

Chichester Local Plan 2021-2039 Regulation 19 Consultation

Representation on behalf of Spiby Partners

Site: Land east of Foxbridge Drive and
south of the B2145, Hunston

March 2023



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1 Introduction

- 1.1 This representation provides a response to the Regulation 19: Local Plan Consultation on behalf of our client Spiby Partners. The submission covers the general principles of the Local Plan but has a focus on Land east of Foxbridge Drive and south of the B2145, Hunston. The land is shown on the attached plan HA Appendix 1: Site Location Plan, and hereafter 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 Local Plan or at least through the 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: Spatial Strategy, sets out the spatial development strategy for the District and how the Council will achieve sustainable growth over the plan period. Policy H1: Meeting Housing Needs 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 discusses the potential growth scenarios and confirms two points:
- (i) Standard method housing figure for Chichester (excluding South Downs National Park) is 638 dwellings per annum, or 11,484 in total over the Plan period; and
 - (ii) 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. It should be noted here that the 435 dpa figure within the 2015 Local Plan was below the identified need of 505 dpa. This reduced housing figure was accepted on the basis of an early review, but this early review did not take place.
- 2.7 Policy H1 identifies the need for the Plan to make provision for at least 10,350 dwellings within the plan figure, amounting to 575 dpa. This is lower than both the standard method figure of 638 dpa and the previously consulted Preferred Approach figure of 650 dpa which accommodated some unmet need from the South Downs National Park Authority.
- 2.8 This draft Local Plan seeks to constrain housing numbers due to an alleged capacity concern along the A27 strategic road network and constraints on Waste Water Treatment Works. The Council therefore arrive at a constrained housing figure by virtue of the standard method 'steps' and also due to infrastructure capacity.
- 2.9 The Transport Study (January 2023) is the key document on which the Council rely 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 notes 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.
- 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 the 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. This is

of relevance given that the previous Local Plan underprovided against the OAN, and when considering the scale of development expected for adjoining authorities, including the highly constrained SDNP.

Given that it is not accepted that the A27 capacity matters present a ceiling in terms of housing delivery, it is not accepted that the Plan and associated SA demonstrate that reasonable alternatives have been considered. The plan is not therefore positively prepared, nor is the approach to housing figures justified.

Effective?

2.12 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.

2.13 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.

2.14 The above is not precise and does not provide any clear timetable for delivery within the Plan period. Whilst the 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 help ensure it is completed.

Is the plan consistent with National Policy?

2.15 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 the alternative approach. The Plan as proposed is therefore inconsistent with NPPF when read as a whole.

3 Duty to Cooperate

3.1 Paragraph 24 of the NPPF outlines the need for co-operation between local planning authorities on strategic matters that cross administrative boundaries.

- 3.2 The draft Plan does not address any need 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.
- 3.3 The housing figures presented do not account for unmet need from the South Downs National Park Authority. Whilst a Statement of Common Ground has been referred to, it has not been published and therefore it is not possible to determine whether the decision not to make any provision for the National Park is sound.
- 3.4 Further, Arun District Council has confirmed that it will be objecting to the Plan as currently proposed on the basis that it has a significant housing need. This is likely to be further influenced by Chichester not meeting its own needs, a repeat of the 2015 situation which resulted in Arun having to address some of this within its 2018 Local Plan.
- 3.5 If the Plan is to proceed on the basis of providing 575dpa as per Policy H1, this will amount to a shortfall of 1,100 dwellings over the plan period. Without any Statements of Common Ground, it is unclear as to how this shortfall will be addressed.

4 The Site and its suitability

- 4.1 The Site comprises approximately 4.25 hectares of agricultural land located to the south of the B2145 and east of Foxbridge Drive. Agricultural access is taken from the B2145 which abuts the entirety of the northern boundary. The western boundary adjoins residential property Oakdene and properties at Foxbridge Drive and Farm Close. The Site is not located within or in close proximity to any land at risk of flooding, nor is it in proximity to any heritage assets.
- 4.2 In policy terms, the Site is located outside but adjoining the settlement boundary to the west and is otherwise unconstrained. The latest Housing Economic Land Availability Assessment (HELAA) (2021) assessed the Site positively, with potential to deliver approximately 80 dwellings in the medium term.
- 4.3 In terms of accessibility, the Site is sustainably located and well connected with the local footpath and cycle network. There is a surfaced path that runs along the northern boundary of the site, largely separated from the road behind a hedge. This is not a designated footpath as it forms part of the National Cycle Network Route 2 however, it is used as such as it connects into the tow path that runs along the Chichester Canal which travels north into Chichester or south towards the sea. A footpath is also located along the B2145, providing access to services within the village.

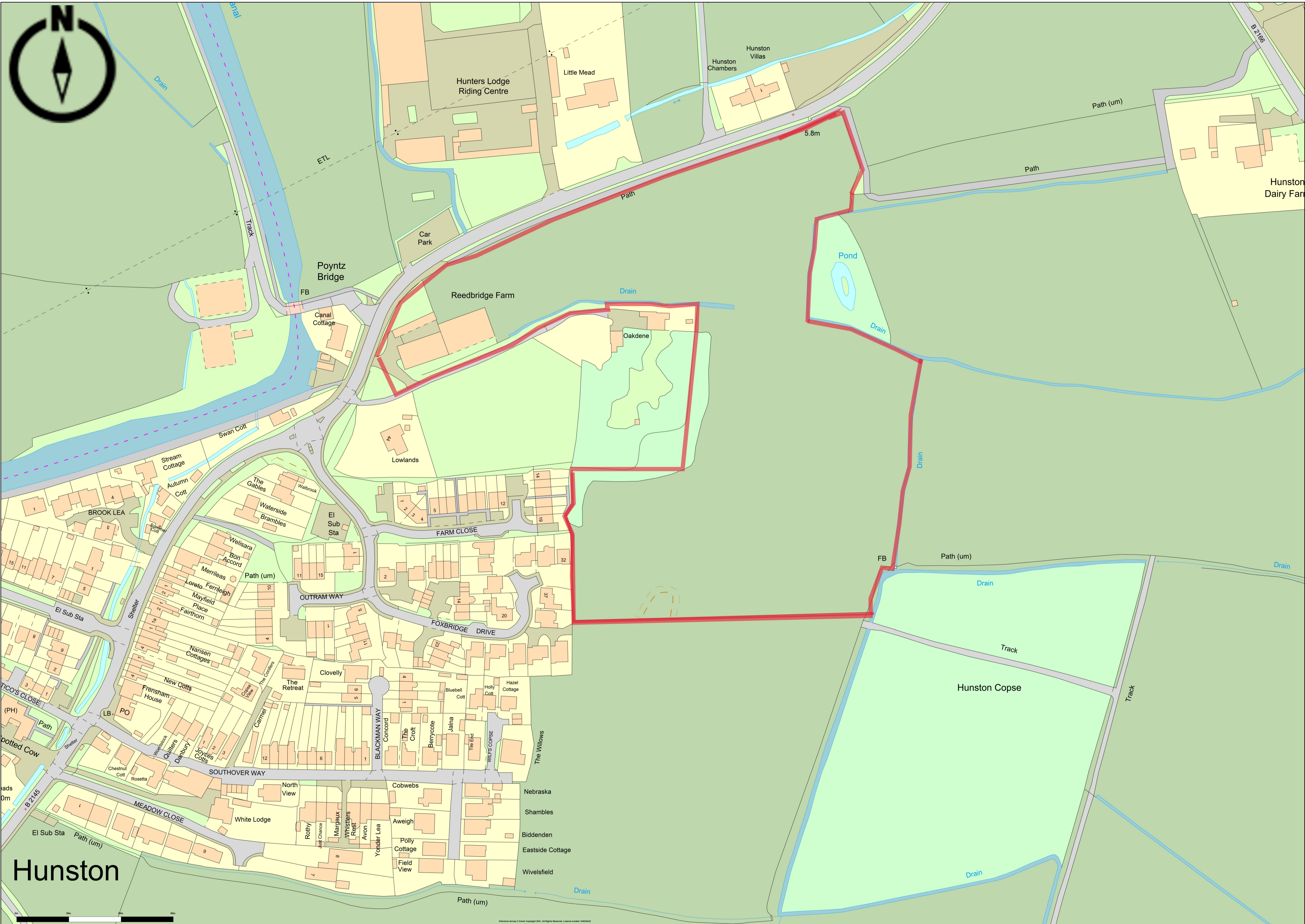
- 4.4 The Tow Path travelling into Chichester is also part of National Cycle Network Route 2 which connects directly into the heart of the city. This then connects into other cycle networks north into Kent and west towards Portsmouth and beyond.
- 4.5 Initial feasibility studies determine that approximately 3 hectares of the site could be suitable for residential development. The area for development would be focused around the western boundary whilst the remaining area would comprise formal and informal open space alongside additional planting and a robust landscaping strategy that will respect the Ancient Woodland at Hunston Copse whilst ensuring net biodiversity gain and green infrastructure connectivity with the biodiversity corridors that have been identified to the north and east. Creating a landscape buffer to the east will also create a clear, defensible boundary to the village.
- 4.6 The allocation and development of this land would provide a number of benefits to the local community;
- The Site is well-connected to local services and facilities, within walking distance of the village facilities such as the Hunston Store and Post Office, pub, village hall, playing fields and canoe club;
 - Para GA4.1 specifically states that traffic issues continue to cause major concerns within the parish. Being located north of the village with direct access onto the B2145 means the site would minimise additional traffic through the village;
 - Proposals would include additional footpaths north-south to ensure connectivity away from the main road whilst linking with existing footpath 188 which runs east-west around the site;
 - The Site is not subject to any environmental designations or constraints and is not liable to flooding;
 - A suitable landscaping strategy would ensure net biodiversity gain and green infrastructure connectivity with existing biodiversity corridors to the north and east;
 - A landscape buffer to the east would create a clear, defensible boundary to the north-eastern edge of the village;
 - Provision of formal and informal open space would be of benefit to residents throughout the community and to the north of the village especially;
 - The Site is not constrained and does not rely upon significant infrastructure improvements in respect of delivery;
 - Development proposals would include a mix of high-quality homes, with the potential to include starter homes, bungalows suitable for the elderly and affordable housing to meet the varying needs of the community; and

- Any future development would make contributions to local facilities and infrastructure.

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, this is significantly lower than the standard method figure of 638 and previously consulted figure of 650 dpa. 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 scenario plus some additional mitigation at the Portfield roundabout.
- 5.2 The Council do not appear to have considered that the increased housing requirement could assist with funding the necessary highway improvements and thus this should be further reviewed by the Council in order to aim to meet the minimum of 638 dpa.
- 5.3 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 National Park.

Appendix 1: Site Location Plan



Hunston