local Plan as well as NPPF para 174a/b and 176.

The proposal is for a scale which is massively out of keeping with materials (silver metal cladding) which will make it dominate the street scene. At a height of 12m it is higher than any of the existing mature trees, contrary to Policy NE2. It will dominate the landscape. The A285 at the proposed location is subject to the National Speed Limit and hence extensive visibility splays are required in way of the proposed site access. In addition to the loss of a mature and several other trees as well as vegetation in the way of the proposed access (approximately 35 metres in extent), the degree of vegetation removal to achieve the required visibility splays (noting the eye height of driver of large vehicles) would lead to an extensive and unacceptable change in the rural character of the landscape adjacent to the A285. Though an approx. 10m wide landscape buffer is proposed on the Northern side of the site, the presence of underground utilities appears to prevent the planting of any substantial trees or hedging to mitigate views into the site, noting the bulk of the proposed structures and industrial style fencing and gates.

It is also felt that insufficient consideration has been given to the impact of noise and light emissions from the site.

Tangmere Parish Council dispute that sufficient research has been undertaken into alternative sites. There would appear to be numerous sites along the A27 that could house this depot as well as being located adjacent to or part of existing or planned industrial or commercial development.

WSSC's Drayton Depot is a potential, public owned location for this facility (which would be in accordance with the aims of the National One Public Estate co-location of facilities drive, note NPPF para 121). The proposed site is not an employment land allocation in either existing or proposed LPs or site allocation DPD (note current LP Policies 2 (last section) and 3 (first bullet), PSLP Policies S1.4 and S2 (last section). Though the proposal is being framed in "sui generis" terms, its character and function is industrial and hence should be located in or immediately adjacent to existing development and not in an isolated location in open countryside (note NPPF para 120c).

Another potential location is within PSLP Policy A20 (Land South of Bognor Road) which is WSCC owned, immediately adjacent to the A27 and allocated for employment uses. A20 would appear to fulfil the requirements of both NPPF paras 83 and 106e. An example of a public sector sui generis type facility being accommodated within an LP allocated employment site is the Ambulance Make Ready Centre at the Chichester Business Park at Tangmere (LP Policy 19, PSLP Policy A19).

In the applications Planning Statement, NPPF para 106 is cited as justification for this development. However, that para relates to Planning Policies and their providing locations for facilities such as that proposed. It does not appear to apply to individual, non-plan led proposals such as this and therefore would be contrary to NPPF para 12. NPPF para 83 is also cited in support of this application, however the NPPF and Local Development Plans should be read as a whole and it is clear that any justification under paragraph 83 is outweighed by the LP/PSLP Policies and other NPPF paras cited elsewhere in this response.

6.3 Westhampnett Parish Council

Objection from Westhampnett Parish Council: The following comments should be considered;

- 5 years of incident should be considered not the 3 years reported, as Covid restriction will impact the statistics of 2019-2021 reported. - The area is outside the settlement boundary set in Boxgrove Neighbourhood Plan in open countryside and is contrary to current Chichester Local Plan (CLP) Policy 48 (Natural Environment, NE10 of the proposed Chichester Local Plan as well as NPPF para 174a/b and 176.
- Chichester Local Plan 2014-29 - Policy 39; 4. The proposal encourages development that can be accessed by sustainable modes of transport, in part, through the creation of links between new development and existing pedestrian, cycle and public transport networks; The site is not accessible by foot and public transport, no footpath to the access of the site or the from bus stops.
- Lighting planner the site is not apparent and would need to be within the SDNP settlement area restrictions to keep the national dark skies protected.
- For the service area of Havant to Hastings, a more centrally located location should be used as Hastings is approx 64 miles to the east will Havant is 15 miles to the west.
- The design of the structures is not in keeping with the surrounding area and South Down National Park requirements. Of the settings of the SDNP.
- 2 metre fencing is not in keeping with the rural area and excessive for the facility. Type and look of fencing not specified.
- Consider the junction with New road to become a roundabout to reduce the speed of the traffic passing the site and ensure safe entrance and exit for the proposed site as the junction is almost adjacent. As highways own the land this should not be a problem and will manage the traffic from Goodwood events, the curve of the entrance/exit of the proposed site is directly opposite the curve of the New Road junction.
- Areas of the facility not required for HGV movements should be a permeable surface for drainage around the west side and rear of the salt barn for example to increase the area surface water runoff and reduce the concrete area as an increase sustainable area.

6.4 Environment Agency

It is unclear from the application whether fuel storage for the proposed development is to be underground or above ground.

The below is supplied in the event that underground storage is proposed.

Underground storage of polluting substances poses particular risks to groundwater because of the problems of leak detection. Groundwater is particularly sensitive in this location because the proposed development site is within source protection zone 3 and is located upon principal aquifer.

The submitted Flood risk Assessment and Drainage Strategy, Land South of the A285, Chichester, Boxgrove, PO18 0LB, Canham Consulting, 11th May 2023, Reference: 218695-XX-XX-RP-C-05000, in support of this planning application provides us with confidence that it will be possible to suitably manage the risks posed to groundwater resources by this development. Further detailed information will however be required before any development is undertaken.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring submission and subsequent agreement of further details as set out below. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

The below is supplied in the event that above ground storage is proposed.

1) The submitted planning application indicates the above ground storage of fuels that are not controlled through legislation. The storage of fuels can pose a risk to groundwater if spillage occurs.

Groundwater is particularly sensitive in this location because the proposed development site is within source protection zone 3 and is located upon principal aquifer. In light of the above, the proposed development will be acceptable if a planning condition securing adequate pollution prevention measures is included on any planning permission granted. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

2) The previous use of the proposed development site as agricultural land presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 3 and upon a principal aquifer.

The application's Tier 1 Contamination Risk Assessment Land at Boxgrove, Chichester, Sweco, 3 April 2023, Reference: 65209283-SWE-XX-XX-T-GE-0001 demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

3) The use of the proposed development site as a highways depot including salt barn and fuel island presents a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 3 and located upon a principal aquifer.

In light of the above, we believe that the use of infiltration SuDS should still be appropriate in this location provided appropriate mitigations are put in place to prevent pollution from reaching controlled waters. We therefore request that a planning condition is included as part of any permission granted requiring that no drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters.

Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

6.5 South Downs National Park Authority

The site is located on agricultural land adjacent to, and within the setting of, the South Downs National Park. It is a rural area that is poorly related to any nearby settlements, the nearest being Boxgrove. The proposal would introduce a number of urbanising features to this area in addition to the industrial buildings themselves. These include the areas of hardstanding, the large new access onto the A285 and a 2-metre high Paladin fence around the perimeter of the site. The submitted Planning and Design and Access statements acknowledge the site's proximity to the South Downs National Park, but there is no attempt to assess the site's current contribution to the setting of the National Park, nor to explain how the development (including the proposed soft landscaping) has been designed to respond to that setting and conserve or enhance the special qualities of the National Park.

Whilst some explanation of the business need for the development has been provided there is insufficient evidence within the submitted documents to explain why it is essential for it to be located in the location proposed, particularly as the Planning Statement indicates a potential search area stretching between Havant and Hastings.

Accordingly, the SDNPA objects to the proposal as it is considered to be inappropriate and insufficiently justified development that harms this rural area within the setting of the National Park. If the LPA is minded to grant permission, we would encourage consideration of conditions relating to external lighting (to protect the South Downs International Dark Skies reserve); external materials/colours for the buildings; a locally characteristic landscaping scheme; and that any conclusions of your ecologist and the recommendations of the Ecological Impact Assessment are incorporated.

6.6 WSCC Highways

The proposal has been considered by WSCC as the County Highway Authority, no objection is raised subject to any conditions attached.

Access

A new access will be created onto the A283 Stane Street, and a Transport Statement submitted with this application provides details of a speed survey and visibility splays commiserate with the recorded speeds. The access will require a s278 agreement and will provide a 16m wide access with 11m kerb radii.

Additionally, visibility splays will be set back 2.4m from the centre of the access providing 174m to the west and 187m to the east. Any vegetation that requires cutting back is within the WSCC highway boundary and can be included as part of any existing maintenance regime. Given the speed survey results provide evidence of speeds of 57.3mph west bound and 54.6mph eastbound, WSCC are satisfied this access has been designed according to the current speeds of the road.

Swept path diagrams

Swept Path diagrams for a rigid truck, 16.5m articulated vehicle and standard car have been provided and all can navigate the access and internal road layout with ease. A 25m turning circle is also shown on the plans which will allow large vehicles to enter turn and exit in forward gear. WSCC are satisfied all sizes of vehicle associated with the use can move in and out of the site safely.

Car Parking and Cycle Storage

12 car parking spaces, 1 EVC space and 1 disabled space are included in the layout design. This is based on the number of employees using the site as an office, and the submitted census data which estimates at least 80% of trips by staff will be by car. Cycle storage and showers are also provided to encourage cycling and whilst there are no immediate cycle links from the site, there are routes close by that connect into Chichester and could provide an alternative to using the car. WSCC consider the site provides ample car parking and cycle storage in line with NPPF guidance on promoting sustainable transport.

Walking

Whilst the site will be fairly self-sufficient, WSCC would ask the applicant to consider creating a pedestrian entrance/exit onto Town Lane/PROW 285, this leads into the village of Boxgrove which could provide a sustainable walking route for office staff who may live in the village, or provide an area for office workers to get some exercise or walk to local amenities. Can the applicant advise if they are willing to consider this to improve the sustainability of the site.

Trips and impact on the highway network

TRICS does not provide data on these sorts of sites and as such National Highways have taken a first principles approach and used data from a similar site in the country. It is expected that trips in the winter months will be higher, this is from October to May, with the worst-case scenario of 24 two-way trips per day, and up to 4 deliveries of salt per day. During the summer, June to September, this will be negligible with at the most 2 two-way trips for vehicle maintenance purposes.

Staff using the site as an office base are likely to create 20 two-way car trips per day, this equates to 2 two-way trips in the peak hour, a canteen on site will also reduce trips out of the site for lunch breaks etc. As such WSCC do not require any junctions modelled.

Summary

WSCC raise no objection to the proposal however we would suggest modifications to the layout plan to include a pedestrian/cycle access from the south/eastern corner of the site to improve sustainability and well-being.

6.7 WSCC Lead Local Flood Authority

We object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) & Drainage Strategy as the application is not in accordance with the NPPF paragraph 167 and 169, PPG Flood risk and coastal change or Policy 42 in the Chichester Local Plan.

We will consider reviewing this objection if the issues as highlighted below are adequately addressed:

1. FSR rainfall has been superseded as it underestimates the volume of rainfall. Please use FEH2022 rainfall data instead for all calculations.
2. Calculations to show 50% AEP rainfall event does not surcharge in the drainage network and 3.3% AEP rainfall event plus climate change does not flood outside the drainage network which is designed to hold water are both required.
3. Winter groundwater monitoring and infiltration testing in accordance with BRE365 standards is required.
4. A Cv value of 0.75 is currently being used in calculations, which means that not all the water within the catchment is draining into the proposed drainage system. A Cv value of 1 should be used instead.
5. Increased use of source control measures suggested, instead of heavy reliance on a traditionally designed pipe, tank and end of pipe design system.

6. Further information on the infiltration basin required, as on the landscape plan it states that it is a SuDS pond, however it is called an infiltration basin in FRA/Drainage Strategy. Will it be a year-round feature, or just used in heavy rainfall events?
7. The site is within an SPZ, therefore it is suggested the EA are consulted.
8. Appropriate easements (to the adopting authority standard) to SuDS features should be shown on a drawing, this will be a minimum of 3m. Vehicular access route and off road parking needs to be provided to ponds, basins and swales

6.8 CDC Drainage

Surface Water Drainage:

The documents submitted in support of this application suggest that the proposed means of surface water drainage is through on-site infiltration via soak-away structures and other SuDS features such as an infiltration basin and filter drains. Therefore, the potential for on-site infiltration should be investigated and backed up by winter groundwater monitoring and winter percolation testing. If on-site infiltration is not possible, drainage via a restricted discharge to a suitable local watercourse may be acceptable.

We suggest that, at the earliest stage, the developer gives due consideration to the appropriate location and design of surface water drainage features to achieve necessary capacity, water quality (via the SuDS management/treatment train), as well as ease of on-going maintenance.

Additionally, the proposals submitted to date are based upon assumed favourable infiltration rates and assumed peak groundwater depths that would enable such an approach.

CDC drainage officer asked if the proposed layout flexible enough to ensure sufficient space is available for the required SuDS infrastructure if infiltration rates and/or peak groundwater levels are not as supportive of the current proposals as hoped and whether there are any ground investigation results available at this stage that support the proposals. These are not included with the application.

Given the nature of the development, to bring it in line with current guidance, the documentation supporting the drainage design should be able to demonstrate that the infiltration/SuDS features can accommodate the water from a 1 in 100-year critical storm event, plus an additional climate change allowance.

Should the application be approved we recommend conditions relating to surface water drainage scheme and maintenance and management of SuDS system.

Flood Risk:

The site is wholly within flood zone 1 (low risk), however the surface water flood risk maps indicate that during and following significant rainfall events that there may be some surface water flooding in the immediate vicinity of the proposed entrance to this development. Additionally, there also appears to be a risk of surface water flooding around the southern and western boundary of the site, whilst that may not directly affect the proposed development, the Flood Risk Assessment and surface water drainage strategy should detail how these risks will be appropriately managed. I suggest that WSCC Lead Local Flood Authority are consulted.

Public Potable Water Source Protection Zone (SPZ):

The site falls within an SPZ, therefore the EA should comment on the acceptability of infiltration drainage at this location.

6.9 CDC Environmental Protection

Land contamination

A Tier 1 Contamination Risk Assessment has been submitted produced by SWECO dated 3 April 2023. The report has been undertaken in accordance with appropriate guidance and includes a desk study and site walkover in order to develop a preliminary risk assessment. The report concludes that a ground investigation is necessary to enable a quantitative risk assessment to be carried out. We agree with the conclusions of the report. Recommend conditions in relation to ground contamination investigation (and if found for remediation and verification), pollution prevention measures for the fuel storage area and vehicle wash down.

Noise

A noise impact assessment has been submitted produced by MZA Acoustics dated 27 June 2023. The report has followed the appropriate guidance and used acceptable criteria to assess the noise impact from future operation of the site. Sections 7 and 8 report the findings of the noise assessment based on the methodologies in BS4142 and BS8233.

The report concludes as follows:

Sound levels are shown to exceed existing background sound levels at the nearest noise-sensitive receptors during the night-time. However, considering the very low existing background sound levels at the NSRs, the absolute noise levels of the noise emissions from the site at the nearest noise sensitive receptors has also been undertaken. It has been shown that the absolute levels of noise emissions at properties, allowing for transmission into a room with a partially open window, are very low and significantly below typical indoor ambient noise levels.

The maximum noise levels due to gritters as they pass by NSR Groups 1 and 2 are expected to be similar in noise level and character to current road traffic carried by Stane Street A285 and Roman Road (including cars, busses, HGVs and agricultural classes). Additionally, the number of depot vehicles will be relatively few. As such, it is considered unlikely that the NSRs would experience a change in noise impact from vehicles associated with the depot.

Therefore, overall it is considered unlikely that there would be a significant noise impact on the nearest NSRs due to the operations of the proposed National Highways depot.

We agree with the conclusions of the report but recommend that the suggested mitigation measures in Section 9 are put in place, secured by a suitable condition. In addition it is recommended that the wash down area is not used during evening and night-time hours (except in emergencies).

Air quality

The predicted number of vehicle movements from operations at the site do not trigger the need for an air quality impact assessment to be carried out. A transport statement has been submitted.. The report concludes that the level of HGV trips generated by operations at the site is not considered to result in a material change to the highway conditions around the site - this in turn indicates a minimal impact on local air quality. An EV charging point is proposed at the site and cycle parking facilities - these measures should encourage cleaner forms of transport to be used at the site. It is noted that heating is to be provided by Air Source Heat Pumps which is welcomed to reduce emissions from plant on-site.

Construction

During construction of the development, a construction environmental management plan (CEMP) should be put in place to control environmental impacts from construction works.

6.10 CDC Planning Policy

The adopted Local Plan represents the development plan and the starting point for the consideration of any planning application. Consequently, as the application site is outside the settlement boundary the application falls to be considered against Policy 45 as indicated above.

The site falls within identified Sub-area 72 in the Landscape Capacity Study 2019. The assessment of the sub-area provides that the landscape is predominantly Grade 2 agricultural soil with medium capacity for development constrained by its historic landscape and its role as part of the setting of the SDNP. It states that a small amount of development may be accommodated within or around existing settlements or clusters of built form. However, the proposals for the site in this sensitive location will require further consideration and justification.

The adopted Neighbourhood Plan is clear in that outside the settlement boundary, only certain forms of development will be supported. The applicant's proposed depot does not fall within the list of development supported nor does it meet the criteria of the adopted Local Plan Policy 45 set out above.

The emerging Local Plan sets out the Council's direction of travel for future development in the local plan area. The Chichester Local Plan 2021-2039: Proposed Submission has now completed 'Regulation 19' consultation (17 March 2023) and it is anticipated that the plan will be submitted for examination in early 2024. Accordingly, the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the National Planning Policy Framework (NPPF) and consequently could be afforded moderate weight in the decision-making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF.

Whilst the policies and strategic approach are yet to be tested through examination, they are nonetheless a consideration in the determination of the application and should be applied accordingly. The emerging Plan encourages economic development within the settlement boundaries and settlement hubs with rural economic development confined to that which supports the rural communities, expands or diversifies existing rural businesses and is well related to an existing farmstead/group of buildings or located close to an established settlement.

To date, insufficient evidence has been provided to justify the selection of this site for the proposal.

It does not appear that adequate consideration has been given to alternative sites which potentially may include sites formed of previously developed land or sites that are within or around existing settlements or clusters of built form. Without maps showing the location and extent of the sites considered and listed in Appendix 2 of the Planning Statement, it is not clear which areas of land the analysis is referring to.

In addition, it does not appear the applicant has given consideration to either existing or future allocations of employment land which may lend themselves to such proposals. If this element has been excluded from the search process within the Chichester plan area, it would seem unlikely such sites have been considered in the wider search area for the Havant or Arun plan areas either. A good starting point for any analysis of potential sites would be the Chichester District Council Housing and Economic Land Availability Assessment (HELAA) Housing and economic land availability assessment - Chichester District Council which lists sites that have potential for development in the plan area. This may then well be amplified by the applicant's own approach to landowners.

The justification of the location of the site is a primary consideration for the decision maker. Consequently, further work in relation to this aspect is required.

Conclusion

The adopted Local Plan and the 'made' Boxgrove Neighbourhood Plan represent the development plan and the starting point for the consideration of any planning application.

Consequently, at this stage and without sufficient justification for the location and selection of the site, this proposal is contrary to adopted policy and a policy objection is raised.

6.11 CDC Landscape

- The salt barn is proposed to have a height of 12m to eaves externally, for operational reasons. The scale and magnitude of this structure would result in a great degree of change in the rural landscape.
- The landscape strategy proposes new tree planting along Stane Street, a wildflower meadow to the west and southern boundaries and new tree planting to reinforce the existing tree lines. However, considering the wide-open views towards the site, the proposed planting is not sufficient to minimise the detrimental effects to the visual amenity of the landscape.
- The proposed new buildings will not fit well into the landscape and will be clearly visible from the surrounding area. The impact of the large structure has not been assessed from the sensitive receptors at South Downs National Park and from Boxgrove conservation area.
- A Landscape and Visual Impact Assessment (LVIA) evaluated in accordance with the 'Guidelines for Landscape and Visual Impact Assessment' (3rd edition) was required to assess the impact that the proposed development would have had on the surrounding receptors.
- I would like to reiterate South Downs National Park comments that state that there has been no attempt to assess the site's current contribution to the setting of the National Park, nor to explain how the development has been designed to respond to that setting and conserve or enhance the special qualities of the National Park.
- Owing to the low lying flat and open nature of the site, it is considered that the visual impact of such an enormous structure would be extremely detrimental to the setting of the National Park.
- The proposed landscaping scheme is inadequate and should have shown significant improvement with regards to mitigation measures. A structure in such a sensitive location should have been coupled with a low impact design of the building and sufficient landscaping to screen the site.
- The adverse night-time effects resulting from the proposals that would lead to the erosion of rural and largely tranquil characteristics of the area have not been considered.
- There is a mention of retained trees potentially affected through disturbance to Root Protection Areas and involvement of heavy vehicles close to the tree root protection areas. This along with the proposed fuel island can lead to chemical substances leeching in the ground and proving detrimental to the mature trees.
- Although it is acknowledged that a large area of the RPA on the south boundary is affected by high density concrete construction. The proposed mitigation of the existing trees and their root protection areas has not been sufficiently addressed in the Arboricultural Impact Statement.

Overall, it is considered that there is insufficient information to adequately assess the impact of the proposals on the wider and immediate landscape.

It is also considered that the proposals in their current form seem unsuccessful in achieving a landscape led design approach and hence is not considered capable of support from landscape perspective.

6.12 Environmental Strategy Unit

Updated Comments in relation to badgers

Looking at the mapping system, I am happy that if there are no works (or any kind) within 30m of the badger sett which is in the [classified location outside of the application site] then a full badger survey is not required at this stage and a condition will need to be put in place for this. However, we will still require that prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.

Updated Comments in relation to BNG

As detailed within the Biodiversity Net Gain Statement (July 2023) based upon the current plans and there will be a net gain of +12.45% for area habitats and a net gain of +69.74% for hedgerow linear habitats. We are satisfied that this meets the requirements of BNG and the proposed enhancements should be incorporated into all landscaping plans. We will also require that full details on how the habitats and enhancements onsite will be managed during the construction phase and post construction will need to be included within the Construction Environmental Management Plan (CEMP) and Landscape and Management Plan (LEMP).

Original comments

Badgers

There is potential for badgers onsite, due to this and as recommended within the Preliminary Ecological Appraisal Report (May 2023) we require that badger survey is undertaken and submitted prior to determination. If badgers are recorded onsite then a mitigation strategy will be required and also must be submitted with the application prior to determination.

Reptiles

Following submission of the Preliminary Ecological Appraisal Report (May 2023) we are happy that the precautionary mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Great Crested Newts

Following submission of the Preliminary Ecological Appraisal Report (May 2023) we are happy that the precautionary mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Trees

All trees on the eastern, southern and western boundaries of the site should be retained and enhanced. The trees which are proposed to be removed on the northern boundary will need to be replaced at a ratio of 1:3 and precautions as detailed within the Preliminary Ecological Appraisal Report (May 2023) should be undertaken for their removal.

Bats

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this. Any lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that a bat box is installed on the building / trees facing south/south westerly positioned 3-5m above ground.

Dormice

The hedgerows on site are used by dormice for commuting and foraging and will need to be retained and enhanced for dormice. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

Hedgehogs

Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work). We would like a bird box to be installed on the building / and or tree within the site.

Biodiversity Net Gain

As detailed within the Biodiversity Net Gain Statement (May 2023) based upon the current plans and there will be a net gain of +7.93% for area habitats and a net gain of +27.29% for hedgerow linear habitats. However to meet the 10% BNG requirement a further conversion of 0.023Ha (230m²) species rich grassland into wildflower meadow. Please can we have confirmation that this is feasible onsite. However if this is not the case off site options will need to be explored. We will also require that full details on how the habitats and enhancements onsite will be managed during the construction phase and post construction will need to be included within the Construction Environmental Management Plan (CEMP) and Landscape and Management Plan (LEMP).

Policy 40

Following submission of the Energy Strategy Report (May 2023) we are satisfied that this meets the requirement of Policy 40 and a condition should be used to ensure this takes place.

6.13 Archaeology

There is nothing specific known about the archaeology of this site that would lead to the conclusion that it should not be developed. However, its northern boundary follows the line of the Stane Street Roman Road and it lies in a general area that has been shown to be particularly attractive to settlement and land management, especially in late prehistory and the Roman period. In the circumstances the site should be evaluated by trial trenching ahead of development, the aim being to identify significant deposits that might be present and to implement appropriate measures for their preservation. This process would be best secured via condition.

6.14 Economic Development

The Economic Development Service neither supports to or objects to this application.

While we appreciate the requirements for a National Highways Depot in the local area, we feel better use could be made of existing sites.

There is no justification for a development of this size in terms of jobs created, the general economic impact and siting of the proposed buildings in this location.

6.15 Third Party Representations

There have been 44no representations made by third parties in relation to this application, including 43no objections and 1 general representation.

Summary of representations:

- Harm to the countryside
- Harm to the setting of the South Downs National Park
- Harm to experience of walking along PROW
- Impact on wildlife
- Noise disruption
- More traffic on a dangerous road
- Road safety and accident concerns
- Already a lot of traffic in the area, particularly during Goodwood
- Concerns about air pollution
- Loss of agricultural fields/Grade 2 Best and Most versatile land
- Brownfield or commercial site should be used
- Harm to dark skies
- Contrary to made Neighbourhood Plan
- Very little to justify the proposal
- No relationship with surrounding area or close to an existing settlement
- Industrial style and materials not in-keeping with the area
- Will dominate the streetscene
- No evidence of assessment of other sites provided
- Concern that the site is promoted due to availability only, not on planning merits
- No evidence that trees are at risk of falling
- Proposed building within the RPA and damage to trees
- No assessment of landscape impacts provided
- Light pollution due to need for site to be used at all hours

- Site regularly floods
- Harmful to food security
- Climate change means need for gritting will be less
- Trees have already been removed
- Contrary to the development plan. Departure should only be allowed where there is overwhelming reasons to do so
- Proposed use not Sui Generis
- No evidence of employment growth/ economic benefit
- Height equates to 4 storey building
- No amount of 'enhanced planting' would conceal the buildings

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and the made Boxgrove Neighbourhood Plan 2017-2029.
- 7.2 The principal development plan policies relevant to the consideration of this application are therefore as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 3: The Economy and Employment Provision

Policy 6: Neighbourhood Development Plans

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 45: Development in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 54: Open Space, Sport and Recreation

Boxgrove Neighbourhood Plan 2017-2019

SB1 Outside of the settlement boundary

EH1 Protection of trees and hedgerows

EH5 Development on Agricultural land

EH7 Dark Skies

EH8 Respecting Landscape and Historic Environment

EE1 Employment uses

Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19)

7.3 The Chichester Local Plan 2021-2039: Proposed Submission (LPPS) has now completed its 'Regulation 19' consultation (17 March 2023). The Council's published Local Development Scheme (January 2023) anticipated the plan will be submitted for examination in Summer 2023, this is now anticipated to be early 2024. Accordingly, the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the National Planning Policy Framework (NPPF) and consequently could be afforded moderate weight in the decision-making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF. Policies relevant to this application are:

Policy S1 Spatial Development Strategy
Policy S2 Settlement Hierarchy Policy
Policy NE2 Natural Landscape
Policy NE5 Biodiversity and Biodiversity Net Gain
Policy NE6 Chichester's Internationally and Nationally Designated Habitats
Policy NE8 Trees, Hedgerows and Woodlands
Policy NE10 Development in the Countryside
Policy NE15 Flood Risk and Water Management
Policy NE16 Water Management and Water Quality
Policy NE20 Pollution
Policy NE21 Lighting
Policy NE22 Air Quality
Policy NE23 Noise
Policy NE24 Contaminated Land
Policy P1 Design Principles
Policy P2 Local Character and Distinctiveness
Policy P4 Layout and Access
Policy P5 Spaces and Landscaping
Policy P8 Materials and Detailing
Policy P14 Green Infrastructure
Policy E1 Meeting Employment Land Needs
Policy E2 Employment Development
Policy T1: Transport Infrastructure
Policy T2 Transport and Development
Policy T3 Active Travel - Walking and Cycling Provision
Policy T4 Parking Provision

National Policy and Guidance

- 7.4 Government planning policy comprises the National Planning Policy Framework (NPPF December 2023) and related policy guidance in the Planning Practice Guidance (PPG).
- 7.5 Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed;

or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.6 The following sections of the revised NPPF are relevant to this application: 2, 4, 6, 8, 9, 11, 12, 14, 15 and Annex 1. The below paragraphs of the NPPF are of particular relevance.

7.7 Paragraph 135 states that planning decisions should ensure that developments (inter alia):

- will function well and add to the overall quality of the area.
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

7.8 Paragraph 165 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

7.9 Paragraph 173 states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Development should only be allowed in areas at risk of flooding where it can be demonstrated that (inter alia):

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location.
- the development is appropriately flood resistant and resilient.
- it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate.

7.10 Paragraph 175 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the lead local flood authority;
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.

7.11 Paragraph 180 states that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia):

- protecting and enhancing valued landscapes,
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land.

- 7.12 Paragraph 182 states that great weight should be given to conserving and enhancing 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 these issues and that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 7.13 Paragraph 185 states that, to protect and enhance biodiversity and geodiversity, plans should (inter alia) safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them.
- 7.14 Paragraph 186 states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 7.15 Paragraph 188 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 7.16 The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

- 7.17 The following documents are also material to the determination of this planning application:
- CDC Surface Water and Foul Drainage SPD (September 2016)
 - CDC Flood Risk Sequential & Exceptions Test (January 2023)
 - CDC Level 1 Interim Strategic Flood Risk Assessment (SFRA) (December 2022)
 - CDC Level 2 Interim Strategic Flood Risk Assessment (SFRA) (December 2022)
 - CDC Level 1 SFRA - Interim Methodology in support of Performing the Sequential Test (December 2022)
 - WSCC Guidance on Parking at New Developments (September 2020)
 - Chichester Landscape Capacity Study (March 2019): Sub-area 72
 - West Sussex Landscape Character Assessment (2003)
- 7.18 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- Maintain low levels of unemployment in the district.

8.0 Planning Comments

8.1 The key planning considerations for this application are:

- i.Principle of development
- ii.Impact on the landscape character of the area and the setting of the South Downs
- iii.Flood risk and surface water drainage
- iv.Potable Water
- v.Land contamination
- vi.Noise and air quality
- vii.Highways and access
- viii.Ecology
- ix.Habitats Regulations
- x.Sustainable construction and design
- xi.Archaeology
- xii.Economic development
- xiii.Agricultural land classification

i. Principle of Development

8.2 The application site is located outside of the settlement boundary and therefore in the "countryside". Policies 45 of the CLP and SB1 of the Boxgrove Neighbourhood Plan are relevant here. Policy 45 of the CLP applies to development in the countryside and seeks to ensure that development would only be granted where it requires a countryside location and meets essential, small scale and local need which cannot be met within or immediately adjacent to existing settlements.

8.3 In addition, under policy 45 planning permission can only be granted in the countryside where it can be demonstrated that the site is well-related to an existing farmstead or group of buildings, located close to an established settlement, is complementary to any viable agricultural operations on a farm and other existing viable uses and requires a countryside setting.

8.4 The assessment of the application against these criteria of policy 45 is set out below:

- Requires a countryside location - the proposals seek to provide a new highways depot and salt barn for use by National Highways for the storage of and operations related to salt distribution for road gritting. This site would support National Highways operations from approximately Havant to Brighton across the south-east coast. It is considered that insufficient information has been provided by the applicant to demonstrate that other sites in Chichester District and other districts within the area which the depot would serve have been fully considered. For example, there is insufficient evidence that adequate consideration has been given to previously developed land, sites that are within or around existing settlements or clusters of built form, or to existing or future allocations of employment land which may lend themselves to such proposals in Chichester District or other relevant authorities. As such, the application fails to comply with the requirement of Policy 45 to demonstrate the development requires a countryside location.

- Essential, small scale and local need - It is understood that the need for a new salt barn arises from an existing site, outside of the district, nearing the end of its lease. Whilst the proposal would meet an important regional need, it cannot be demonstrating that the application is essential in the location proposed or meets a specific local need other than the wider regional need. Furthermore, the major scale of the development means that it cannot be considered small scale. Therefore, it therefore does not meet these criteria of policy 45.
- Cannot be met within or immediately adjacent to existing settlements - As discussed above, the application provides insufficient information to demonstrate that other sites, either within or adjacent to existing settlements have been considered and therefore the application fails to meet this criterion of policy 45.
- Well-related to an existing farmstead or group of buildings - the application site is removed from any nearby settlement, farmstead or other group of buildings and so fails to meet this criterion.
- Located close to an established settlement - The site is located within the Parish of Boxgrove but is removed of the settlement of Boxgrove by approximately 385m to the west of the settlement boundary. Furthermore, it is visually separated from the settlement, which is visually contained from the application site, and instead relates more to the wider countryside and South Downs beyond Stane Street. As such, the application fails to meet this criterion of policy 45.
- Is complementary to any viable agricultural operations on a farm and other existing viable uses - no evidence has been provided to suggest that the development of this site would aid in the wider site ownership (blue land) being more viable for agricultural operations.

- 8.5 Furthermore, Policy SB1 (Settlement Boundary) of the Boxgrove Neighbourhood Plan states that, outside the Boxgrove settlement boundary, development will be supported for agriculture; forestry; recreation; and essential wastewater utility infrastructure. The application does not propose to meet these types of development.
- 8.6 As it is recognised that the proposals would meet an important regional need, the applicant has been asked to provide evidence to justify why the application site is required for this development. However, this has not been forthcoming over a number of months.
- 8.7 As such it is clear that the proposals fail to comply with policy 45 of the CLP and policy SB1 of the Boxgrove Neighbourhood Plan and therefore the application cannot be supported in principle.

ii. Impact on the landscape character of the area and setting of the South Downs of the National Park

- 8.8 The site is located on agricultural land adjacent to, and within the setting of, the South Downs National Park. It is a rural area that is removed from any nearby settlements.
- 8.9 Policy 48 requires proposals to demonstrate no adverse impact on the openness of the views in and around the setting of the South Downs National Park as well as recognise distinctive local landscape character and sensitively contribute to its setting and quality.

- 8.10 The site falls within identified Sub-area 72 in the Landscape Capacity Study 2019. The assessment of the sub-area provides that the landscape has medium capacity for development constrained by its historic landscape and its role as part of the setting of the National Park. It states that a small amount of development may be accommodated within or around existing settlements or clusters of built form. However, the proposals would comprise large scale industrial buildings removed from any nearby settlement or built form which, along with the access, hardstanding, boundary treatments and inevitable use by large vehicles, would create a significant urbanising effect to a rural area and protected landscape. In particular, the scale and magnitude of the salt barn structure would result in a significant degree of change in the rural landscape.
- 8.11 The submitted information makes little assessment or justification of the impact on the landscape of the area. For example, the proposals have not been assessed from the sensitive receptors within South Downs National Park or from the Boxgrove Conservation Area.
- 8.12 Furthermore, the proposals include very little landscaping to the frontage onto Stane Street, and the South Downs beyond, in mitigation of this impact. The landscape strategy proposes new tree planting along Stane Street, a wildflower meadow to the west and southern boundaries and new tree planting to reinforce the existing tree lines. However, considering the wide-open views towards the site, the proposed planting is not considered to be sufficient to minimise the detrimental effects to the visual amenity of the landscape. The Salt Barn building in particular is tall and wide and as such, any level of landscape would not screen the development from the setting of the National Park, only seek to lessen the impact. Officers allowed for the applicants to submit revised information in this regard but this has not been forthcoming over a number of months.
- 8.13 In addition, the landscape plans show retained trees to be potentially affected through disturbance to Root Protection Areas and involvement of heavy vehicles close to the tree root protection areas. The proposed mitigation of the existing trees and their root protection areas has not been sufficiently addressed in the Arboricultural Impact Statement.
- 8.14 Also, the night-time effects resulting from the proposals could result to the erosion of rural and largely tranquil characteristics of the area. The scheme has the potential to impact on the Dark Skies areas of the National Park, which has not been addressed by the proposals.
- 8.15 Notwithstanding the limited assessment of the impact on the landscape character, it is considered that the visual impact of a development by virtue of its major scale in an otherwise flat, open and rural landscape would result in a substantial detrimental impact to the setting of the National Park. Furthermore, the scheme offers little by means of mitigation. It is considered that the application as currently proposed constitutes an inappropriate form of development which is insufficiently justified. The application fails to conserve or enhance the special qualities of the National Park and would result in harm to the rural character of the area and the setting of the National Park.

iii. Flood risk and surface water drainage

- 8.16 The site is located within flood zone 1 (low risk). However, the surface water flood risk maps indicate that during and following significant rainfall events that there may be some surface water flooding in the immediate vicinity of the proposed entrance to this development. Additionally, there also appears to be a risk of surface water flooding around the southern and western boundary of the site. The Flood Risk Assessment and surface water drainage strategy have not assessed these risks or explored how they would be appropriately managed.
- 8.17 In terms of the Surface Water Drainage, the application proposes a combination of subterranean plastic crate soakaways and open infiltration systems. The plans indicate a SUDs pond to the south-east corner of the application site and a 'potential' area for a swale to the western edge of the site. However, as highlighted by the comments of CDC's drainage officer, the proposals submitted to date are based upon assumed favourable infiltration rates and assumed peak groundwater depths that would enable such an approach. Once the correct methodology has been undertaken on the FRA and Drainage Strategy, including ground investigation works to establish infiltration rates and peak groundwater levels, the current layout may no longer be suitable. The application seeks full planning permission and therefore the layout would be fixed at the time of decision. As such, as the data provided to date does not provide certainty that the site can be drained of surface water other than in favourable conditions.
- 8.18 The LLFA and CDC Drainage officer have provided detailed information on the information that is required to in a suitable FRA and Drainage Strategy including the need for winter groundwater monitoring and infiltration testing, further information in relation to SUDs proposals and using current standards of assessment and calculations. However, given the current lack of an adequate FRA and Drainage Strategy, it is not possible for the LPA to determine that the site could be adequately drained or that it would not suffer from flooding.

iv. Potable water

- 8.19 The application site falls within source protection zone 3 and therefore the consideration of any potential contamination of groundwater needs to be given. The Environment Agency does not object to the application on the grounds of its location within the source potential zone, subject to securing conditions relating to details of fuel storage facilities and their installation, details of mitigation measures to support surface water infiltration and in the event that unexpected contamination is found, a remediation strategy is submitted for approval. If the application were to be recommended for approval, conditions to this effect would be required on any permission.

v. Land contamination

- 8.20 The application is supported by a stage 1 Contamination Risk Assessment which concludes that ground investigation work is necessary to enable a quantitative risk assessment to be carried out. As such, it is necessary for groundworks to be undertaken and the findings and subsequent assessment provided via a stage 2 report. This report should also include pollution prevention measures to be put in place in the fuel storage area and vehicle wash down area to prevent ground or water pollution from site operations. This can be secured via condition should the application be approved, which is common practice in such cases.
- 8.21 If the stage 2 report shows that there is ground contamination, there may be a need for remediation and verification. Should the application be approved conditions could also be applied to allow for such remediation and verification proposals to be submitted and approved by the Council if necessary but will only need discharging if land contamination is encountered.

vi. Noise and air quality

- 8.22 A noise impact assessment has been submitted with this application which assesses the noise impact from future operation of the site. It finds that given the distance to noise receptors the absolute levels of noise emissions at properties, allowing for transmission into a room with a partially open window, are very low and significantly below typical indoor ambient noise levels.
- 8.23 In terms of the noise of gritter vehicles passing by properties, the noise reports finds that this would be similar in noise level and character to current road traffic, with minimal increased activity generated by the proposed use.
- 8.24 The CDC Environmental Protection officer agrees with the finds of the noise assessment. As such it is considered that the proposals would not be harmful in terms noise relating to the operations of the depot.
- 8.25 If the application were to be approved, a condition could be applied to ensure that the wash down area is not used during evening and night-time hours (except in emergencies).
- 8.26 Furthermore, it is considered that, as a result of the relatively minimal increase in vehicle traffic generated by the proposals, there would be minimal impact on the air quality of the local area. This is further mitigated by the proposed installation of an EV charging point, cycle parking facilities and heating via Air Source Heat Pumps all of which help to reduce emissions on site.
- 8.27 During construction of the development, there may be more potential for temporary noise and air quality impacts which, if the application were to be approved, which could be managed via the provision of a construction environmental management plan (CEMP) to be secured via condition.

vii. Highways

- 8.28 The proposal has been considered by WSCC as the Local Highway Authority (LHA), who initially raised no objection to the application subject to recommended conditions. However, officers at WSCC have since highlighted the lack of a 'Road Safety Audit (with designer's response)' which would need to be provided with the application and considered by WSCC prior to any grant of planning permission. This is omitted from the submission.
- 8.29 The application proposes that a new access would be created onto the A283 Stane Street, providing a 16m wide access with 11m kerb radii. Visibility splays would be set back 2.4m from the centre of the access providing 174m to the west and 187m to the east. Given the speed survey results provide evidence of speeds of 57.3mph west bound and 54.6mph eastbound, WSCC have not raised any specific concerns with this access, nor have they with regards to the ability for vehicles to navigate the internal roads. However, WSCC are not able to fully support the application in the absence of the Road Safety Audit required.
- 8.30 In terms of the impact on the wider network, WSCC consider that the vehicle trips to be low enough to negate any significant impact on the road network, with a worst-case scenario of 24 two-way trips by operational vehicles per day, and up to 4 deliveries of salt per day during the months of October to May, with only trips for vehicle maintenance likely during the summer months. The level of staff would also mean a low level of daily car movements by staff.
- 8.31 In terms of parking, a total of 12 car parking spaces including 1 EV charging space and 1 disabled space are included in the layout design. This is based on the number of employees using the site as an office using census data to estimate that at least 80% of trips by staff will be by car. Cycle storage and showers are proposed as part of the development, therefore allowing for cycling where desired. It is therefore considered that the site would provide sufficient car parking and cycle storage in line with WSCC guidance and comments.
- 8.32 WSCC have asked for the applicant to provide a pedestrian entrance/exit onto Town Lane/PROW 285 which leads into the village of Boxgrove to provide a sustainable walking route for office staff who may live in the village or provide an area for office workers to get some exercise or walk to local amenities. The applicant has not provided this. However, officers do not consider that the lack of this infrastructure provision would warrant a reason to refuse the scheme.
- 8.33 Overall, it is considered that, due to the lack of a Road Safety Audit, it is not possible to determine that the development would not result in harm related to road safety. Paragraph 115 of the NPPF (December 2023) states that development can only be refused on highways grounds when the impact would be 'severe'. Without the appropriate evidence being provided within a Road Safety Audit and therefore lack of evidence that the road safety implications would not be severe, it is considered that this is an appropriate and justified reason to refuse this planning application.

viii. Ecology

- 8.34 The application includes a Preliminary Ecological Appraisal Report (May 2023). This sets out the impact of the site on protected species and their habitat, along with the mitigation proposed. Each species will be discussed in turn.

- 8.35 The site falls within an area which has the potential for badgers to be presents. The precise location of badger setts is not made public but it is understood that there is a sett near to, but outside of, the application site. Development must not fall within 30m of this. It is understood that the sett is beyond 30m from the application site and so would be unaffected. However, if the application were to be approved, a condition should be applied to ensure that, should a set be found on site, that works stop until an appropriate mitigation strategy is agreed.
- 8.36 In terms of habitat, CDC's ecologist states that all trees on the eastern, southern and western boundaries of the site should be retained and that the trees which are proposed to be removed on the northern boundary will need to be replaced at a ratio of 1:3. However, as highlighted in the landscape section, the application seeks to remove trees from the southern and western boundaries of the site with other trees having the potential to be harmed due to the proximity of the development to their root protection zones. This raises concerns about the impact on the habitat within the site boundary features. The trees and hedgerows around the site are used by dormice and bats for commuting and foraging, as well as by Great Crested Newts and other amphibians, hence the need for them to be retained and enhanced for these species. The loss or damage to trees undermines this.
- 8.37 Furthermore, to ensure that protected species are not discouraged from using the habitat, a buffer strip around the tress and hedgerows of 5m should be included in the layout of the scheme and during construction fencing should be used to ensure this area is undisturbed. At present, there are areas to the south of the site where development is within 5m of these features. As such, it is considered that the scheme as currently proposed does not sufficiently protect the existing on-site habitat for use by dormice and bats. The applicant has been given the opportunity to address this but has not provided additional information at the time of writing.
- 8.38 Furthermore, any lighting scheme for the site would need to take into consideration the presence of bats in the local area. Whether this can be dealt with via condition or needs to be addressed during the application period depends on whether the site is used solely by common species of bats (e.g pipistrelles) or whether there is a potential impact on European protected species, in this case Barbastelle bats. This is discussed in more detail in the Habitats Regulations section below. However, at present, the application does not provide sufficient information to understand if Barbastelles use the site. Given this lack of information, we would expect to have details of lighting at application stage using the precautionary approach, unless the applicant has adequate survey data to demonstrate that Barbastelles are not using the on-site features.
- 8.39 In the case that the application is approved, it is recommended that a condition is attached to ensure that a bat box is installed on the building or tree facing south/south westerly positioned 3-5m above ground.
- 8.40 In terms of hedgehogs and nesting birds, any suitable habitat would need to be removed using the correct methodology and outside of hibernation and nesting seasons respectively. If the application is approved, conditions should be attached to secure this.

8.41 Overall, due to the lack of adequate dark corridors and landscape buffers along with the uncertainty regarding removal of features, impact on retained trees and potential locations of lighting, the proposal is recommended for refusal due to its impact on protected species.

ix. Habitats Regulations

8.42 The site falls within the 12km buffer of the Singleton and Cocking Tunnels Special Area of Conservation (SAC) which is a protected European site which includes maternity roosts for rare species of bats. The 12km buffer sets out areas which could form functionally linked habitat to the SAC.

8.43 In accordance with the Sussex Bat Protocol, within the 12km zone significant impacts or severance to flight lines should be considered. This includes physical severance of flight lines and severance via impacts such as disturbance which would effectively render it severed if no longer suitable for use by bats, for example, due to lighting impacts. Linear features connected to the wider landscape including mature vegetative features such as woodlands, hedgerows, riverine and wetland habitat should be considered.

8.44 It is considered that due to the proposed loss of some features on the site including trees and potential lighting in proximity to the features, it is considered that the proposals have the potential to create a 'significant adverse impact' on the integrity of the SAC prior to the consideration of mitigation. As such, an 'Appropriate Assessment' must be undertaken in accordance with the Habitat Regulations.

8.45 In undertaking the AA, the Sussex Bat Protocol and previous advice from Natural England suggests that proposals which may have a likely significant effect due to impacts on the SAC require surveys to support assessment of the issue to ensure that key features are retained, in addition to a suitable buffer to safeguard against disturbance. The scale of the buffer will need to be determined on a case by case basis informed by bat activity survey work and would take into account the species involved and their sensitivity to disturbance/artificial lighting and the natural screening provided by existing surrounding vegetation.

8.46 The application has not been informed by bat survey data. It is instead supported by a Preliminary Ecological Appraisal (PEA) and Ecological Impact Assessment. The PEA states that:

"The key ecological features of the Singleton and Cocking Tunnels SAC are Bechstein's bat, barbastelle, horseshoe bats, and greater mouse-eared bat which are likely to use the hedgerow with trees and line of trees within the site for commuting and foraging; therefore, the works have the potential to indirectly impact these bats via disturbance and habitat loss."

8.47 In relation to the SAC, the PEA report recommends that:

"If the boundary habitats are retained (hedgerows with trees, scattered trees and scrub) and maintained as suitable for foraging and commuting bats with dark corridors, no further surveys are required. If removal of suitable commuting and foraging habitat is required, or significant lighting as part of development plans along the boundary features, a Habitat Regulations Screening Assessment (HRA) report will be required in the first instance to assess the potential for impacts of the proposed development on the qualifying features of

the designated site (bats). This report would require supporting with appropriate bat activity and commuting surveys. If any likely significant effects are identified, a Habitat Regulations Appropriate Assessment would be required."

- 8.48 In reviewing the PEA along with the EIA, and the comment of the Council's Environment Officer, it is considered that the appropriate mitigation would be for hedgerows and trees to be retained and for a 5m buffer to any proposed development to act as a dark corridor. In this case, bat surveys would not be required as the scheme would include appropriate mitigation to ensure the functionally linked habitat is not adversely affected by the development.
- 8.49 However, whilst many of the trees and hedgerows would be retained, there are multiple trees to the south of the site which could be damaged through disturbance to the RPAs as result of the development. Furthermore, most of the southern boundary has trees within 5m of the development's edge (service yard) which will be used at sporadic hours including at night-time. The southern most 'activity' of the site would be the fuel island used for refuelling vehicles. Given that nature of the proposed use as a salt barn depot where vehicles will need to use the site at all hours to grit roads when necessary, it is likely that this area will need to be lit for operational reasons. No details have been provided on lighting at this stage.
- 8.50 It is considered that the application would either need to provide sufficient bat surveys to understand if and how any bats linked to the SAC are using the site, or fully comply with the recommendation of their PEA and the comments of the Council's Environment Officer. No bat surveys have been provided. Furthermore, if assuming the presence of SAC bats using the precautionary principle, the retention of trees would be required to comply with the PEA, therefore the removal of those trees could impact on any species using those features.
- 8.51 Given the above, it is considered that the LPA, as the competent authority, cannot rule out a likely significant adverse impact on the integrity of the Singleton and Cocking Tunnels SAC as the mitigation which could be through tree and hedgerow retention and a 5m dark corridor buffer would not be achieved by this proposal.
- 8.52 Accordingly, the local planning authority must refuse permission in accordance with Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations). Furthermore, the proposal conflicts with Policies 49 and 52 of the Chichester Local Plan: Key Policies 2014-2029 and paragraph 186 of the National Planning Policy Framework (December 2023).

x. Sustainable Construction and Design

- 8.53 In accordance with policy 40 of the CLP, the application must demonstrate that the development meets the required standards of sustainable design, including carbon reduction and energy efficiency. The Energy Strategy Report (May 2023) which supports the application proposes a fabric first approach through using sustainable construction materials and methods and includes photovoltaics and 1 electric vehicle charging point.
- 8.54 It is considered that the proposals meet the requirement of Policy 40. If approved, a condition should be attached to any permission to ensure this takes place.

xi. Archaeology

8.55 The northern boundary of the application site follows the line of Stane Street (a roman road) and as such the site has the potential for archaeological findings resulting from its proximity to the known Archaeological Protection Area. Therefore, prior to development, it would be necessary for the site to be evaluated by trial trenching in order to identify any significant deposits that might be present and to implement appropriate measures for their preservation. A condition could secure this takes place should the application be approved.

xii. Economic Development

8.56 There is limited economic benefits associated with the scheme. The application form states that development would require 20 employees. However, as the proposals seeks to replace an existing depot elsewhere, it is considered that any jobs at the site would simply replace those at the current premises. The CDC Economic Development Service have stated that they feel that better use could be made of existing sites for such a development and that there is no justification for a development of this size in terms of job creation, the general economic impact and siting of the proposed buildings in this location.

8.57 As such, it is considered that there is limited, if any, economic benefit to this proposal.

xiii. Agricultural land classification

8.58 Online mapping suggests the site comprises wholly Grade 2 agricultural land which is regarded as being Best and Most Versatile (BMV) agricultural land.

8.59 Policy 48(4) of the CLP states inter alia that planning permission will be granted where development of poorer quality agricultural land has been fully considered in preference to BMV land. This approach is underpinned in the NPPF which states at para 180(b) that planning policies and decisions should contribute to and enhance the natural and local environment by inter alia 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland'. Footnote 62 of the NPPF clarifies that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

8.60 Whilst the extent of that loss at 2.2ha hectares is comparatively small, the application gives little justification on the need for the development in this location, compared with existing brownfield or industrial sites. As such, it is considered that there is no justification of the loss of the land prior to previously developed sites being considered.

Conclusion

8.61 From the assessment above, it is considered that the application fails to comply with the Development Plan, NPPF and other relevant guidance in respect of the location of the proposals within the countryside and on agricultural land without sufficient justification, harm to the landscape setting of the South Downs National Park, failure to comply with the Habitat Regulations with regards to bats and other protected species, along with the failure to provide sufficient information in terms of flooding, surface water drainage and road safety. As such, the application is recommended for refusal on these grounds.

Human Rights

8.62 The Human Rights of all affected parties have been taken into account and the recommendation to refuse is considered justified and proportionate.

RECOMMENDATION

REFUSE for the following reasons:-

1) The proposed development would be located within the designated countryside removed from any designated settlement as defined by the hierarchy of development contained within Policy 2 of the Chichester Local Plan 2014-2029. The application provides insufficient evidence of a specific, small scale and local need that the proposals would fulfil nor that it requires a countryside location. Furthermore, the proposals do not constitute the type of development supported outside of the settlement boundary of Boxgrove as set out in Policy SB1 of the Boxgrove Neighbourhood Plan. As such the proposals constitute unjustified and inappropriate development in the countryside contrary to policies 2 and 45 Chichester Local Plan 2014-2029 and Policy SB1 of the Boxgrove Neighbourhood Plan 2017-2019.

2) The proposals fall within the setting of the South Downs National Park. The application has made insufficient assessment of the impact of the proposed development on the landscape character of the area and the setting of the South Downs National Park due to the lack of a Landscape Visual Impact Assessment to support the application. Furthermore, the application proposes minimal landscape mitigation given the scale and appearance of the proposals. Notwithstanding the absence of this information, the development would result in a harmful impact on landscape character and the setting of the South Downs National Park by virtue of its large scale, industrial appearance, and urbanising effect in an open landscape in proximity to the National Park. Therefore, the proposals are contrary to policies 47 and 48 of the Chichester Local Plan: Key Policies 2014-2029, Criteria 3 and 5 of the Interim Position Statement for Housing, policy EH8 of the Boxgrove Neighbourhood Plan 2017-2019 and paragraphs 135, 180 and 182 of the National Planning Policy Framework (December 2023).

3) The proposal comprises a project within the 12km Zone of Influence for the Singleton and Cocking Tunnels Special Area of Conservation (SAC) designated for its importance for Barbastelle and Bechstein bat species. The absence of relevant survey information and any necessary mitigation means that the Local Planning Authority, as the competent authority, cannot rule out a likely significant effect on the SAC. Accordingly, the local planning authority must refuse permission in accordance with Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations). Furthermore, the proposal conflicts with Policies 49 and 52 of the Chichester Local Plan: Key Policies 2014-2029 and paragraph 186 of the National Planning Policy Framework (December 2023).

4) The application is supported by a Preliminary Ecological Appraisal (dated 16 May 2023) which identifies habitats suitable for protected species and recommends that either surveys of these species are undertaken or adequate mitigation is put into place. The application is not supported by survey data and the proposals fail to include the mitigation recommended in the report, namely the retention and protection of existing trees and hedgerows and the inclusion of a 5m dark corridor buffer between the habitats and the proposed development. In the absence of relevant survey information or the necessary mitigation as recommended by the Preliminary Ecological Appraisal, the proposal conflicts with Policies 49 and 52 of the Chichester Local Plan: Key Policies 2014-2029 and paragraph 186 of the National Planning Policy Framework (December 2023).

5) The application fails to provide a Road Safety Audit with designer's response. In the absence of this information, the Local Planning Authority cannot determine that the proposals would not have a detrimental impact on highways safety. As such, the application is contrary to policy 39 of the Chichester Local Plan: Key Policies 2014-2029 and paragraph 114(d) of the National Planning Policy Framework (December 2023).

6) Insufficient information has been provided to demonstrate the site will be adequately drained by the proposed Drainage Strategy and Flood Risk Assessment which fails to use the appropriate standards of assessment of flood risk. As a result, the application fails to assess the true impact of surface water flood risk upon the development, to demonstrate the necessary scale and location of SuDs and to demonstrate how the drainage features would be maintained. Therefore the application is not in accordance with the NPPF paragraphs 173 and 175. Furthermore, it has not been satisfactorily demonstrated that the development would be safe for its lifetime without increasing flood risk elsewhere and would therefore be contrary to NPPF paragraph 165, Policy 42 in the Chichester Local Plan: Key Policies 2014-2029 and Policy EH4 of the Boxgrove Neighbourhood Plan 2017-2019.

INFORMATIVES

1) This decision relates to the following plans:

17841-10 100 REV A, 17841-10 101, 17841-10 102 REV C, 17841-10 103 REV A, 17841-10 104, 17841-10 105 REV B, 17841-10 106 REV B, 17841-10 107 REV A, 17841-10 108 REV A, 17841-10 109 REV A, 17841-10 110 REV A, 17841-10-VL L01 REV B.

2) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

For further information on this application please contact Joanne Prichard on 01243 534734.

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RVKY17ERKTX00>