

Chichester District Council

Regulation 19 Local Plan Consultation

Representations on behalf of
Crownhall Estates Limited & Martin Grant Homes

Land at Headfoldswood Farm, Loxwood, RH14 0SX

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 in relation to the land at Headfoldswood Farm, Loxwood, RH14 0SX, as shown on the attached Masterplan Promotional Document, and hereon referred to as the site.
- 1.2 This representation will provide a written responses in relation the questions in 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 to be delivered through an appropriate strategic allocation policy within the Council's Local Plan or through an Supplementary Planning Document (SPD).

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 and 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. above 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. 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.

- 2.7 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 evidence base documents that state that the road network cannot accommodate an annual housing figure of more than 535 dpa. This is a fundamental point and one that we 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.
- 2.8 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 core test, with some additional, and as yet undesigned and not costed, mitigation works beyond those highlighted for the Bognor and Fishbourne roundabouts.
- 2.9 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, which appears to accommodate the higher growth figure, the exceptional circumstances to constrain growth, as set out at paragraph 60 on the NPPF do not exist and the Plan could be considered unsound on this point alone.
- 2.10 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 the scale of development expected for adjoining authorities, including the highly constrained SDNP.
- 2.11 It should also be noted that the draft Plan does not therefore address any need in relation to unmet need of neighbouring authorities and it does not 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 and the subsequent knock on from that was for Arun to address some of that need in their 2018 Local Plan.
- 2.12 Given that we do 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?

- 2.13 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.

- 2.14 It should also be noted that the Plan relies 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.

- 2.15 The above is not precise and does not provide any clear timetable for delivery within the Plan period. Whilst the strategy in the comments above 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?

- 2.16 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 this, the 535 dpa figure should be capped. Given 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 Loxwood

- 3.1 Our client's land is located to the west of the village of Loxwood, which is situated to the northeast of the District. The High Street (B2133) runs through the village, connecting the A281 and A272. For a detailed context appraisal of the site and masterplan vision, please see attached the Masterplan Promotional Document. The site was submitted for the Council's call for sites in February 2019 and is included in Council's latest HELAA.
- 3.2 The Draft Local Plan defines Loxwood as a service village with local facilities and services, these include an infant and junior school, as well as a medical practice, a local shop and community facilities, including a village hall. The village has been identified in the Local Plan as a suitable location for a higher level of growth as it has suitable HELAA sites which could come forward through the Neighbourhood Plan process.
- 3.3 It is agreed that a strategic expansion to the west of Loxwood is the best option for growth in the north-eastern area of the District as there are fewer constraints within Loxwood in comparison to other villages within the north-eastern area of the District.
- 3.4 Policy A15 of the Draft Local Plan states that land will be allocated within the revised Loxwood Plan for a minimum of 220 dwellings and supporting facilities and infrastructure. This is based on a downwards adjustment scenario for Loxwood, but it should be noted this figure is closer to the lower growth scenario of 200 dwellings.
- 3.5 The Council acknowledges in the SA that the highest growth scenario of 1.650 homes could be justified but there are concerns regarding the deliverability of homes due to the potential scale of allocations to meet the higher growth figure which in turn could affect the Council's ability to deliver the housing within the five year period. However, the Plan currently seeks

to allocate reasonably sized housing allocations on a number of small-scale housing sites which by this logic could equally affect the Council's ability to meet the Council's five year housing supply. It is recommended that the middle, higher growth scenario of at least 825 homes is sought, which would allow for meaningful growth in order to meet the needs generated by the new community, such as the identified primary school. The higher housing figure would also provide the benefit of more affordable housing provision for the north-eastern area of the District.

- 3.6 Loxwood Parish Council have produced a revised Draft Neighbourhood Plan which seeks to allocate 126 dwellings plus 17 carried forward from the Made Loxwood Neighbourhood Plan, providing a total of 143 dwellings. The Draft Neighbourhood Plan was submitted to the Council under Regulation 14 in December 2020. It is noted in response to the Reg 19 Local Plan consultation, that Loxwood Parish Council will be objecting to policy A15 and the increased housing numbers of 220 dwellings on sustainability grounds, with specific reference to water neutrality. The recent Parish Council meeting notes also indicate that there is currently little appetite to undergo another Neighbourhood Plan review, which will likely require additional resource and cost.
- 3.7 There is concern that relying on the Neighbourhood Plan to allocate specific sites in Loxwood, will result in unnecessary delay to delivery of housing in this area given the points raised above. Policy A15 is not therefore considered precise and does not provide any clear timetable for delivery of housing within Loxwood within the Plan period. It is therefore recommended that the allocation of housing sites in Loxwood should be based on a higher growth scenario of at least 825 homes which should be delivered either through a Local Plan policy allocation or within an SPD, with a clear timetable of when the SPD will be produced by the Council.

Water Neutrality

- 3.8 One of the constraints of the north-east of the District is the requirement for all new development to meet water neutrality, to ensure that any new development does not impact further on the habitat site comprising the Arun Valley Special Area of Conservation (SAC) or the Arun Valley Special Protection Area (SPA) & Ramsar site, in terms of groundwater abstraction within the Sussex North Water Supply Zone. It is anticipated that further advice and a mitigation strategy will be created by the Council and its partners to demonstrate how developments can achieve water neutrality. However, at present applicants are required to provide a water neutrality strategy to demonstrate how the development can achieve water neutrality.
- 3.9 To provide the Council with reassurance that the site is deliverable despite this constraint, our client has commissioned an initial water strategy based on a development of approximately 250 dwellings which includes provision for offsetting. The initial strategy indicates that water neutrality could be achieved for development on the site through water efficient fixtures and fittings, reuse of harvested water through greywater recycling for flushing toilets and offsetting through water efficiency upgrades on an educational facility located within the Sussex North Water Supply Zone. It would therefore appear on the basis of the work undertaken to date, that it would be possible for future development on this site to achieve water neutrality.

4. General Policy requirements

Policy H11 Meeting Gypsies, Travellers and Travelling Showpeoples' Needs - object

- 4.1 The above policy sets out a requirement for 124 pitches across the Plan period, which is to be provided for by allocation of pitches on strategic allocation sites proposing 200+ homes.
- 4.2 Whilst we understand that there may be a district wide need, we understand that the underlying rationale underpinning this strategic approach is that insufficient sites came forward as part of the Council's Call for Sites process. However, whilst this tells us about availability of sites, it doesn't dictate the appropriateness of locations for gypsy traveller provision. It should also be noted that the proposed allocations would not accommodate the overall need and there is no clear quantifiable policy requirement to deliver this need. Accordingly, the approach is not considered to be robust.
- 4.3 What is clear is that plots are currently available in other areas of the district that have not been taken up by the Council for allocation (namely HELAA ref. HBI0028).
- 4.4 From our understanding there appears to be a clear absence of information regarding the requirements for pitch provision in localities and the site specific needs that are required to be met. We have not yet seen any evidence from the Council in respect of engagement with the gypsy traveller community in respect of a desire to be located on suburban residential sites – which we consider would contradict with the typical locations of gypsy traveller pitches which are located on rural sites on the periphery of rural settlements.
- 4.5 Due to the scale and form of the site and specific access names (larger HGVs for static homes and touring caravans) it makes it very difficult to design and suitable means of access that does not appear overly engineered, within a residential housing estate. No consideration appears to have been given to how this can be accommodated within such a site.
- 4.6 At this time, we consider it would not be appropriate to include such provision until further evidence has been provided on suitability of the approach, need in this specific location and suitability as part of housing allocation of this scale, with a single point of access.
- 4.7 On the basis of the above, we object to the proposed policy requirement.

5. Conclusion

- 5.1 Our client's land is ideally placed to be able to fulfil the sustainable expansion to the west of Loxwood and the much needed, identified housing within the north-eastern plan area. The site measures 57.334 hectares and can be considered as a strategic housing site, west of Loxwood, that would deliver a higher growth of housing within this village and would appear to be able to meet water neutrality requirements. This would also support the viability of the services and facilities in the northern villages. This could include a sustainable addition to the existing village of Loxwood, result in significant enhancements to its existing services and facilities, improved links along, and connectivity to the Wey & Arun Canal and provision of at least 825 homes.