

Chichester District Council

Regulation 19 Local Plan Consultation

Representations on behalf of Landacre
(Chichester) Ltd

Site: New Bridge Farm, Clay Lane, Chichester

March 2023

The logo for Henry Adams, featuring a stylized white triangle icon above the company name.

Henry Adams

1 Introduction

- 1.1 This representation provides a response to the Regulation 19: Local Plan Consultation on behalf of our client Landacre (Chichester) Limited. The submission covers the general principles of the Local Plan, but has a focus on land at New Bridge Farm, Clay Lane Chichester, which is in our client's control. The land is shown on the attached context plan (land outlined in purple) included at **Appendix 1** and hereon referred to as the site.
- 1.2 This representation will provide a written responses in relation to the Regulation 19 Local Plan Consultation which directly relate to the promotion of our client's land for future development.

2 Comments on Specific Questions/Tests

- 2.1 In response to the national planning legislation, this Regulation 19 Local Plan Consultation invites comments on three specific questions, and is the final consultation phase, before the Regulation 19 version of the Local Plan is submitted for Examination.
- 2.2 This representation will respond on these specific questions, and then highlight how our client's site could help fulfil the full housing requirement for the District. This could be through an allocation within the Council's Local Plan, or at least through an allocation of numbers to the Parish, who in turn would select sites through a Neighbourhood Plan allocation.

Is the plan 'sound'?

- 2.3 Paragraph 35 of the National Planning Policy Framework defines the tests for soundness which requires the plan to be positively prepared, justified, effective and consistent with National Policy. These matters will now be considered in further detail in relation to the current consultation on the Regulation 19 version of the Local Plan.

Is the plan positively prepared and justified?

- 2.4 Policy S1 of the Draft Local Plan sets out the spatial development strategy for the District and how the Council will achieve sustainable growth over the plan period. Policy H1 sets out the housing target in response to the strategy. Both policies have been informed by the Sustainability Appraisal (SA) dated January 2023 and the Plan objectives, which are set out at paragraph 2.5.2 of the SA and the Council's HEDNA (April 2022).
- 2.5 The SA then goes on to discuss the potential growth scenarios and confirms two points:
- Standard method housing figure for Chichester (excluding SDNP) is 638 dwellings per annum, or 11,484 in total over the Plan period
 - The above figure is capped at 40% above the baseline need and that the uncapped figure is significantly higher than this at 884 dwellings per annum (dpa)
- 2.6 Of particular note is that point ii. seeks to cap the overall housing increase by no more than 40% above the previously adopted LP housing figure of 435 dpa. The Local Plan then goes on to constrain housing numbers due to an alleged capacity concern along the A27 strategic road network. The Council therefore result in a constrained housing figure by virtue of the standard method 'steps' and also due to infrastructure capacity.
- 2.7 It should be noted that the 435 dpa figure within the 2015 Local Plan was similarly constrained and an early review was the only basis for accepting this reduced housing figure. This early review did not take place.

- 2.8 In terms of the influence of the A27, this is the key matter that constrains growth within the southern part of the District. This is based on the Transport Study (2023) which concludes that the road network cannot accommodate an annual housing figure of more than 535 dpa. This is a fundamental point and one that our client do not agree and believe there is capacity to accommodate at least the local housing need within the highway network, alongside potential improvements identified for the following reason.
- 2.9 The Transport Study (January 2023) is the key document on which the Council rely upon to constrain their housing figure to 535 dpa. On review of this document, it is clear that the Council's consultants undertook a sensitivity analysis as to whether the core scenario that supports the 535 dpa position in the local plan could accommodate a higher level of growth. The conclusion in paragraph 5.6.5 and 11.2.3 of the Transport Study appears to be that 700 dpa could be accommodated (in the southern plan area) by the mitigation proposed for the 535 dpa, with some additional (as yet undesigned and not costed), mitigation works beyond those highlighted for the Bognor and Fishbourne roundabouts. The absence of consideration of additional improvements works appears to be a significant oversight in the preparation of the Transport Study and overall plan making.
- 2.10 Accordingly, the Council's own evidence base has undertaken the assessment and concluded that a higher growth figure could be accommodated on the A27, subject to appropriate improvement works. Given the testing of the higher growth figure in Transport Study, the exceptional circumstances to constrain growth, as set out at paragraph 60 on the NPPF, do not appear to exist and the Plan could be considered unsound on this point alone.
- 2.11 As a result of the above, the SA does not consider a scenario where the Council would meet its local housing need, nor a scenario where it exceeds its local housing need, which is of relevance given scale of development expected for adjoining authorities, including the highly constrained SDNP.
- 2.12 It should also be noted that the draft Plan does not therefore address any requirements in relation to unmet housing need of neighbouring authorities. Nor does it contain evidence to suggest that these matters have been discussed with the adjoining Authorities. Notably, Arun District Council have confirmed that they will be objecting to the Plan and currently proposed on the basis that they have a significant housing need themselves. This is likely to be further influenced by unmet need from Chichester, who again are seeking to constrain housing requirements, which was the case in 2015. The subsequent knock on from that was for Arun to address some of that need in their 2018 Local Plan.
- 2.13 Given that our client does not accept that the A27 capacity matters present a ceiling in terms of housing delivery (based on the Council's Transport Study comments and that of its own consultants), it is not accepted that the Plan and associated SA demonstrates reasonable alternatives have been considered and it is not therefore positively prepared, nor is their approach to housing figures justified.

Effective?

- 2.14 On the basis of the 535 dpa figure, it is considered that the selected areas for growth and figures are deliverable over the Plan period, however, as set out above, the plan area could accommodate a greater level of growth.
- 2.15 It should also be noted that the plan does rely on the delivery of Neighbourhood Plan and / or Small site allocations DPD. This is set out under Policy H3 in the draft document. This states the following in terms of delivery:

If draft neighbourhood plans making provision for at least the minimum housing numbers of the relevant area have not made demonstrable progress the council will allocate sites for development within a development plan document in order to meet the requirements of this Local Plan.

- 2.16 The above is not precise and does not provide any clear timetable for delivery within the Plan period. Whilst my comments are noted above that the Plan could be effective, the Local Plan needs to give a clear timescale for completion of the supplementary Development Plan documents in order to give a clear timescale for this to be completed.

Is the plan consistent with National Policy?

- 2.17 On the basis of the comments above, the approach to selected sites for allocation based on the 535 dpa figure is considered to be consistent, however, due to the lack of evidence to demonstrate that the 535 dpa figure should be capped due to the A27 capacity points raised, the draft Plan does not appear to meet the exceptional circumstances allowed for at paragraph 61 of the NPPF to justify their alternative approach. The Plan as proposed is therefore inconsistent with NPPF when read as a whole.

3 Development in Chichester City

- 3.1 Our clients land is located within Chichester City on land north of Clay Lane. The draft Local Plan sets out that the city of Chichester is the main settlement with a population of around 29,193(4) and is the principal location for the provision of higher education and shopping facilities. The city is renowned for its cathedral, its historic heritage and university and is the largest centre of employment in the plan area. The Plan goes on to state that most new development will be well located in and around the main settlements of Chichester, together with Tangmere and Southbourne.
- 3.2 As would be expected, the Local Plan allocates a significant proportion of housing to the city, which includes a site specific allocation of 1,600 homes to the west of Chichester under Policy A6 (part of current Local Plan allocations), 680 homes to the east under Policy A10, 500 homes to Westhampnett and 585 homes at Shopwyke Lakes. A further allocation of housing numbers for 270 homes under Policy A2 are proposed for Chichester City to be delivered as part of a Neighbourhood Plan for the area site allocations DPD.
- 3.3 The proposed 270 home allocation should comprise a minimum figure, which for the reasons set out above in relation to the A27 would be feasible. It should also set out that the Council should consider a mix of both city centre and edge of city sites to ensure a mix of house types and sizes, with town centre more likely to comprise flats and edge of settlement a mix of 1-4 bedroom homes, which will include family homes.
- 3.4 Our position on the approach to further allocations and the need for clear timescales to ensure soundness of the Plan is set out at 2.13-2.16 above.

4 Suitability of land New Bridge Farm, Clay Lane, Chichester

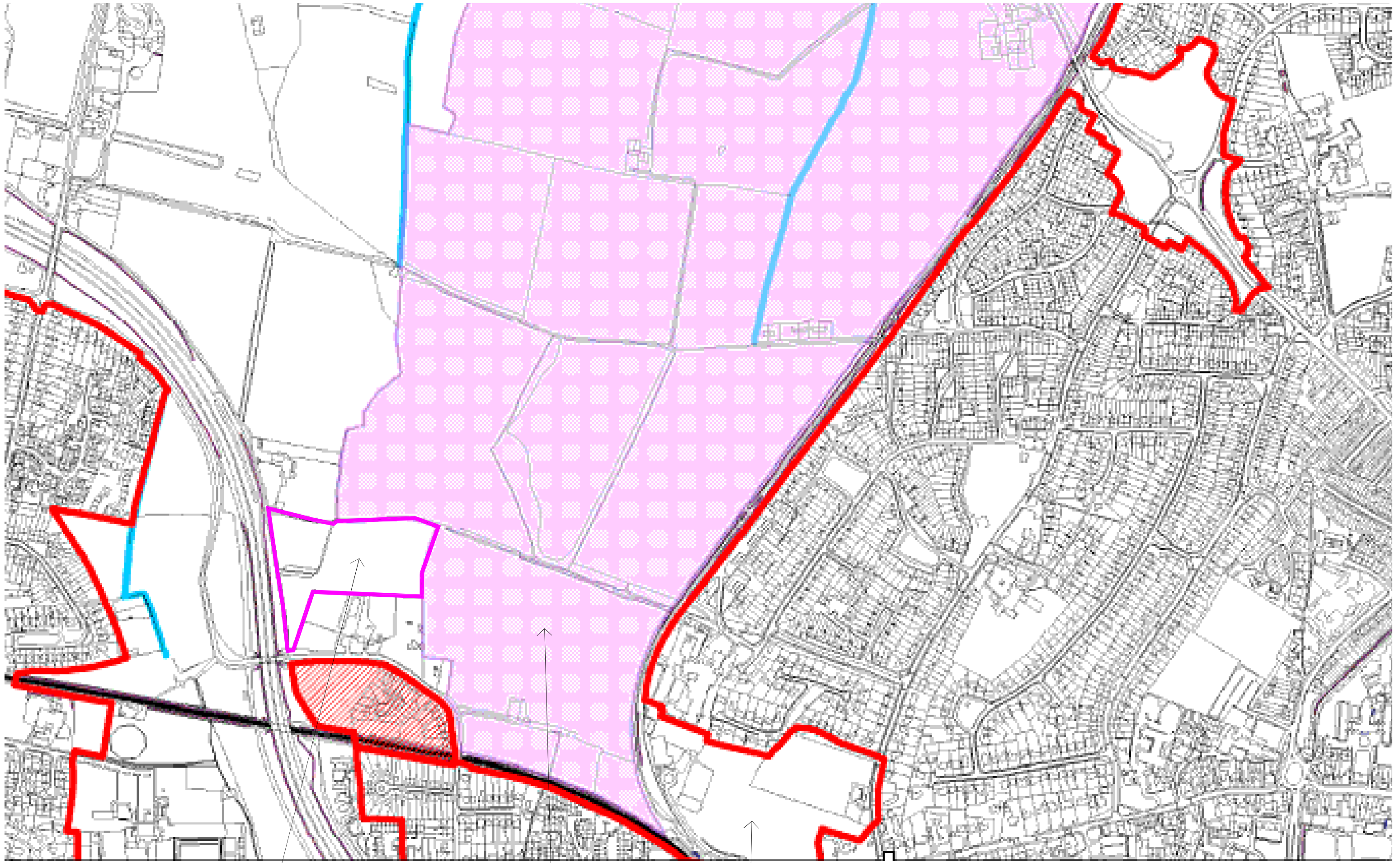
- 4.1 The site covers an area of approximately 3.1 hectares and located to the North-East of Fishbourne. The site comprises of an open field, bordered by mature foliage and fencing. The site is reasonably flat. The frontage is on the Southern boundary of the application site, which benefits from access to Clay Lane. It could be suitable for a quantum of development between 50-70 dwellings.

- 4.2 Access to the site is via an existing agricultural access from Clay Lane, which adjoins the southernmost corner of the site. The potential means of access has been the subject of a formal pre-application enquiry with WSCC as highway authority. This confirmed that a suitable means of access could be achieved for circa 70 dwellings.
- 4.3 Whilst the access would go through part of the proposed wildlife corridor to the west of the city, the upgrade of the access is not considered to undermine the overall intentions or integrity of the wildlife gap. However, our client would maintain that a wildlife corridor would better serve the area to the west of Fishbourne, rather than to the west of city. This is an uninterrupted route, as opposed to that currently proposed.
- 4.4 The site is located within flood zone 1, with a small area of surface water flood risk area identified outside of the site, along the Western boundary.
- 4.5 The site is located to the North-East of the village of Fishbourne, which comprises a settlement of approximately 2,325 people. Whilst the site does not directly adjoin the settlement boundary, the site is abutted by the approved development scheme at White House Farm Development. The site is therefore enclosed by recently approved development to the north and east. Furthermore, to the South, on the other side of Clay Lane an application for 25 dwellings was approved under reference CC/17/03117/FUL and the A27 embankment to the west. Therefore, it is reasonable to say that the site is enclosed by an established principle of development.
- 4.6 The site also benefits from direct connection to the public footpath network, which runs along the western and northern boundaries. This continues west through White House Farm (1,600 home allocation) and onwards to the city centre.
- 4.7 The site has the potential to deliver homes in a sustainable location, on a site that would effectively comprise an infill form of development. The site is suitably located to deliver housing without harm to cultural heritage of the city.

5 Conclusion

- 5.1 Whilst we understand the approach the Council has taken in terms of the selection of sites to meet the 535 dpa figures, we consider that the Plan area is capable of accommodating a greater housing quantum. This will facilitate development and meet the objectives of the Local Plan. The Council have failed to provide sufficient justification for not meeting its housing need in full and have not suitably considered unmet need from adjoining authorities. The latter is particularly relevant given constraints of the SDNP. The Council's position of growth is predicated on the basis of the A27 not having sufficient capacity to accommodate a higher growth of 535 dpa. Its own evidence base (Transport Study 2023) contradicts this position and therefore the Council should at least be meeting their local housing need and also considering what part it can play with meeting unmet needs for the adjoining authorities.
- 5.2 At present, the Plan fails to be positively prepared and is inconsistent with the NPPF. On the basis that the Council don't reconsider their position, we wish to be present at the relevant Examination hearings to represent our clients' interests and further discuss the views set out in this submission.

Appendix 1: Site location and context plan



Land at New Bridge Farm

White House Farm Development

Bishop Luffa School

Note: Proposed Settlement Boundary - as shown on draft LP documents has been used to illustrate the relationship of New Bridge Farm in the wider context for enquiry and will not be reproduced for any other use.