

# Chichester Local Plan 2021-2039 Regulation 19 Consultation

Representations on behalf of Chichester Grain

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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 Chichester Grain. The submission covers the general principles of the Local Plan but has a focus on Land at Chichester Grain Stores, Hambrook, Southbourne. 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.

- 2.12 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?***

- 2.13 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 One further concern is that the Plan relies on the delivery of Neighbourhood Plan and/or Small Site Allocations DPD. In terms of delivery, Policy H3: Non-Strategic Housing Policy Requirements 2021-2039, states the following:

*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 does not provide any clear timetable for commencement of a DPD and thus is not considered to be an effective approach to housing delivery.

***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 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 Our client's site is well placed to accommodate any additional numbers required and offers a distinctively different scale of development to that proposed in the single large site allocation. It can also be delivered, whilst protecting this part of Southbourne, but also Hambrook to which is more readily relates.
- 4.2 The development of this land would provide a number of benefits;
- The development would include a mix of high-quality homes, including affordable to meet the varying needs of the community;
  - The site is well-connected to local services and facilities, within walking distance of the post office, train station and employment;
  - It would support the viability of local services and facilities;
  - The site is not subject to any environmental designations or constraints and its development would not impact the South Downs National Park or Chichester Harbour AONB;
  - Retention of existing boundary treatments alongside the provision of additional landscape features and open space will ensure net biodiversity gain and greater access to public open space;
  - Retention of the trees and mature boundary hedgerows, particularly on the frontage to Priors Leaze Lane will retain the rural setting;
  - The site is not constrained and does not rely upon significant infrastructure improvements in respect of delivery. It will ensure that where required, contributions will be made to ensure sufficient capacity is maintained for local facilities.

## 5 **Other Policy Considerations**

### ***Policy NE4 Strategic Wildlife Corridor – object***

- 5.1 Policy NE4 states that *‘Development proposals within strategic wildlife corridors will only be granted where it can be demonstrated that:*
1. *There are no sequentially preferable sites available outside the wildlife corridor; and*
  2. *The development will not have an adverse impact on the integrity and function of the wildlife corridor and protects and enhances its features and habitats.’*
- 5.2 We are of the view that our clients land has development potential and could be well placed to assist in the delivery of additional housing number required within the draft Local Plan and are of the view that the blanket wildlife corridor is quite extensive and should be reduced in size. Representations were also submitted to this effect to the Southbourne Neighbourhood Plan Regulation 16 Consultation.
- 5.3 We acknowledge the importance of the protection of wildlife generally, and the local eco-systems, however, this submission is supported by an Ecological survey which confirms that our site should not be covered by a Wildlife Corridor to the extent currently proposed. The Wildlife Corridor should be reduced to the immediate site and not as currently proposed under Policy NE4.
- 5.4 The land at Chichester Grain lies adjacent to the Ham Brook Chalk Stream. The draft Local Plan introduces a Wildlife Corridor along this section of stream. It is our view that the proposed extent of the wildlife corridor is excessive and should be reduced. It is also our view that the wildlife corridor could accommodate a break to provide a means of access to our client’s site, without harming the purposes of the corridor.
- 5.5 The recommendations of the report are to reduce the scale of the wildlife corridor and also ensure policy flexibility to allow access through these areas and appropriate requirements to enhance and mitigate against any proposed development.
- 5.6 In terms of the details of the site, habitats present within the site area are of low ecological value. It is noted that there are sites with intrinsic nature conservation value within the area, however, there are suitable mitigation and compensation methods which could protect these habitats.
- 5.7 The mitigation methods that could be proposed to remove any significant harm to ecological value of the land (which is low as existing), comprise:

- Provision for CEMP for any proposed development;
- Retained habitats on site borders should be enhanced;
- Provision for an ecologically sensitive lighting scheme;
- Use of bird boxes within any proposed development; and
- Inclusion of Hedgehog Highways.

5.8 As shown, the land at Chichester Grain is of low ecological value, and should not be included, to the extent currently proposed, as a wildlife corridor within Policy NE4. The Council is further applying yet another restrictive 'additional layer of planning restraint' in a District which is already highly constrained by for example, AONB, National Park, numerous ecological designations, Local Nature Reserves/National Nature Reserves, Water Neutrality and Nutrient Neutrality.

5.9 Furthermore, we have set out mitigation methods which could be applied to any forthcoming application or allocation of the land, which would enhance the ecological value of the site, and protect the intrinsic value of the sites within the locality.

## **6 Conclusion**

6.1 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.

6.2 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.

6.3 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.

6.4 Policy NE4 introduces wildlife corridors, which could be accepted however, the supporting policy maps should be amended and the wording of the policy updated to reflect flexibility to allow appropriate breaks in the corridor for those areas that are of low ecological value, such as our Client's land.

**Appendix 1: Site Location Plan**

