

# Representations to the Regulation 16 Pulborough Neighbourhood Plan

Land at New Place Farm, Pulborough

## PULBOROUGH PARISH NEIGHBOURHOOD PLAN 2015 - 2031

### SUBMISSION PLAN



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PULBOROUGH PARISH NEIGHBOURHOOD PLAN – SUBMISSION PLAN OCTOBER 2020

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# Regulation 16 Neighbourhood Plan Representations

Land at New Place Farm, Pulborough

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## 1. Introduction

- 1.1. Savills has been instructed by Catesby Strategic Land Ltd (Catesby) to submit representations to the Regulation 16 Pre-Submission Draft Pulborough Parish Neighbourhood Plan (PPNP) April 2021.
- 1.2. Catesby is working with the landowners to promote the land at New Place Farm with a view to the early delivery of the allocated new homes, in line with the Government agenda to deliver much needed new homes quickly and efficiently.
- 1.3. These representations focus on land at New Place Farm which is subject to a draft allocation for residential development for 170 homes in Policy 2 of the PPNP. Specifically, these representations will provide observations on the new evidence base documents and proposed policy amendments with regards to the historic environment.
- 1.4. This consultation (April 2021) follows the Regulation 16 consultation that took place between 18<sup>th</sup> November 2020 – 13<sup>th</sup> January 2021. Our representations to the previous Regulation 16 consultation should be read alongside these representations as they set out why Catesby consider the basic conditions for the entire PPNP have been met.
- 1.5. Since the previous Regulation 16 consultation, the Pulborough Parish Council (PPC) has updated their evidence base in response to the comments from Historic England (HE) and is required to re-consult on the Regulation 16 Local Plan. As a result, the PPC has suggested policy amendments. The new evidence base includes:
  - Background Paper 1 (Heritage Impact – Policies 2 and 3 April 2021)
  - Background paper 2 (SEA Impact – Policies 2 and 3);
  - Background paper 3 (Policy Amendments – 2 and 3);
  - Consultation Statement (October 2021).
- 1.6. These representations confirms that the basic conditions have been met in regards to the historic environment and that consequently, the PPNP is in a good position to proceed through examination successfully.

## 2. The Site

- 2.1. The Land at New Place Farm comprises 5.8 hectares of land north and west of Glebelands and Drovers Lane Pulborough. It has been allocated under Policy 2 of the Submission Draft Pulborough Neighbourhood Plan for residential development comprising approximately 170 homes with significant community benefit including a new countryside park.
- 2.2. To the south and west lies the northern and east-edge of Pulborough settlement. The north western boundary is defined by the Arun Valley railway line, with the smaller western boundary formed by London Road (A29). This particular area has a strong residential character formed of dwellings along Drovers Lane, Glebelands and The Spinney. The Site would be accessed off Glebelands which in turn leads up from Lower Street (the A283) – to the south.
- 2.3. The site is formed of land associated with New Place Farm, a commercial nursery which has been in operation for over 50 years. This includes areas of grassland, extensive hardstanding, planting beds, structures and planting frames, in addition to some mature boundary planting and hedgerows.
- 2.4. The site contains no designated heritage assets, such that any development within it will have no physical effect on any assets of national significance. In terms of the potential for effects on significance through changes in an asset's setting, the closest designated heritage assets to the site are the Grade II\* New Place Manor (LB1027340) and its associated Grade II listed archway and garden wall (LB1193653) located to the south east of the house. Both are to the immediate west of the site boundary within extensive gardens, from which both the house and garden arch are primarily experienced.
- 2.5. The West Sussex Historic Environment Record (WSHER) identifies three non-designated heritage assets within the site. These comprise the postulated site of a Roman building (MWS8583), a circular feature visible on an aerial photograph (now built over; MWS2740) and New Place Farmstead (MWS12577). As set out within the previous planning application package (REF: DC/16/0731), in respect of the postulated Roman building there is little information regarding the circumstances of its discovery, location, form and extent, or indeed if it still survives. It is recorded by the HER itself that the identified location is inaccurate, and that the actual location is 'within about 115m'. A geophysical survey on the site found no evidence for buried structural remains, such that no further work was required by the archaeological advisor, to inform the determination of the previous application due to its low archaeological potential. Further work was to be secured by planning condition.
- 2.6. In addition to the above records the site is partially located within an Archaeological Notification Area (ANA). These are a form of alert mapping based on data held by WSHER. Their primary purpose is to trigger consultation with the West Sussex County Council Archaeology Section and the HER.

### Planning History

- 2.7. A planning application for 100 dwellings (REF: DC/16/0731) was submitted in 2016 on a large proportion of the allocated site. This application had no technical objections but was refused by members as it was considered premature of the Neighbourhood Plan at that time.
- 2.8. An Archaeological and Heritage Assessment was prepared by EDP and accompanied this application. As part of the assessment a geophysical survey of the site was undertaken. The report concluded that:

*“Taking into account the presence of the known heritage assets identified by this archaeology and heritage assessment, and notwithstanding the limited information available to characterise the survival, form and extent of such remains, there is still no reason to believe, or expect, that the site contains archaeology of such significance that it might require preservation in situ and prejudice delivery of the form of development proposed.”*

- 2.9. It is noted that this assessment was completed for a smaller development. However, the 2016 assessment contains sufficient information to provide a confident assessment of the archaeological potential of the site (Policy Area 2). It has been established here, that the potential for archaeological features, and their value, is the same as that for the smaller 2016 site. As such, the assessment is considered relevant to the allocated site within the PPNP (Draft policy 2).
- 2.10. As part of this previous planning application, the archaeological advisor to the Local Planning Authority, concluded that the submitted information (i.e. desk-based assessment and geophysical survey) was sufficient to determine the application and that any further investigation i.e. trenching and any suitable subsequent mitigation, could be undertaken under a condition attached to any consent. This was on the basis that in the context of an outline application, the site could be designed at the detailed application stage, to take account of any requirement to preserve archaeological remains, should they exist. This approach is entirely consistent with the provisions of the NPPF. Historic England did not comment on the application at this time.

## 3. Representations

- 3.1. This section provides Representations on the draft PPNP and the new evidence base documents. It should be noted that this document should be read alongside our Representations to the Regulation 14 PPNP in July 2020 and the Regulation 16 PPNP in January 2021.

### **Neighbourhood Plan Historic Environment Requirements**

- 3.2. Fundamentally, a Neighbourhood Plan must meet the basic conditions. The Basic Conditions are contained in the Planning Practice Guidance (PPG), the Localism Act (2011) and paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended). These are:
- a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,*
  - b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,*
  - c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,*
  - d) the making of the order contributes to the achievement of sustainable development,*
  - e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*
  - f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and*
  - g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.*
- 3.3. Basic Condition (b) relates to preserving any listed building and its setting and Basic Condition (c) requires Neighbourhood Plans to have special regard to preserving or enhancing the character of any conservation area. Furthermore a Neighbourhood Plan must have regard to national policy/advice and contribute towards achieving sustainable development as required by Basic Condition (a) and (d). As such the historic requirements within the NPPF and Planning Practice Guidance (PPG) are relevant.
- 3.4. In relation to sustainable development, PPG paragraph 072 (Reference: 41-072-20190509) explains that a neighbourhood plan must be supported by sufficient and proportionate evidence which demonstrates how the plan will contribute towards the environmental, economic and social objectives of the NPPF. Where improvements cannot be made, consideration should have been given to how potential adverse effects of proposals can be prevented, reduced or offset.
- 3.5. Paragraph 005 (Reference: 18a-005-20190723) of the PPG states that “*neighbourhood plans need to include enough information about local heritage to guide decisions and put broader strategic heritage policies into action at a neighbourhood scale*”. As such, the PPNP must support the strategic heritage policies of the NPPF and the Local Development Plan at a neighbourhood scale.
- 3.6. With regards to the NPPF, paragraph 185 is most relevant as it explains the Plans should set out a positive strategy for the conservation and enjoyment of the historic environment. Specifically Plans should take into account:

- a) *The desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*
- b) *The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- c) *The desirability of new development making a positive contribution to local character and distinctiveness; and*
- d) *Opportunities to draw on the contribution made by the historic environment to the character of a place.*

3.7. Furthermore, NPPF paragraph 200 explains that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Therefore, the sites partial location within an ANA and in proximity to listed buildings should not prohibit development.

3.8. Ultimately, there are no legal requirements for the exact form in which a neighbourhood plan should demonstrate basic conditions (b) and (c). Whether the PPNP fulfils these requirements is down to the Examiners Judgement. However, Catesby consider that a sufficient and proportionate amount of evidence has been provided to demonstrate that the basic conditions have been appropriately met.

### **Historic England Concerns**

3.9. In response to the Regulation 14 (June 2020) consultation and then at the Regulation 16 (November 2020), Historic England (HE) set out concerns regarding the evidence underpinning the proposed policies and allocations of the PPNP. HE considered that the Strategic Environmental Assessment (SEA) did not provide adequate understanding of the significant environmental effects development would have on heritage assets.

3.10. In relation to Policy 2 (Land at New Place Farm, Pulborough), HE had particular concerns regarding the ANA and the proximity to Grade II\* listed New Place Manor. As such HE requested that Policy 2 should require development proposals to:

*“Undertake a programme of investigation that should inform their proposals, and that this should include ensuring that layout and construction of their proposals preserves remains in-situ where possible, with the highest priority given to preserving any remains identified as of national importance”.*

3.11. Catesby agree that prior to development commencing, further investigative work should be undertaken. This should and will form part of the planning application package. It is not required for the purposes of the PPNP in allocating the site in accordance with paragraph 005 (Reference: 18a-005-20190723) and paragraph 072 (Reference: 41-072-20190509) of the PPG.

3.12. Despite this, the Land at New Place Farm is in a unique position whereby the Archaeological and Heritage Assessment supporting the 2016 planning application (Ref: DC/16/0731) can be drawn upon as further evidence to support its allocation. Thus, giving the Examiner confidence that the site is suitable in terms of the historic environment.

3.13. Furthermore, the County Archaeologist for the 2016 planning application (Ref: DC/16/0731) determined that any further investigation i.e. trenching and any suitable subsequent mitigation, could be undertaken under a condition attached to any planning consent. This provides even more certainty that the requirement for further investigation should not form part of the preparation of the PPNP.



- 3.14. It should also be noted that ANA designations are not formal heritage designations and convey no additional legal protection. Their primary purpose is to trigger consultation with the West Sussex County Council Archaeology Section in the event of a planning application being submitted.
- 3.15. Whilst broadly indicating areas of heightened archaeological interest, in the case of this particularly large ANA, it is likely that significance varies across it, with some areas of no interest and some areas of heightened interest, as recognised in HE's letter (dated January 2021). As such, the site's location within an ANA should not prohibit an allocation for development, or indeed development itself, and should not hinder the PPNP from progressing to referendum.

### **Observations on the Evidence Base**

#### Evidence supporting previous iterations of the PPNP

- 3.16. In relation to New Place Farm, the listed buildings and potential for archaeology were identified as a potential constraint within the Site Assessment Report (SAR) (April 2019) and the Strategic Environmental Assessment (SEA) (April 2020) which were published with the Regulation 14 Consultation. The SEA (April 2020) states:

*The sites are partly located in an area with the potential for archaeological deposits associated with a Large Roman Settlement Archaeological Notification Area.*

- 3.17. Further to this, the SEA (April 2020) explains that following the previous iteration of the SEA, Draft Policy 2 (at Regulation 14 stage) had included criteria to address the potential for archaeological deposits and the proximity within very close proximity to several listed buildings. As such, Draft Policy 2 (regulation 14 stage) addressed these issues by introducing the following requirements:

- xii. *Part of the intended site covers the Large Roman Settlement Archaeological Notification Area. Assessing any potential deposits should be part of any archaeological survey;*
- xiii. *Any development should be sympathetic to existing listed buildings adjacent to the site.*

- 3.18. Following the Regulation 14 Consultation and comments from HE, Draft Policy 2 (Regulation 16 (October 2020)) was further updated to explain that the setting of the listed buildings should be conserved and enhanced.
- 3.19. HE considered at that stage that all iterations of the SEA provided inadequate understanding of the heritage assets. However, it should be noted that in order to meet the Basic Conditions, a neighbourhood plan is only required to 'have special regard' to listed buildings and conservation areas whilst contributing to sustainable development. As such, it is not the place of the PPNP to provide extensive analysis of the potential heritage or archaeological constraints in the plan area or allocation. Instead it is required to identify constraints and provide a sufficient amount of evidence to ensure that adequate measures are put in place to guide planning decisions and allow wider strategic heritage policies to be implemented successfully.
- 3.20. In this case, the Parish Council has gone over and above the requirements of a Neighbourhood Plan and provided further evidence as well as amending policy wording in light of HE's concerns. Thus, satisfying HE and the Neighbourhood Plan requirements allowing is to progress through examination successfully.



### Evidence Supporting the PPNP Regulation 16 Consultation (April 2021)

- 3.21. As part of the evidence base produced for this Regulation 16 Consultation (April 2021), the Parish Council has published three new papers which set out the Historic Context of the proposals. Paper 1 relates specifically the heritage context of the allocations under Draft Policies 2 and 3. It sets out the background heritage information that the Parish Council has used to form the basis of its assessments, which including:
- Records and maps from the West Sussex HERS;
  - The Archaeological and Heritage Assessment Report accompanying planning application Ref: DC/16/0731 at the Land North East of Glebelands (part of Draft Policy 2 (New Place Farm));
  - Horsham District Council Cultural Heritage Desk Based Assessment;
  - The proposed archaeological scheme of works which accompanied Planning application (reference DC/10/0375) on the Land North of Glebelands.
- 3.22. The analysis of these sources provide an understanding of the heritage context at the allocated sites and identify that further investigation work is required. This further information will be provided at planning application stage and is not required for the allocation of the site.
- 3.23. Another minor comment on Paper 1, relates to paragraph 8.9 as reference is made to a Sustainability Appraisal. A separate Sustainability Appraisal has not been published and as such it is assumed that this reference is to Paper 2 the Strategic Environmental Assessment and Heritage Impacts. There is no legal requirement for neighbourhood plan to include a Sustainability Appraisal and it differs slightly to an SEA. This should be updated accordingly.

### **Recommendation: Paragraph 8.9 of Paper 1 is amended to state Strategic Environmental Assessment.**

- 3.24. Paper 2 provides an updated SEA in relation to Policy 2 and 3 following the evidence of Paper 1. The updated SEA scrutinises the information within Paper 1 and concludes that the development of the allocations have *“a strong prospect of there being significant negative impacts with mitigation unlikely to be possible (pending further investigation) / further work is needed to explore whether issues can be rectified”*. Therefore, amendments to the proposed policy wording is required to ensure that robust investigations form part of the planning application process.
- 3.25. Catesby acknowledge that further work is required and will provide this with a planning application. However, Catesby do not agree with the conclusion that a strong prospect of there being significant negative impacts with mitigation unlikely to be possible, given:
- No physical investigative works have been carried out to inform the assumption that mitigation is unlikely;
  - The geophysical survey which accompanied the planning application (Ref: DC/16/0731) at the site did not verify the presence of the Roman building, although there remains a moderate potential for both prehistoric and Roman activity within the site and a much larger area. The assessment concluded, coupled with the past and present land uses within the site which are likely to have truncated any remains (if present), that any potential archaeology is likely to be of no more than local/regional importance;
  - The evidence for the SEA conclusions originates from the ANA's designation. The ANA are not formal heritage designations and convey no additional legal protection. Whilst broadly indicating areas of

heightened archaeological interest, it is likely that significance varies across it, with some areas of no interest and some areas of heightened interest;

- Furthermore, only part of the site sits within the ANA designation.

- 3.26. As such, there is no reason for the SEA to assume there to be significant negative impacts with no chance of mitigation available.

**Object: Catesby object to the conclusion of the Paper 2 (SEA Update) in relation to the strong prospect of the development at New Place Farm leading to significant negative impact with mitigation unlikely. Further regard should be given to the planning history at the site and the previous geophysical survey.**

- 3.27. Whilst the conclusion of the SEA is disputed, the inclusion of this new heritage information provides sufficient information to guide decisions when read alongside the NPPF and Local Plan which meets the guidance of the PPG. It is considered that more than 'special regard' has been given towards the heritage constraints on site and thus, the PPNP meets the requirements of Basic Conditions (b) and (c) as well as providing the justification for the Policies within the PPNP.

- 3.28. In terms of sustainable development, this evidence base provides an overview of the heritage assets that could be affected by development and has allowed the Parish Council the opportunity to create local policies that seek to protect and enhance the historic environment. Therefore, contributing towards sustainable development.

### **Observations on the Amendments to the PPNP**

#### **Proposed Paragraph 4.13**

- 3.29. Proposed Paragraph 4.13 includes additional text to explain the reasons why the Land at New Place Farm (Draft Policy 2) has been allocated, stating that it is *"due to the number of positive impacts the development will secure"*. This paragraph could be strengthened by explaining how the proposed development will meet the objectives of the PPNP.

**Recommendation: Amend paragraph 4.13 to states:**

***Land at New Place Farm has been allocated within the PNP due to its large contribution towards meeting the objectives of the PPNP as set out at paragraph 4.1 of the PPNP. The proposal will provide a number of benefits.***

#### **Proposed paragraph 4.18**

- 3.30. Proposed paragraph 4.18 provides further supporting text for Draft Policy 2 in relation to the ANA. It states that the ANA covers the whole site. This is incorrect as the ANA only partially covers the land allocated at New Place Farm. This is also identified in the HE letter dated 28<sup>th</sup> August 2020. As such the wording should be amended to state that the site lies partly within an ANA.

**Recommendation: Amend paragraph 4.18 to explain that the site fall partially within the ANA.**

### Proposed paragraph 4.19

- 3.31. Catesby support the Parish Council's view at proposed paragraph 4.19 that there is currently no evidence to suggest that there are significant archaeological remains on the site that will prejudice development, indeed the current landowner has owned the land for over 50 years and no notable finds have arisen during this time despite the site being cultivated as nursery. It is however recognised that further investigations will be required prior to development commencing on site. This will form part of a planning application and subsequent planning conditions in accordance with NPPF paragraph 189. As such these investigations can inform the proposals in accordance with PPNP proposed paragraph 4.21.

### Draft Policy 2 – Land at New Place Farm

- 3.32. The PPG explains that a policy in a Neighbourhood Plan should be clear, unambiguous, concise, precise and supported by appropriate evidence. The additional wording added to part (xiv) of Draft Policy 2 does not meet these requirements and further development of this text is required. It is noted that policy text has been extracted from the HE letter (dated January 2021). However, the PPNP has extracted more text than is suggested by HE for possible policy wording. Amending the wording will result in a policy that is unambiguous ensuring the ambitions of the PPNP and HE are understood and implemented.

#### **Recommendation: Amend point (xiv) to read as:**

**Applicants should undertake a programme of archaeological investigations to inform the detailed layout and construction methods of the proposed development. Where archaeological remains are identified, they should be preserved in relation to their significance.**

- 3.33. Point (xiv) also explains ambitions for any found remains to be recorded and made available through public display within the neighbourhood plan area. This is considered to be a wider community aspiration as it does not specifically relate to the development and use of the land. Therefore, this text should be removed from the policy and inserted as supporting text. It is understood that this ambition was established in the HE letter (dated January 2021). HE do not suggest that this wording should form part of the policy.

#### **Recommendation: Remove the following text from Draft Policy 2 (xiv) and insert it as supporting text:**

***“To ensure that the loss of archaeological remains is mitigated by benefits to the community, it is recommended that remains found as part of the archaeological investigations are recorded and made available through public display or interpretation within the neighbourhood plan area”***

### Further Comments on Heritage

- 3.34. Catesby has always acknowledged that there is a potential for archaeological deposits at the site due to its partial location within the much wider ANA. As stated in paragraph 3.8 of our representations to the Regulation 14 Consultation, the location within this area does not prevent development and a detailed Archaeological Assessment would be undertaken to support a planning application. Where any archaeology is found appropriate action and mitigation will be carried out with HE's advice. This is in accordance with NPPF paragraph 189.

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## Land at New Place Farm, Pulborough

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- 3.35. Archaeological investigations are not a requirement during the preparation of a Neighbourhood Plan and thus it would be inappropriate to complete an assessment now. However, should there be concerns, the land at New Place Farm is in a unique position whereby the PPC and the Examiner can draw information from the Archaeological and Heritage Assessment submitted with the previous planning application (REF: DC/16/0731) to be confident that development on the site is deliverable in terms of the historic environment.
- 3.36. Given this, the Examiner can be confident that the PPNP meets the basic conditions and that with the recommendations set out above, the PPNP can successfully pass through examination.

## 4. Conclusion

- 4.1. Savills has been instructed by Catesby Strategic Land Ltd (Catesby) to prepare and submit representations to the Regulation 16 Pre-Submission Draft Pulborough Parish Neighbourhood Plan (PPNP) April 2021. These representations should be read alongside our representations to the previous consultations as these set out why Catesby consider the basic conditions for the entire PPNP have been met..
- 4.2. These representations focus on land at New Place Farm which is subject to a draft allocation for residential development for 170 homes in Policy 2 of the PPNP. Specifically, these representations will provide observations on the new evidence base documents and proposed policy amendments with regards to the historic environment.
- 4.3. This consultation follows the Regulation 14 Consultation that took place from 6<sup>th</sup> July to 31<sup>st</sup> August 2020 and the Regulation 16 consultation which took place from 18th November 2020 to 13th January 2021. In response to these consultation Historic England (HE) has raised concerns regarding the PPNP's evidence base. The Parish Council has published further evidence in relation to HE's concerns.
- 4.4. The land at New Place Farm (Draft Policy 2) is in a unique position whereby an Archaeological and Heritage Assessment supporting a previous planning application (Ref: DC/16/0731) can be drawn upon as further evidence to support its allocation. However, it should be noted that thorough investigations into archaeology is not a requirement in the preparation of a Neighbourhood Plan.
- 4.5. As with the previous application within the site the presence of archaeological features will not affect its deliverability for housing and any further work required can be undertaken as a condition attached to any forthcoming consent.
- 4.6. This representation provides observations and recommendations on the new evidence base documents and proposed policy amendments. Fundamentally, these representation conclude that sufficient information has been provided to meet basic conditions (b), (c) and (d). The PPNP is also consistent with the NPPF and the HDC Local Development Plan as set out within previous representations.
- 4.7. Overall, the approach of the PPNP is considered to be sound. Consequently, the PPNP can successfully pass examination and proceed quickly and positively towards local referendum.

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